



Review of the *Mental Health Act 2009 (SA)*

Consultation Questions

Capacity and Supported Decision-making

1. Should the *MHA* include a clearer definition of ‘impaired decision-making capacity’ for treatment orders?
2. How can the law better protect the human rights of persons with a lived experience of mental illness and provide supported decision-making?

Inpatient Treatment Orders

3. Should the definition of ‘treatment’ be expanded to include an assessment or other medical/health issues?
4. Should the *MHA* allow powers to detain and use force? If so, who should be allowed to detain and use force?

Community Treatment Orders

5. Should the law and practice be re-framed to limit or reduce the number of Community Treatment Orders? Why or why not?
6. Should the *MHA* be changed to include a power to use reasonable force in cases involving non-compliance with a Community Treatment Orders?

Restrictive Practice and Control Powers

7. Should the *MHA* allow use of reasonable force and control powers? If so, when?
8. Who should be allowed to use force and exercise control powers?
9. What is ‘reasonable’ and how should this be defined?

Electroconvulsive Therapy

10. Should the law allow reasonable force to ensure a person receives Electroconvulsive Therapy? If so, when?
11. How can the rights of a consumer be better protected in cases of emergency Electroconvulsive Therapy?
12. Should the Prescribed Psychiatric Treatment Panel provide more or less oversight of Electroconvulsive Therapy (including maintenance Electroconvulsive Therapy) and/or other treatments?

SACAT and Legal Representation

13. Should the *MHA* be amended to entitle consumers to legal representation under the scheme in cases where the South Australian Civil and Administrative Tribunal reviews its own decision?
14. Should the *MHA* legal representation scheme be extended to provide representation to families and carers who apply for review of treatment orders?

The Role of South Australia Police

15. Should South Australia Police be involved in the enforcement of the *MHA*? If not, who should be given these powers?
16. Should the law allow hospital staff to use reasonable force to 'hold' a person until South Australia Police arrives?
17. Should the law allow the use of care and control powers to enforce cross border arrangements?

Guiding Principles and Accountability Mechanisms

18. How can these guiding principles be enforced into practice?
19. If applied or not in practice, do these guiding principles impact access to services?
20. How might the *MHA* provisions be changed to improve consumer's access to service?
21. What, if any, measures for accountability and monitoring should be included in the *MHA*?

Other Issues

22. How can the Community Visitors Scheme be improved to enhance access to Community Visitors and its efficiency?
23. Should the director of an authorised community mental health facility inform the Community Visitors Scheme of a request within 2 days?
24. Should the role of a Mental Health Commissioner be clearly defined under the *MHA*?

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