

Please check this **ALERT** in reference to each chapter heading in the Mental Health Rights Manual:

[Chapter 1: Rights, Principles and Standards](#)

Australia does not have a 'Bill of Rights' acknowledging civil and human rights in law. Instead, civil and human rights are recognised in common law through legislation that enforces statutory penalties as under the *Australian Human Rights and Equal Opportunities Commission Act 1986*, and by Australia being a signatory to United Nations conventions, declarations etc. There are also several Commonwealth Acts that identify the legal rights of people with a disability.

The *Convention on the Rights of Persons with Disabilities and its Optional Protocol* were adopted by the United Nations General Assembly on 13 December 2006, and opened for signature on 30 March 2007. On 30 March, 81 Member States and the European Community signed the Convention, the highest number of signatures of any human rights convention on its opening day. 44 Member States signed the Optional Protocol including Australia, and 1 Member State ratified the Convention. The Convention aims to ensure that persons with disabilities enjoy human rights on an equal basis with others, including people with a mental illness disability.

Convention on the Rights of Persons with Disabilities and its Optional Protocol 2007. As at March 2007. **Available:**

http://untreaty.un.org/English/notpubl/IV_15_english.pdf

See also: <http://www.un.org/esa/socdev/enable/rights/ahcfinalrepe.htm>

To assist the reader, the following links enable direct access to documents referred to in Chapter 1, and elsewhere throughout this **ALERT**:

Human Rights and Equal Opportunity Commission Act 1986. As at March 2007. Incorporating amendments up to Act No. 128 of 2005, and SLI 2006 No. 50. The text of any of those amendments not in force. **Available:**

http://www.austlii.edu.au/au/legis/cth/consol_act/hraeoca1986512/notes.html

UN Declaration - Rights of Disabled Persons

Proclaimed by General Assembly resolution 3447 of 9 December 1975.

Available:

<http://www.icrpd.net/ratification/documents/en/Extras/Declaration%20on%20the%20Rights%20of%20Disabled%20Persons.pdf>

UN Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care

Adopted by General Assembly resolution 46/119 of 17 December 1991.

Available:

http://www.who.int/mental_health/policy/en/UN_Resolution_on_protection_of_persons_with_mental_illness.pdf

Disability Discrimination Act 1992. As at March 2006, taking into account amendments up to Act No. 86 of 2005 and SLI 2006 No. 50. **Available:**
http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264/index.html

Disability Services Act 1986. As at July 2007. **Available:**
http://www.austlii.edu.au/au/legis/cth/consol_act/dsa1986213/notes.html

Mental Health Standards

NSW Charter for Mental Health Care (NSW Health Department) 1998.
Access unavailable October 2007

National Standards for Mental Health Services

Endorsed by the AHMAC National Mental Health Working Group, Dec 1996.
Update September 2007

On behalf of the Department of Health and Ageing, the Australian Council on Health Care Standards (ACHS) commenced a review of the *National Standards for Mental Health Services 1996* (NSMHS) in November 2006, scheduled to conclude in May 2008.

Many aspects of the existing NSMHS are still relevant. However, it was thought necessary to update them to reflect current practice, use of language and to broaden their application. The principles guiding the revision of the NSMHS are aligned with those underpinning the National Mental Health Strategy.

The revised NSMHS are to be applicable primarily to public, private and non government organisations that provide specialised mental health services. Other healthcare professionals such as primary care practitioners who offer services to consumers with mental health problems and / or mental illness are encouraged to use the standards as part of their quality management processes.

The revised NSMHS are being developed to assist mental health service providers to deliver quality, evidence based, recovery -focused integrated care to people with a mental illness (consumers). The standards acknowledge and respect the consumer's rights and needs, as well as the rights and needs of their carers and are structured to include a service level assessment framework to enable providers to assess their capability to deliver services that meet the standards.

National Statement of Rights and Responsibilities of Consumers of Mental Health Services. Adopted by The Australian Health Ministers, March 1991. First published 1991, Reprinted 1992, Reprinted 1995, Reprinted 2000.
Available:
<http://www.health.gov.au/internet/wcms/Publishing.nsf/Content/mental-pubs-m-rights-toc>

The statement of rights and responsibilities aims to ensure that consumers, carers, advocates, service providers and the community are aware of their rights and responsibilities and can be confident in exercising them.

