

Stand with Carers: our ACT Election 2024 Campaign

Review of the Mental Health Act

CarersACT

The ACT needs a Mental Health Act that works for the most vulnerable

We believe that Canberrans should be able to:

- Receive holistic support during and after involuntary treatment
- Have continuity of care that fosters recovery, safety, and inclusion
- Benefit from transparent and effective collaboration between carers, service providers, and mental health systems

over
75,000

In the ACT, over 75,000 adult Canberrans are estimated to be caring for someone experiencing mental ill-health or have experienced mental ill-health themselves.

Nationally, 1 in 5 Australians experience mental illness annually, with 15% of the adult population estimated to be carers of people with mental ill-health.

The Problem

- Mental health carers often struggle to access even basic information needed to effectively support the person they care for, due to restrictive legal frameworks.
- People leaving involuntary treatment are frequently left without adequate supports, resulting in feelings of abandonment, trauma, and heightened vulnerability. Gaps in aftercare have resulted in increased responsibility on carers, who are left navigating complex systems with little guidance or support.
- Critical incidents and publicised failures have highlighted significant shortcomings in the current legislation, exposing issues with privacy breaches, inadequate communication, and a lack of aftercare provisions.

What's Working Elsewhere

Jurisdictions around the world are implementing effective legislative solutions to improve aftercare and support systems. For example:

- The UK's *Mental Health Act 1983*, section 117, mandates enforceable duties on health and social services to provide free aftercare for individuals leaving involuntary treatment.
- Progressive information-sharing frameworks in New South Wales facilitate better communication between carers, consumers, and mental health providers, leading to more person-centred care.
- The recently implemented *Mental Health and Wellbeing Act 2022* in Victoria underscores the importance of comprehensive legislative review, culminating in significant sector-wide improvements.



The Solution

A comprehensive review of the *Mental Health Act 2015* (ACT) is crucial to ensuring person-centred, continuous care. The review should prioritise:

- Strengthening aftercare provisions for those exiting involuntary treatment, ensuring consistent support during transitions back into the community
- Enhancing communication protocols to facilitate better collaboration between service providers, carers, and consumers
- Expanding carer involvement in decision-making processes, addressing barriers to accessing essential information
- Implementing mechanisms that promote a holistic, integrated approach across different systems, reducing fragmentation and confusion

This review will provide the ACT Government with the opportunity to set a new standard in mental health care that better supports the wellbeing of all Canberrans.

Legislative and Policy Frameworks

- **The ACT Wellbeing Framework** – Prioritising mental health support and aftercare will drive positive outcomes across several domains including 'Health', 'Identity and belonging', 'Social Connection', 'Education and life-long learning', 'Housing and home', and 'Access and connectivity'.
- **Carers Recognition Act 2021 (ACT)** – Legislative reforms must align with principles of recognising and supporting carers, ensuring their needs and views are integrated into care pathways.
- Legislative reform will also advance objectives under the following ACT policy frameworks:
 - **The ACT Carers Strategy**
 - **The ACT Mental Health and Suicide Prevention Plan**
 - **The ACT Aboriginal and Torres Strait Islander Agreement 2019–2028**
 - **The ACT Disability Strategy and the ACT Disability Health Strategy**
 - **The ACT Women's Plan 2016–2026**
 - **The ACT Health Services Plan 2022–2030**