

25 October 2013

An Update from the new Mental Health Act Implementation Steering Committee

Since our last communique on 29 August 2013, work has continued to implement the new *Mental Health Act 2013*.

The New Mental Health Act Implementation Steering Committee met, most recently, on Friday, 13 September 2013 and Friday 18 October 2013.

The following update provides an overview of the Implementation Steering Committee's work to date, along with information about various implementation activities that are underway and that are planned for the coming weeks.

Project Reference Groups

Both the Clinical Reference Group and the Consumer and Carer Reference Group have now been established, and a joint initial meeting was held in mid-September.

The Clinical Reference Group is chaired by the Chief Psychiatrist, Dr Len Lambeth and the Consumer and Carer Reference Group is chaired by the CEO of the Mental Health Council Tasmania, Darren Carr. Both Len and Darren are members of the Implementation Steering Committee.

The Groups are providing specialist advice and undertaking a range of specific tasks to assist with implementation of the new Act.

Training and Education Resources

A comprehensive training manual is currently being developed, and once completed will be available online. The manual will provide general explanation and guidance about relevant provisions of the legislation and while primarily targeted to clinicians it will also be a useful information source of others.

Work is also continuing to finalise rights statements, fact sheets and other documentation with a view to making this available online during November 2013.

On Monday, 7 October a 'Train the Trainer' day was facilitated by the Project Team and held in Campbell Town with the aim of providing educators, trainers and key staff with detailed information about key aspects of the new Act.

The day was well received with 50 people attending including representatives from Tasmanian Health Organisations, Ambulance Tasmania, Tasmania Police, the Mental Health Official Visitors Program and the Mental Health Tribunal and feedback from the day has been positive. The Project team are keen to continue to receive feedback on the materials presented on the day, so that training resources can be further developed and refined throughout the implementation process.

Copies of PowerPoint presentations delivered on the day have been made available on the DHHS Internet at www.dhhs.tas.gov.au/mentalhealth/mental_health_act Click on Education and Training Resources on the New Mental Health Act page. Increasing resources will be added over time as these are finalised and endorsed.

Members of the Project Team will be delivering training sessions to Tasmania Police in the North West, North and South and to Mental Health Services inpatient and community teams around the State over the coming months. Similar sessions are planned with Ambulance Tasmania.

Capacity Training

Capacity Australia has been engaged to develop and deliver training and resources around the assessment of capacity in a day-long session facilitated by lawyer, Sascha Callaghan, and psychiatrist, Chris Ryan. The training session will review the new Act, covering a range of topics including application of the new capacity tests, treatment criteria and orders, key principles in capacity assessment, assisted decision-making and substitute decision-making and an examination of case studies.

The training is targeted at clinicians who will have responsibility for conducting capacity assessments under the new *Mental Health Act 2013*, and to lead clinicians, educators and trainers in emergency and mental health settings. In particular medical practitioners working with persons with serious mental illness, psychiatrists, Nurse Unit Managers, psychiatric emergency nurses, CATT workers, clinical nurse educators and clinical nurse consultants.

Training will be held on Monday, 18 November at the Tasmanian Police Academy in Rokeby. A registration form with more detail is attached to this communique.

Forms and Associated Documentation

After significant consultation all forms are now in final draft and are being considered by the Steering Committee. Once endorsed forms will be uploaded to the New Mental Health Act page at www.dhhs.tas.gov.au/mentalhealth/mental_health_act

The Project Team has been working with the Mental Health Tribunal to develop complementary forms, and is considering a range of influencing factors such as the ability to use electronic forms at a later date, business analysis requirements and integration with different information management and reporting systems.

The Chief Psychiatrist is currently developing clinical guidelines and when completed these will be available online.

Transitional Clinical Arrangements

The *Mental Health Act 1996* operates until 1 January 2014 and we need to continue to meet the requirements of the current Act during this time.

From 1 January the new Mental Health Act will commence and work is occurring to consider transitional arrangements around actions that are required prior to or immediately after the Act's commencement on 1 January 2014.