Consumer rights are the key rights which affect individuals seeking promotion or enhancement of mental health or care and protection when suffering mental health problems or mental disorders.

Consumer responsibilities. All members of Australian society have responsibilities in relation to health care.

A word on the Third National Mental Health Plan 2003-2008 and the NSW: A New Direction for Mental Health 2006

The National Mental Health Plan 2003-2008, and NSW: A New Direction for Mental Health identified a population health approach to mental health services to be reflected in access to community services at a local level. These documents were intended to underpin development of the National Action Plan on Mental Health agreed upon at the July 2006 meeting of the Council of Australian Governments (COAG), particularly examining the commitments and contributions of the different levels of government with regard to their respective roles and responsibilities.

The National Action Plan on Mental Health 2006 -2011 is directed at achieving 4 outcomes:

- § Reducing the prevalence and severity of mental illness
- § Reducing the prevalence of risk factors that contribute to the onset of mental illness and prevent long term recovery
- § Increasing the proportion of people with an emerging or established mental illness who are able to access the right health care and other relevant community services at the right time with a particular focus on early intervention
- § Increasing the ability of people with a mental illness to participate in the community, employment, education and training including through an increase in access to stable accommodation.

The 5 areas of action are:

- § Promotion, prevention and early intervention
- § Integrating and improving the care system
- § Participation in the community and employment including accommodation
- § Coordinating care
- § Increasing workforce capacity.

The Plan outlines where Commonwealth, State and Territory governments will expand and improve mental health services and access to them. It also outlines opportunities for improved connections between services provided by different governments and where collaboration and joint action will occur between governments, so that people with a mental illness are better supported to participate in the community.

Third National Mental Health Plan 2003-2008

Available: http://www.chppe.unimelb.edu.au/_data/assets/pdf_file/0009/32310/national_mental_health_plan_20032008.pdf

NSW: A New Direction for Mental Health 2006 -2011.

Available: http://www.health.nsw.gov.au/pubs/2006/pdf/mental_health.pdf

Council of Australian Governments (COAG).National Action Plan on Mental Health. 2006 – 2011. July 2006. Available:

http://www.coag.gov.au/meetings/140706/docs/nap_mental_health.pdf

Chapter 2: The Mental Health Act

The NSW government passed the *Mental Health Act 2007* in June 2007. We understand that the government aim to have it 'proclaimed' on 16 November, to become effective immediately. We do not have confirmation that policy development of regulations and mechanisms to ensure the act is implemented across NSW will be finalized together with all changes incorporated in the *Mental Health Act 2007*.

There will be a transition phase of implementation from the old act to the *Mental Health Act 2007*. All decisions determined thereafter will be based on interpretations of the 2007 Act.

Apart from the banning of psychosurgery, the four major amendments incorporated into *Mental Health Act 2007* are:

- CTOs can be in place for up to 12 months and can be made in the community to include a consumer's place of residence.
- Ambulance officers will be formally accredited under the 2007 Act. The NSW Ambulance Service has indicated that accreditation will be for specific ambulance officers (rather than all ambulance officers) in order to transport consumers to a declared mental health facility.
- Mental Health facilities has been broadened and include:
Declared facilities
 - All public mental health facilities (inpatient and community) to be designated declared facilities
 - Private Mental Health facilities.
 - Facilities will be classed within a tier structure framework.
 - The Director General can identify any mental health facility and what class (tier structure) it will be under the act.
- Primary Carers: Incorporated into the act and instituted as follows:
 - Carers are formally acknowledged within law

- The definition of a carer covers a wide range of people, i.e. parent, spouse, partner, family and friends
- Consumers can nominate a carer by an advance directive.

The outstanding aspect of the Act is that recommendations from the review of the forensic provisions have now been submitted to government. In the meantime, the existing Forensic Provisions from the 1990 Act have been removed and relocated into the Criminal Procedures Act 1990 which will serve as the operational Act until the new provisions are drafted and proclaimed which is expected in the 1st parliamentary session (Feb 2008).

