



Inquiry into Annual and Financial Reports 2023–2024

Answer to question on notice

Asked by: Ms Chiaka Barry MLA

Addressed to: Minister for Mental Health

Reference: Mental Health

Hearing: 11 February 2025

In relation to: Care Orders

Question received: 20 February 2025

Answer Due: 27 February 2025

I refer to s70(2) of the Mental Health Act, which requires that within 5 working days after the day the order is made, the care coordinator must determine, in writing, the times when and the place where the person is required to attend to receive treatment, care or support, or undertake a counselling, training, therapeutic or rehabilitation program, in accordance with the order.

Can you advise what percentage of orders where an approach determined in writing within 5 working days.

If any were not decided in 5 working days, what was the reason for the delay?

What systems reporting or alerts exist to flag a non-compliance with a s70(2) obligation?

What are the consequences of non-compliance with s70(2)?

MINISTER FOR MENTAL HEALTH: The answer to the Member's question is as follows:

The Care Coordinator is responsible for the provision of treatment, care and support of the person subject to the order. The determination of the Care Coordinator has been provided 100 per cent of the time within five working days after the Community Care Order being made by ACT Civil & Administrative Tribunal (ACAT).

There has been no delay in providing the determination in writing.

In the application for the Order, the care arrangements have already been determined.

The Orders are checked by the Tribunal Liaison Officer who will liaise with the Office of the Chief Psychiatrist to ensure that the five-day requirement is met.

There are no penalty provisions contained within s70(2) for non-compliance. Given the small number of Orders in the ACT, there is an adequate system in place to ensure compliance.

OFFICIAL

Approved for circulation to the Standing Committee on Social Policy

Signature:



Date:

1/3/25

By the Minister for Mental Health, Rachel Stephen-Smith