

Media statement

19 February 2016

New Queensland Mental Health legislation passes

The Queensland Mental Health Commission has welcomed the passing of new mental health legislation through the Queensland Parliament.

The new mental health legislation represents a leap forward in improving and maintaining the health and wellbeing of Queenslanders with a mental illness.

Commissioner Dr Lesley van Schoubroeck today congratulated the Government and the Opposition on progressing new legislation and for including a range of mechanisms that respect the rights of consumers and their families.

"The challenge remains to ensure that sufficient resources are allocated to empower people with lived experience to exercise the rights this new legislation will provide," she said.

"Development of legislation that balances the rights of people with mental illness while providing for their involuntary treatment is necessarily complex.

"Consultation and drafting of this new legislation has taken over two years, but the time spent ensuring people with mental illness are at all times provided with least restrictive and recovery-oriented treatment and care, has resulted in a better outcome."

A new addition to the legislation is the better use of advance health directives as a way for patients to give directions about their care should they become unable to give consent to treatment.

This reform is consistent with the human rights approach to treatment and care, enabling patients to have their wishes recognised and taken into account formalised under legislation.

Dr van Schoubroeck said: "It will be important for all aspects of implementation to reflect the principles of the legislation, including taking into consideration the person's wishes and preferences, involving family members, and respecting the cultural needs of Aboriginal and Torres Strait Islander peoples and people from multicultural backgrounds."

She noted that when deciding the nature and extent of treatment and care a doctor must have regard to the views, wishes and preferences of the patient including in an advance health directive, but that the advance health directive is not binding and treating teams are able to over-ride a patient's direction if clinically necessary.

Dr van Schoubroeck said the Commission supported in-principle the legislation's proposal to establish Independent Patient Rights Advisers to educate and support patients, families and carers about their rights.

"While this is an improvement on the provisions outlined in the consultation draft Bill, there is a need to ensure that the role is able to operate in a way that is perceived as independent and able to reflect the principles in the legislation."

She said the Commission looked forward to being part of the effective implementation of the legislation.

ENDS

About QMHC: *The Queensland Mental Health Commission was established to improve the mental health and wellbeing of all Queenslanders by driving ongoing reform.*