This would seem to indicate that the Forensic Provisions will thereafter be permanently relocated to the Criminal Procedures Act, albeit updated, and no longer a part of the Mental Health Act.

NSW Mental Health Act 2007. Update October 2007. **Available:**

<http://www.legislation.nsw.gov.au/summarize/inforce/s/1/?TITLE=%22Mental%20Health%20Act%202007%20No%208%22&nohits=y>

NSW Mental Health (Criminal Procedure) Act 1990. As at July 2007.

Available: http://www.austlii.edu.au/au/legis/nsw/consol_act/mhpa1990295/

Chapter 3: Mental Health Care and Treatment

It is necessary after proclamation of the *NSW Mental Health Act 2007*, to check for the most recent information on the contents of Chapter 3. Also listed are other Acts to be accessed with relevance to Chapter 3.

NSW Mental Health Act 2007. Update October 2007. **Available:**

<http://www.legislation.nsw.gov.au/summarize/inforce/s/1/?TITLE=%22Mental%20Health%20Act%202007%20No%208%22&nohits=y>

Privacy Act 1988

Prepared on 30 December 2006 taking into account amendments up to Act No. 170 of 2006. **Available:**

http://www.privacy.gov.au/publications/Privacy88_100107.pdf

Freedom of Information Act 1998. As at July 2007 taking into account amendments up to Act No. 129 of 2005. **Available:**

<http://scaleplus.law.gov.au/html/histact/15/7646/pdf/FOI1982.pdf>

Privacy and Personal Information Protection Act 1998. As at May 2007.

Available: http://www.austlii.edu.au/au/legis/nsw/consol_act/papipa1998464/

Chapter 4: The Mental Health Review Tribunal

It is necessary after proclamation of the *NSW Mental Health Act 2007*, to check for the most recent information on the Mental Health Tribunal which is contained in Chapter 6 of the Act, under the following headings:

Part 1 The Tribunal

- 140 Constitution of the Tribunal 68
- 141 Membership of Tribunal 68
- 142 Registrar and other officers of the Tribunal 69
- 143 Authentication of documents 69
- 144 Judicial notice of certain signatures 69
- 145 Certain proceedings prohibited 69
- 146 Application of Defamation Act 2005 to proceedings of Tribunal 69
- 147 Annual report 70
- 148 Delegation 70

Part 2 Procedures of the Tribunal

- 149 Application of Part 71
- 150 Composition of the Tribunal 71
- 151 Procedure at meetings of Tribunal to be informal 71
- 152 Legal representation of mentally ill persons and other persons 72
- 153 Determination whether a person is a mentally ill person or mentally
disordered person 72
- 154 Rights of appearance and representation 73
- 155 Adjournments 73
- 156 Inspection etc of medical records 73
- 157 Production of evidence 74
- 158 Assistance of interpreters 75
- 159 Record of proceedings 75
- 160 Tribunal procedure generally 75
- 161 Contempt of Tribunal 76
- 162 Publication of names 76

NSW Mental Health Act 2007. Update October 2007. **Available:**

<http://www.legislation.nsw.gov.au/summarize/inforce/s/1/?TITLE=%22Mental%20Health%20Act%202007%20No%208%22&nohits=y>

Chapter 5: Guardianship and Financial Management

In 2006, a number of amendments to the *NSW Guardianship Act 1997* were proposed. In order to clarify amendments finalised relating to the contents of Chapter 5, it is necessary to check the *NSW Mental Health Act 2007* and the amended *Guardianship Act 1987*.

NSW Mental Health Act 2007 – Update October 2007.

Available: <http://www.legislation.nsw.gov.au/summarize/inforce/s/1/?TITLE=%22Mental%20Health%20Act%202007%20No%208%22&nohits=y>

Guardianship Act 1987. As at August 2007. **Available:**

http://www.austlii.edu.au/au/legis/nsw/consol_act/ga1987136/

Please note: the *Guardianship Act 1987* now includes amendments from the *Guardianship Amendment Act 2007* and the *Powers of Attorney Act 2003*, which were proclaimed 22 June 2007. Date of commencement, 1.8.2007, Sec 2 and GG No 94 of 27.7.2007, p 4813.

