

2021

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

Statement

Update on Review of the Mental Health (Secure Facilities) Act 2016

**Presented by
Emma Davidson MLA
Minister for Mental Health
16 September 2021**

In accordance with section 79 of the *Mental Health (Secure Facilities) Act 2016* (the MHSF Act), the ACT Government is mandated to undertake a review of the operation of the MHSF Act as soon as practicable after the end of its third year of operation.

The purpose of the MHSF Act is to consistently balance two demands: the need to ensure that secure mental health facilities are safe for all people within them; and that any restrictions that are in place are necessary, proportionate and do not unduly restrict the rights of people in a secure mental health facility.

The review was required to be Tabled in the Legislative Assembly within three months of it commencing; unfortunately, this deadline has not been able to be met.

The review was scheduled by the ACT Health Directorate (ACTHD) to commence in February 2020 and a consultant was engaged to start the work of scoping the review. However, the review was delayed as critical stakeholders within health services, including clinicians, were unable to be interviewed as they were consumed with responding to and preparing for the COVID-19 pandemic.

Additionally, consumers and their family members were also unable to be interviewed as a result of the constrained environment. As a result, the work ceased, and the contract was terminated.

In early 2021, ACTHD entered into a new contract with the consultant which included a revised scope of work and timeline for undertaking the review of the MHSF Act. The initial work completed under the former contract informed the review.

The consultant subsequently commenced the review on 12 March 2021. Community and stakeholder consultation was undertaken over a period of over eight weeks and formally closed on 14 May 2021. While eight weeks of consultation was considered a sufficient period of engagement with respect to the timeframe for tabling the review, four written submissions were provided in late May and early June 2021. Acknowledging the importance of stakeholder engagement and feedback in this review, these late submissions were accepted. The late inclusion of these submissions impacted on the timeframes for the consultant in preparing the report.

ACTHD has also since experienced considerable human resourcing constraints associated with responding to COVID-19 pandemic preparedness. This has compounded the delay.

ACTHD has received a significant draft of the review and is undertaking the important work of ensuring consultation on the draft is undertaken with the Office of the Chief Psychiatrist and Canberra Health Services who currently manage the only secure mental health facility in the ACT.

Tabling of the review within three months of commencement was always going to be a very challenging timeframe to meet. While every effort has been made to progress this review since it was first commenced in February 2020 and again in March 2021, extenuating circumstances have meant that the tabling of the review within three months of commencement has not been achieved.

I am assured that ACTHD and the consultant will use their best endeavours to ensure the Review is finalised as soon as is possible.