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Brook Craven

Director - Strategic Legislation and Policy
Department of Justice

Response to Mental Health Amendment Bill 2018

The Mental Health Council of Tasmania is writing to provide written support for the proposed amendment to section 181(1)(d) of the Mental Health Act to remove the mandatory three day Tribunal hearing for patients who have been readmitted to hospital under section 42(3) and do not fall under section 47A (failure to comply with treatment order).

MHCT has been made aware that changes made to the Mental Health Act which came into effect on 1 July 2017 have resulted in patients who are complying with their treatment order, but require admittance into hospital during a period of mental ill health, are having to undergo a mandatory Tribunal hearing within three days of their readmission. MHCT has been advised that this process is often incredibly stressful for patients, and, in many cases, detrimental to their treatment and recovery during a period of already heightened stress and ill-health.

MHCT wishes to highlight that more broadly, we support the process of a mandatory three day Tribunal hearing remaining in place as a requirement for patients readmitted to hospital who fall under section 47A (failure to comply with a treatment order), as this mandatory review provides the opportunity to ascertain why these individuals may not be complying, and to identify any concerns or changes that may be required to ensure ongoing compliance by the patient.

MHCT would also like to highlight our support for individuals under a treatment order having the option to request a review of their treatment order through a voluntary Tribunal hearing at any time. We would also like to emphasise the importance of this option being clearly communicated and made available to all patients. This voluntary review option is vital in providing patients with the opportunity to have their treatment reviewed at their request.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Connie Digolis", is written over a blue circular stamp.

Connie Digolis
CEO

Mental Health Council of Tasmania