See further notes:

http://www.austlii.edu.au/au/legis/nsw/consol_act/ga1987136/notes.html

Guardianship Regulation 2000. Made under the *Guardianship Act 1987* - As at 22 September 2003 - Reg 437 of 2000. This regulation has been repealed.

Table of amending instruments

Guardianship Regulation 2000 published in Gazette No 103 of 11.8.2000, p 7533 and amended as follows:

Guardianship Amendment (Enduring Guardians) Act 2002 No 89. Assented 20.11.2002. Date of commencement of Schedule 2, 1.1.2003, Section 2 and GG No 263 of 20.12.2002, p 10747.

Guardianship Amendment (Interstate Enduring Guardians) Regulation 2003 (GG No 124 of 8.8.2003, p 7619)

Guardianship Amendment (Reviewable Decisions) Regulation 2003 (GG No 145 of 19.9.2003, p 9422)

The *Powers of Attorney Act 2003* deals with the requirements for making a power of attorney (including an enduring power of attorney) in NSW. It covers other legal issues relating to powers of attorney and describes the Guardianship Tribunal's role in reviewing enduring powers of attorney.

Powers of Attorney Act 2003. As at August 2007. **Available:**

http://www.austlii.edu.au/au/legis/nsw/consol_act/poaa2003240/

The *Protected Estates Act 1983* deals with the management of protected estates (estates under a financial management order) in NSW. The powers of the NSW Supreme Court and the NSW Mental Health Review Tribunal to make financial management orders are described.

It sets out the role of the Protective Commissioner and the powers and duties of private financial managers. Further information relating to the *Protected Estates Act 1983* is contained in the *Protected Estates Regulations 2003*.

Protected Estates Act 1983. As at 15 June 2007. **Available:**

http://www.austlii.edu.au/au/legis/nsw/consol_act/pea1983200/

Protected Estates Regulation 2003. As at September 2005. **Available:**

http://www.austlii.edu.au/au/legis/nsw/consol_reg/per2003291/

Chapter 6: The Criminal Justice System

It is necessary after proclamation of the *NSW Mental Health Act 2007*, to check for the most recent information on the contents of Chapter 6. The outstanding aspect of the Act is that recommendations from the review of the Forensic Provisions have now been submitted to government.

In the meantime, the existing forensic provisions from the 1990 Act have been removed and relocated into the *Mental Health (Criminal Procedures) Act 1990*, which will serve as the operational Act until the new provisions are drafted and proclaimed, which is expected in the 1st parliamentary session (Feb 2008).

Mental Health (Criminal Procedures) Act 1990. As at June 2007.

Available: http://www.austlii.edu.au/au/legis/nsw/consol_act/mhpa1990295/

Chapter 7: Employment

In 2005 a Senate Community Affairs Legislation Committee Inquiry reviewed two bills, the *Employment and Workplace Relations Legislation Amendment (Welfare to work and other Measures) Bill 2005* and the *Family and Community Services Amendment (Welfare to Work) Bill 2005*. It is necessary to check the contents of Chapter 7 with regards to legislation as they are reflected in these two Acts.

Employment and Workplace Relations Legislation Amendment (Welfare to Work and Vocational Rehabilitation Services) Act 2007.

Schedule 1—Amendments 4

Disability Services Act 1986 4

Social Security Act 1991 8

Social Security (Administration) Act 1999

Available:

[http://www.comlaw.gov.au/ComLaw/Legislation/Act1.nsf/0/27D97DFD59EF78A8CA2572C1000F96B4/\\$file/0652007.pdf](http://www.comlaw.gov.au/ComLaw/Legislation/Act1.nsf/0/27D97DFD59EF78A8CA2572C1000F96B4/$file/0652007.pdf)

Family and Community Services Legislation Amendment (Welfare to Work) Bill 2005. Available:

http://www.austlii.edu.au/au/legis/cth/num_act/facslatwa2005664/

It is also useful to be aware of the various acts as they refer to discrimination in all contexts.