The Steering Committee reinforced its commitment to ensuring transitional arrangements and actions are considered and planned for in advance to ensure a smooth transition for stakeholders including consumers, carers, staff and the Mental Health Tribunal.

Work is occurring to consider all transitional arrangements and the Mental Health Tribunal and the Project Team have been working together to consider the transfer of current orders to the new legislative framework.

The President of the Mental Health Tribunal, Debra Rigby, advised that the Tribunal's hearing timetable for December 2013 includes extra sittings to enable the transfer of those on current Community Treatment Orders over to the scheme established by the new Act.

Mental Health (Transitional and Consequential Provisions) Bill 2013

The Bill is in the process of being debated in Tasmanian Parliament.

Further Information

Any queries about the implementation process or the new legislation can be directed to the Project Team via email: mhact@dhhs.tas.gov.au or phone 6230 7929.

A handwritten signature in black ink, appearing to read 'Nick Goddard', is positioned above the typed name and title.

Signed: Nick Goddard
Chair, New Mental Health Act Implementation Steering Committee/Acting Director, Mental Health, Alcohol and Drug Directorate

END.

Appendix One: Group Membership

New Mental Health Act Implementation Steering Committee

Chair:	Chair, Mental Health Act Review Drafting Committee/Acting Director, Mental Health, Alcohol and Drug Directorate
Membership:	Chief Psychiatrist Clinical Directors for Mental Health Services in the South, North and North West Area Managers for Mental Health Services in the South, North and North West Manager, Forensic Health Services Chief Executive Officer, Ambulance Tasmania (or nominee) Commissioner, Department of Police and Emergency Management (or nominee) Secretary, Department of Justice (representing Corrections, Supreme and Magistrates Courts, Legal Aid Commission of Tasmania and Official Visitors) (or nominee) President, MHT Chief Executive Officer, Mental Health Council of Tasmania Consumer representative Carer representative

New Mental Health Act Implementation Working Group

Chair:	Chief Psychiatrist
Membership:	Principal Legislation Officer, Mental Health, Alcohol and Drug Directorate Senior Consumer and Carer Liaison Consultant, Mental Health, Alcohol and Drug Directorate Legal Orders Coordinators for Mental Health Services in the South, North and North West Registrar, Mental Health Tribunal Manager, Mental Health Official Visitors Director of Training for Strategic Control, Workforce and Regulation Clinical Nurse Educators for Mental Health Services, Forensic Health Services and Departments of Emergency Medicine in the South, North and North West Trainers/Educators for Ambulance Tasmania and Tasmania Police Chair, RANZCP Tasmanian Branch A Consultant Psychiatrist working within Mental Health Services in the South, North or North West nominated by the Chief Psychiatrist A Clinical Director from Mental Health Services in the South, North or North West nominated by the Chief Psychiatrist Executive Directors of Medical Services in the South, North and North West (or equivalent) Other stakeholders nominated by members of the Steering Committee

New Mental Health Act Implementation Clinical Reference Group

Chair:	Chief Psychiatrist
Membership:	Chair, Tasmania Branch, RANZCP Representative/s from the Nursing Board of Tasmania and/or College of Mental Health Nurses Director of Education and Training, Nursing and Midwifery, Department of Health and Human Services

Nurse Unit Managers from Mental Health Services inpatient units
Persons representing Mental Health Services community teams
Persons representing allied health workers, ambulance paramedics and police officers
Representative/s from Medicare Local
Other stakeholders nominated by members of the Working Group or Steering committee

New Mental Health Act Implementation Consumer and Carer Reference Group

Chair: Chief Executive Officer, Mental Health Council of Tasmania

Membership: Representative/s from Flourish and Mental Health Carers Tasmania
Representative/s from Advocacy Tasmania Inc.
Representative/s from Carers Tasmania
Representative/s from the Legal Aid Commission of Tasmania
Individual consumers and carers
Other stakeholders nominated by members of the Working Group or Steering Committee