Review of the *Mental Health Act 2009* (SA)

Fact Sheet 10 – Other Issues

Other Issues

Several additional issues relating to the *Mental Health Act 2009* (SA) ('*MHA*') have been identified, concerning the Community Visitors Scheme ('CVS') and the effectiveness of establishing the role of Mental Health Commissioners under the law.

Community Visitors Scheme

The CVS is established by the *MHA* to visit and inspect treatment centres and community facilities, to help resolve issues, and to refer matters of concern to other authorities. The scheme is carried out by Community Visitors and supervised by the Principal Community Visitor ('PCV'). The ways in which the CVS can be streamlined to improve access and effectiveness is an important consideration. There are two relevant examples:

1. If a person is admitted to a hospital or treatment centre and requests a visit, the director must inform the CVS within 2 days. The *MHA* currently excludes requested visits to authorised community mental health facilities. It is suggested the director's requirement to inform should apply to authorised community mental health facilities. This would promote the rights of those requesting a CVS visit, by improving access to a Community Visitor.

2. The PCV can pass on their powers and functions to Community Visitors, but not to paid employees (for example, an assistant). It has been suggested that the law should allow employees to exercise the PCV's powers, which will assist in training and enhance the efficiency of the CVS.

Mental Health Commissioners

The role of a Mental Health Commissioner is a key consideration when looking at shifting the focus of the *MHA* toward encouraging good mental health and wellbeing. In particular, whether the role and function/s of a Mental Health Commissioner should be clearly defined in the *MHA*. The Commissioners are currently appointed for a 3 year term to the South Australian Mental Health Commission, to assist in meeting the aims of the South Australian Mental Health Strategic Plan. These aims relate to improving the quality and delivery of mental health services, education and awareness and promoting person-centred care.

Consultation Questions

1. How can the CVS be improved to enhance access to Community Visitors and its efficiency?
2. Should the director of an authorised community mental health facility inform the CVS of a request within 2 days?
3. Should the role of a Mental Health Commissioner be clearly defined under the *MHA*?

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