Disability Discrimination Act 1992. As at March 2006. **Available:**

http://www.austlii.edu.au/au/legis/nsw/consol_act/epa1982274/index.html#longtitle

Anti-Discrimination Act 1977. As at 26 September 2007. **Available:**

http://www.austlii.edu.au/au/legis/nsw/consol_act/aa1977204/notes.html

Sex Discrimination Act 1984. Act No. 4 of 1984 as amended. As at March 2006 taking into account amendments up to Act No. 86 of 2005 and SLI 2006 No. 50. **Available:**

http://www.austlii.edu.au/au/legis/cth/consol_act/sda1984209/notes.html

[Chapter 8: Accommodation](#)

This chapter refers to two acts, the first can be found at the following location:

Residential Tenancies Act 1997. As at July 2007. **Available:**

<http://www.legislation.nsw.gov.au/viewtop/inforce/act+26+1987+FIRST+0+N/>

A very small number of tenants are not covered by the *Residential Tenancies Act 1987*, and are instead covered by the *Landlord and Tenant Amendment Act 1948*. These tenants are often called 'protected tenants' because the *Landlord and Tenant Amendment Act 1948* contains strong protections against evictions and rent increases.

Landlord and Tenant (Amendment) Act 1948. As at December 2006.

Available: http://www.austlii.edu.au/au/legis/nsw/consol_act/lata1948257/

[Chapter 9: Benefits and Allowances](#)

This chapter refers to two acts which can be found at the following locations:

Social Security (Administration) Act 1999. As at 22 August 2007

taking into account amendments up to Act No. 130 of 2007. **Available:**

http://www.austlii.edu.au/au/legis/cth/consol_act/ssa1999338/s202.html

Freedom of Information Act 1982. As at July 2007 taking into account amendments up to Act No. 124 of 2007. **Available:**

http://www.austlii.edu.au/au/legis/cth/consol_act/foia1982222/

Up to date details regarding the **Social Security Appeals Tribunal (SSAT)** can be found at <http://www.ssat.gov.au/>

Details contained in this chapter may be checked by visiting the various highlighted links such as **Centrelink** at: <http://www.centrelink.gov.au/>

[Chapter 10: Access to Information and Privacy](#)

Details contained in this chapter may be checked by visiting the **Office of the Privacy Commissioner of NSW** at: www.lawlink.nsw.gov.au/privacynsw

This chapter refers to a number of acts that can be found at the following locations:

Freedom of Information Act 1982. As at July 2007. **Available:**

http://www.austlii.edu.au/au/legis/cth/consol_act/foia1982222/notes.html

Health Records and Information Privacy Act 2002. As at February 2007.

Available: http://www.austlii.edu.au/au/legis/nsw/consol_act/hraipa2002370/

Privacy and Personal Information Protection Act 1998. As at May 2007.
Available: http://www.austlii.edu.au/au/legis/nsw/consol_act/papipa1998464/

The *Privacy and Personal Information Protection Act 1998* (or PPIP Act) deals with how all NSW public sector agencies manage personal information. The Act includes 12 information protection principles (IPPs), establishes methods for enforcement of privacy, establishes a mechanism for complaints if a consumer thinks that personal information has been mishandled, and sets out the role of the NSW Privacy Commissioner.

The public sector agencies that are bound by the PPIP Act are state government departments, statutory or declared authorities, the police service, local councils, and bodies whose accounts are subject to the Auditor General.

The information protection principles apply to how personal information is handled. Personal information refers to any information that relates to an identifiable person.

The 12 information protection principles form the backbone of the Act and must be adhered to by all NSW public sector agencies. They can be grouped under five main headings - collection, storage, access and accuracy, use, and disclosure.

The Act also contains lawful exemptions from these principles as well as the power to investigate and conciliate complaints concerning breaches. Remedies can be enforced against public sector agencies by the Administrative Decisions Tribunal.

The PPIP Act allows the NSW Privacy Commissioner to investigate and conciliate privacy complaints made against any person or organisation. These investigations are not limited to complaints about mishandling of personal information. Privacy NSW deals with many types of privacy issues, including:

- information privacy
- privacy of communications
- physical and bodily privacy
- privacy of personal behaviour.

Health Service Providers

From 21 December 2001 the private sector amendments to the *Privacy Act 1988* (Cth) became operative. The new provisions provide for ten National Privacy Principles (NPPs), found in Schedule 3 of the Act, which apply to health service providers.

