

Mental Health Community Coalition ACT



Peak Body for Mental Health in the ACT

Senate Select Committee on Mental Health Response to question

Senator HUMPHRIES—I assume it refers to a situation in which a person has some sort of order made by a court or the Mental Health Tribunal and lives, say, in Queanbeyan.

Response - Ms Willows refers to the Memorandum of Agreement of 2003 between the ACT and NSW Ministers for Health. Under the terms of this agreement, the ACT Minister may, in accordance with section 48C of the ACT *Mental Health (Treatment and Care) Act* 1994, enter into an agreement with a Minister of another State i.e. NSW, for or with respect to the application of interstate mental health laws, including the transfer, detention and apprehension of persons and any matters contained in or ancillary to Part 5A of the ACT Act and, in the case of NSW, Chapter 10A of the NSW *Mental Health Act* 1990.

Anecdotal evidence given at a public meeting held in October 2004 by the ACT Mental Health Community Coalition's Consumer and Carer Caucus attended by 23 consumers and carers, suggested that a number of problems are occurring with the implementation of the MOA. These problems appear to include:

- Mental health clinicians in both the ACT and NSW not knowing about the Agreement or not knowing how to activate the Agreement;
- Mental health staff who were working on cross-border issues having 'moved on' and there being no clearly identified person responsible for providing information about the Agreement;
- There being a perception amongst mental health staff that it is too hard and will take too long to initiate an order under the Agreement'
- Different assessment or notification processes or different service criteria that somehow prevent action continuing or being taken under the Agreement;
- Carers thinking that action is proceeding across-border but their loved one is discharged on one side of the border before any action has in fact occurred; and
- Consumers and carers being unaware of their right to initiate action under the Agreement.

Most consumers and carers present at the meeting had not heard about the Agreement whilst others had heard about it, but were of the view it was not operating yet.

The response was supplied by Dr Leanne Craze who is the facilitator of the MHCC Consumer and Carer Caucus and can be contacted Monday and Tuesday at the MHCC.

Yours sincerely,

Linda Rosie

Executive Officer
Mental Health Community Coalition ACT