

## **MENTAL HEALTH LEGISLATION, REVIEW**

### *Statement by Minister for Health*

**MR KUCERA** (Yokine - Minister for Health) [9.03 am]: Late last year at a conference hosted by the Mental Health Review Board, I announced that the Mental Health Act 1996 would be reviewed. I was able to announce that Professor D'Arcy Holman, Professor of Public Health and Director of the Centre for Health Services Research at the University of Western Australia, had agreed to chair the review. Since that time, Professor Holman has undertaken a great deal of preparatory work and I am pleased to announce today the formal commencement of that review. I am also pleased to advise that Professor Holman will chair a review of the Criminal Law (Mentally Impaired Defendants) Act 1996 in a parallel process. I take this opportunity to acknowledge the consent of the Attorney General to concurrently review that Act. The two pieces of legislation are inextricably linked and, as such, a genuine review of mental health law in this State is best met by a joint examination of the Acts. Professor Holman will be assisted by Ms Sylvia Meier, who has been appointed executive officer. Ms Meier comes to the task with extensive experience in the mental health sector.

During this week, key stakeholders have been formally invited to participate in the review, and confirmation of all committee members is expected shortly. It is anticipated that the review will take between 10 and 12 months to complete and it will involve a number of stages, including public comment and community consultation in both metropolitan and rural areas. The time frame for the review is reflective of the fact that not only is this the first comprehensive review of the legislation since its enactment, but also the area of mental health is complex and challenging. However, this is an extremely important review, and extensive consultation and community input must be guaranteed.

There are two broad terms of reference to address both Acts. The first is to review the operation and effectiveness of the Mental Health Act 1996 and, in the course of that review, consider and have regard to: the effectiveness of the operations of the Mental Health Review Board and the Council of Official Visitors; the need for the continuation of the functions of the Mental Health Review Board and the Council of Official Visitors; and such other matters as appear to be relevant to the operation and effectiveness of the Mental Health Review Act 1996. The second term of reference is to review the operation and effectiveness of the Criminal Law (Mentally Impaired Defendants) Act 1996 and, in the course of that review, consider and have regard to: the effectiveness of the operations of the Mentally Impaired Defendants Review Board; the need for the continuation of the functions of the Mentally Impaired Defendants Review Board; and such other matters as appear to be relevant to the operations and effectiveness of the Criminal Law (Mentally Impaired Defendants) Act 1996, including its relationship with the Mental Health Act 1996.

The mental health law in this State is innovative and reflects modern approaches but it is certainly time to finetune the practicalities of its operation. I welcome and look forward to the participation of key stakeholders and community members alike in this process.