Privacy Act 1998. As at May 2007. **Available:**
http://www.austlii.edu.au/au/legis/cth/consol_act/pa1988108/notes.html

Further information available:

http://www.lawlink.nsw.gov.au/lawlink/privacynsw/ll_pnsw.nsf/pages/PNSW_03_ppipact

National Privacy Principles (NPPs)(Extracted from the Privacy Amendment (Private Sector) Act 2000. Available:
<http://www.privacy.gov.au/publications/npps01.pdf>

Since the NPPs came into effect, several public interest determinations relating to the health sector have been issued by the Commissioner.

Four other significant areas which are monitored by the Commissioner which affect parts of the health sector are in relation to:

- the storage, use, disclosure and retention of individuals' claims information under the Pharmaceutical Benefits Scheme and the Medicare program;
- privacy standards in the conduct of human medical research in Australia;
- the collection, use and disclosure of personal medical information in relation to the conduct of research, compilation and analysis of statistics relevant to public health, safety or health service management activities; and
- the collection, storage, use and security of personal tax file numbers by organisations that are authorised or approved to record such information under taxation, assistance agency or superannuation law.

Chapter 11: Carers

The chapter concerning carers almost entirely needs to be reviewed after proclamation of the *Mental Health Act 2007*, in which recognition of the rights and role of families and carers has been substantially altered.

The concept of a 'primary carer' was introduced and incorporated into the Act and instituted as follows:

- Carers are formally acknowledged within law
- The definition of a carer covers a wide range of people, i.e. parent, spouse, partner, family and friends
- Consumers can nominate a carer by an advance directive
- The nominated carer has rights to information, notice of admission/absconding, capacity to approach an official visitor and to be consulted in discharge planning.

This recognition is present throughout the Bill. In particular, Chapter 4 clearly sets out the rights of patients and carers. See Schedule 68 – 79 of the Act, these rights include:

- Principles for care and treatment based on the principle of the least restrictive environment enabling effective care and treatment (s68)
- Provisions allowing the nomination of a primary carer (s71-72)
- Enhanced information sharing provisions including notification requirements about medication, detention, conduct of inquiries and appeal rights (s73-78)

- An obligation on the part of the authorised medical officer of a mental health facility to consult with patients, carers and other relevant agencies in relation to discharge planning and follow-up care (s79)

NSW Mental Health Act 2007. Update October 2007. **Available:**

<http://www.legislation.nsw.gov.au/summarize/inforce/s/1/?TITLE=%22Mental%20Health%20Act%202007%20No%208%22&nohits=y>

Also see details in **ALERT**, Chapter 2.

[Chapter 12: Children and Young People](#)

The NSW Government's Child Protection Senior Officers Group (CPSOG) is comprised of representatives from a wide range of government human service and justice agencies. In consultation with stakeholders, the CPSOG undertook a major review of the *Interagency Child Protection Intervention Guidelines* to reflect the current child protection environment. This 2006 document is based on *The 1997 Interagency Guidelines for Child Protection Intervention*, reviewed and updated in 2000 and 2005.

The contents of Chapter 12 of the *Mental Health Rights Manual*, requires substantial updating. However, current information is all contained in the 2006 Guidelines. This includes best practice guidelines, informed consent, information contact details, criminal proceedings and legal representation.

NSW Interagency Guidelines for Child Protection Intervention 2006.

Available:

http://www.daa.nsw.gov.au/data/files//interagency_guidelines.pdf

[Chapter 13: Multicultural Issues](#)

One single reference to **multicultural issues and mental illness** is present in *NSW Mental Health Act 2007* under:

Chapter 5 Administration

Part 1 Administrative objectives and functions

105 Objectives of New South Wales public health system

(cf 1990 Act, s 6)

The objectives of the New South Wales public health system under this Act in relation to mental health services are to establish, develop, promote, assist and encourage mental health services that:

(d) take into account the various religious, cultural and language needs of those persons, and

Asylum seeker issues are referred to in Chapter 13 of the Manual which replicates the *Immigration Detention Guidelines* published by HREOC in 2000. The *Guidelines* draw on relevant international minimum standards which detail what is required for humane detention consistent with respect for human dignity as required by the *International Covenant on Civil and Political Rights* and the *Convention on the Rights of the Child*. We have no reason to believe that this information has been amended, but suggest the following links may be accessed for further detail.

