

MENTAL HEALTH BILL 2011 — STERILISATION PROCEDURES

28. Hon LJILJANNA RAVLICH to the Minister for Mental Health:

I refer to part 12 of the draft mental health bill 2011, which sets out the process for the authorisation and sterilisation procedures and non-psychiatric medical treatment of involuntary patients and mentally impaired accused.

- (1) Which individuals or organisations specifically recommended including permanent sterilisation of boys, girls, adolescents and adults as a treatment for mental illness?
- (2) When did they make the recommendation to the minister?
- (3) Will the minister table all submissions that supported permanent sterilisation as a treatment for mental illness; and, if not, why not?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of this question.

- (1)–(3) I was rather hoping that the member would ask this question. I had planned to talk about it at members' statements time, but if people would like me to talk about it now, I am happy to.

Hon Ken Travers: As long as it is relevant and concise.

Hon HELEN MORTON: Absolutely—relevant and concise!

Several members interjected.

The PRESIDENT: Order! Let the minister get on with her answer and then it might have a better chance of being concise.

Hon HELEN MORTON: The work on the mental health bill review started in 2003. That was when the first lot of recommendations about including something to do with sterilisation came into being. That was on the basis that Professor D'Arcy Holman recommended that as part of his recommendations. The cabinet at the time would have approved that drafting instruction, and I believe that Hon Ljiljanna Ravlich was a member of cabinet at that time. The drafting instructions were commenced —

Hon Ljiljanna Ravlich: This is your bill!

Hon HELEN MORTON: I know that it is my bill, so I am very pleased to be looking after it. Nevertheless, when I saw it in the bill, I thought to myself, "This is not a mental health treatment. No-one is suggesting that it is a mental health treatment, so why is it in the mental health bill?" I questioned it and found out that, once again, the instructions were given by the Labor government while Hon Ljiljanna Ravlich was a member of cabinet. The objective was to remove and make absolutely clear that the Chief Psychiatrist would not approve sterilisation for anything—in particular, non-therapeutic sterilisation. Hon Ljiljanna Ravlich had great difficulty understanding that concept yesterday, but non-therapeutic sterilisation means for reasons other than cancer or something like that. When someone makes a conscious decision to become sterile, that is a non-therapeutic sterilisation. Whatever applies to someone who does not have a mental illness applies to someone who has a mental illness if they contemplate having sterilisation. If they are a competent person, they can give their own consent. If they are not a competent person, their guardian, as permitted under the auspices of the State Administrative Tribunal, can give that consent. The issues Hon Ljiljanna Ravlich went on to talk about after that were about how a surgical procedure could accidentally result in infertility. Of course, there are many different reasons why that could happen. For example, if someone had a major car accident that required significant reconstruction of the pelvis, they may have surgical procedures that could accidentally result in infertility. Of course, there are other non-surgical examples such as radiation for cancer treatment.

The issue around children is more complex. There is an issue called "competent minor" that currently applies in common law across all health services. It currently applies in circumstances involving a young person under 18 years of age who fully understands the procedure and its consequences, and can provide informed consent. Again, we believe that it should probably also apply to people in the mental health area. Significant safeguards have been put in place. The Family Court would need to approve that, unless it was a competent minor who was able to provide informed consent themselves. I would ask members, particularly Hon Ljiljanna Ravlich, to perhaps not go around using words like "electroshock" and "psychosurgery", and promulgating inadvertently, I expect, the work of the Church of Scientology. That is the work she is referring to. It is the only document in which I have read the word "electroshock". I think it would do Hon Ljiljanna Ravlich and others a great service if they recognised that that is the work of the Church of Scientology, and that that church has a longstanding disregard for psychiatry and the profession of psychiatry. It does not believe it in any way. It

believes that people should be able to rise above mental illness. It believes, for example, just by fixing up a person's nutrition and some of the other physical things that a person has, all their mental illness will go away.

Point of Order

Hon MATT BENSON-LIDHOLM: I note new standing order 105 states, "An answer shall be concise and relevant." A lot of material the minister is introducing is certainly extraneous. It has little relevance when she makes allusions to a member of the opposition. I ask you to seek the minister to return to the answer and to do it expeditiously, please.

The PRESIDENT: In framing new standing order 105, the committee deliberately left it open to some interpretation and discretion on behalf of the Chair. When the member stood to make his point of order, I was about to draw that to the attention of the minister. I believe that the minister herself was about to wind up her answer. Inadvertently, we have probably established some parameters through this answer. Minister, were you about to wind up your answer?

Questions without Notice Resumed

Hon HELEN MORTON: Mr President, I had my very final couple of dot points to make. To finalise: who put the drafting instructions in place? It was Hon Ljiljanna Ravlich and members of the cabinet of the day. Who drafted it? It was the parliamentary drafters, with input from the Department of Health. How can they get assistance? Will all of the submissions be tabled? I do not have the submissions at this stage from way back in 2004 or 2005, but any submissions that come in —

Hon Ljiljanna Ravlich: I think you're being a bit cute!

The PRESIDENT: Minister, I think that just about exhausts the answer.

Hon HELEN MORTON: Any submissions that come in as a result of this process will be put on the website.