



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Jeremy Hanson MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair),
Ms Jo Clay MLA

Inquiry into ACT Budget 2021–22
ANSWER TO QUESTION TAKEN ON NOTICE
19 October 2021

Asked by Dr Marissa Paterson on 19 October 2021: The Public Advocate and Children and Young People Commissioner took on notice the following question(s):

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In relation to:

DR PATERSON: Yes. Thank you, Mr Hanson.

I was just wanting to go back to the idea, sorry, was it Jodie Griffiths? Commissioner—yes, sorry.

I was wondering about the mental health and forensic mental health that you mentioned and involuntary mental health orders. Have you seen an increase in involuntary mental orders? And how does that overlap with your role as the Children and Young People's Commissioner? Is this happening a lot more with young people in the ACT?

Ms Griffiths-Cook: Most—well, those notifications come to me in my Public Advocate capacity. So, they—I receive, under the Act, there is a requirement, that Health send those notifications through to me indicating any action or proposed action of an involuntary nature under that Act.

What we have seen from 2018-19 to 19-20, and then now into 20-21, is an increase of over 2,000 compliance documents per year over that 2018-19 figure. So, we went from 5,000-odd—I do not have the exact figures in front of me, but happy to take that on notice if you would like specific figures. But an increase from 5,000-odd compliance documents that came through to over 7,000.

Ms Jodie Griffiths-Cook: The answer to the Member's question is as follows:—

[MS JODIE GRIFFITHS-COOK]: The answer to the Member's question is as follows:—

During the 2020–21 reporting period, 2,537 people were brought to the Public Advocate's (PA) attention. Many were identified through documentation that, by law, must be provided as part of the PA's statutory oversight and compliance monitoring of child protection, mental health and forensic mental health systems. Others were referred due to their vulnerability or made direct requests for advocacy.

In 2020–21, direct advocacy was provided for 938 people (37 per cent of those brought to the attention of the PA), and documentation reviews were undertaken for 1,622 people (64 per cent).

Performance in 2020–21 was impacted by the sustained high number of compliance documents received by the PA, particularly in the mental health/forensic mental health portfolio, and an increased number of matters requiring PA intervention.

Of the 11,750 compliance documents received by the PA in 2020–21, 7,034 (60 per cent) related to mental health/forensic mental health consumers and 4,218 (36 per cent) related to children and young people (primarily those in care and/or involved with the youth justice system).

Notably, the demand for public advocacy for mental health/forensic mental health consumers remains at a sustained high level when compared with 2019–20. In the 2020–21 reporting period, the PA received 7,034 compliance documents for 1,318 mental health/forensic mental health consumers.

This sustained demand compares starkly with the demand in 2018–19, when the PA only received 5,705 notifications for 1,087 people. Further, although the number of notifications decreased slightly when compared with the last reporting period, the overall number of unique persons brought to the PA's attention continues to rise, with 570 people having been brought to the attention of the PA for the first time in 2020–21. It is not clear at this stage whether this proportion of new clients is an anomaly or whether this will continue as an upward trend of new referrals into the mental health system.

Unfortunately, despite the significant growth in demand for this portfolio, there has been no commensurate increase in resources since an additional full-time equivalent position was secured in 2015–16 in response to the introduction of the *Mental Health Act 2015* (MH Act). Demand therefore remains a significant resourcing challenge for the PA.

Table 1: Demand for the mental health/forensic mental health portfolio over the past five reporting periods

	2016–17	2017–18	2018–19	2019–20	2020–21
Number of persons	1,140	1,073	1,087	1,233	1,318
Number of notifications	5,434	5,448	5,705	7,179	7,034
Average notifications per person	4.77	5.08	5.25	5.82	5.34

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date: 28/10/2021

By the Public Advocate and Children and Young People Commissioner, Jodie Griffiths-Cook