

SALRI Mental Health Act Review Promotional Video Script

INTRODUCTION

Nearly half of all Australians experience mental illness during their lifetime.¹ This experience can be confronting and distressing, for both the person with a lived experience and those who provide support, including their friends and family.

Laws are needed to protect the autonomy and rights of consumers who require mental health care and cannot make decisions about their own treatment. Mental health laws can interfere with a person's human rights.

That's why it's important to make sure the law strikes the right balance between these conflicting priorities and remains in line with human rights law and principles.

Our laws need to be reviewed every 5 years. The South Australian Law Reform Institute has been asked to review the *Mental Health Act* and recommend appropriate changes to current law and practice.

SALRI INTRODUCTION

The South Australian Law Reform Institute advises the State Government on how to make our laws better. The Institute operates under an agreement between the State Government, Adelaide University and the Law Society and in its 12 years of operation has had considerable output and impact. The Institute is committed to an active and inclusive consultation process, especially with rural and regional communities, Aboriginal communities and culturally and linguistically diverse communities.

In Australia and internationally, the landscape of mental health law has been shifting towards a focus on safeguarding human rights and supported and informed decision making, as opposed to involuntary treatment. Reviewing the *Mental Health Act* is important to ensure that the law is operating in a way that respects, protects and fulfills human rights.

ACT INTRODUCTION²

In South Australia, the *Mental Health Act* provides the laws for people living with mental health challenges who need mental health treatment and cannot make decisions about it. The *Mental Health Act* gives trained health professionals and police the power (under certain circumstances) to provide assessment, transport, custody and treatment, even if the person does not want this to occur. The Act also provides rights and protections for consumers and their carers.

FURTHER EXPLANATION

The *Mental Health Act* raises some important and difficult questions, such as:

- How should a person's ability to make their own decisions be assessed? and
- When should the law interfere with a person's human rights, such as their freedom to move?

¹ <https://www.aihw.gov.au/reports/australias-health/mental-health>

² Adapted from Plain Language Guide to the *Mental Health Act 2009*
<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/about+us/legislation/mental+health+act+2009?finderTab=tab-2>

We want to know about your experience with the *Mental Health Act*, and if there are any improvements that could be made to the law and how it works. We've put together a series of fact sheets which include questions to help prompt your feedback.

CONCLUSION

Based on our research and this consultation, the Institute will make recommendations to the State Government, who, with the State Parliament, will decide whether to reform the law.

To find out more and get involved, read our plain English fact sheets. You can tell us what you think by:

- contributing to the open forum (on YourSAy)
- taking our survey (on YourSAy)
- sending a written submission via email to: salri_mha@adelaide.edu.au, or
- posting a written submission to: The South Australian Law Reform Institute, University of Adelaide, Ligertwood Building, Adelaide, South Australia, 5005

This review is an important opportunity to work out whether the law remains fit for purpose. In this case – to provide a mental health system that adequately protects the autonomy and human rights of consumers. We look forward to hearing from you and making steps towards improving the law together.