Human Rights and Equal Opportunity Commission. Immigration Detention Guidelines March 2000. Available:

http://www.hreoc.gov.au/pdf/human_rights/asylum_seekers/idc_guidelines.pdf

Australian Treaty. International Covenant on Civil and Political Rights. (New York, 16 December 1966). Commonwealth of Australia 1998.

Available: <http://www.austlii.edu.au/au/other/dfat/treaties/1980/23.html>

United Nations General Assembly. Convention on the Rights of the Child. General Assembly Resolution 44/25. November 1989, September 1990, in accordance with article 49. **Available:**

<http://www.unhchr.ch/html/menu3/b/k2crc.html>

Immigration detainees are detained pursuant to the *Commonwealth Migration Act 1958*.

Commonwealth Migration Act 1958. As at November 2005 taking into account amendments up to Act No. 137 of 2005. **Available:**

<http://scaleplus.law.gov.au/html/histact/15/7635/pdf/Migration1958Vol01.pdf>

Chapter 14: Aboriginal and Torres Strait Islander Mental Health Issues

One single reference to **multicultural issues and mental illness** is present in *NSW Mental Health Act 2007* under:

Chapter 5 Administration

Part 1 Administrative objectives and functions

105 Objectives of New South Wales public health system

(cf 1990 Act, s 6)

The objectives of the New South Wales public health system under this Act in relation to mental health services are to establish, develop, promote, assist and encourage mental health services that:

(d) take into account the various religious, cultural and language needs of those persons, and

Whilst there is no specific reference to Indigenous mental health in the legislation, it is necessary after proclamation of the *NSW Mental Health Act 2007*, to check for the most recent information as it is relevant to Indigenous people. For example:

70 Assistance of interpreters

(cf 1990 Act, s 292)

A medical practitioner must arrange for an interpreter to be present at a medical examination of a person for the purposes of this Act, if the person is unable to communicate adequately in English but can communicate adequately in another language.

Chapter 15: How to Complain

Please note that the list of useful organisations and their updated contact details will be a part of the total revision of the Mental Health Rights Manual. If you are trying to access an organisation whose details are incorrect in the Manual we recommend that you Google the organisation's name and this should bring up their own website and current contact details.

MHCC apologise for any inconvenience.

Chapter 16: Finding Legal Help

Please note that the list of useful organisations and their updated contact details will be a part of the total revision of the Mental Health Rights Manual. If you are trying to access an organisation whose details are incorrect in the Manual we recommend that you Google the organisation's name and this should bring up their own website and current contact details.

MHCC apologise for any inconvenience.

Chapter 17: Other Issues

Please note any information on mental illness and smoking and mental illness and substance abuse (MISA) will be updated as part of the total revision of the Mental Health Rights Manual, and will include up-to-date information on research, sector initiatives and contact details.

Chapter 18: Useful Contacts

Please note that all contact details will be updated as a part of the total revision of the Manual.

* **Please note** that the NSW Department of Health, Centre for Mental Health is now called the **Mental Health and Drug & Alcohol Office (MHDAO)**.

Contact details for MHDAO:

Street address:
73 Miller Street
North Sydney NSW 2060
Australia

Postal address:
Locked Mail Bag 961
North Sydney NSW 2059
Australia

Telephone:
within Australia 02 9391 9000
outside Australia 61 2 9391 9000

Fax:
within Australia 02 9391 9101
outside Australia 61 2 9391 9101

TTY:
within Australia 02 9391 9900
outside Australia 61 2 9391 9900

e-mail address
nswhealth@doh.health.nsw.gov.au

* **HSNet** is an online network for human services staff working in NGOs and government agencies. It also provides access to **ServiceLink** an online directory of human service organisations and government agencies in NSW.

Access the site at : www.hsnet.nsw.gov.au

* **The Mental Health Association NSW Inc (MHA)** is a useful information and resource guide.

Contact details for MHA:

Mental Health Association NSW Inc
Level 5, 80 William St
East Sydney NSW 2011

Telephone: 02 9339 6000
Fax: 9339 6066

Information Service (for mental health issues)

Mental Health Information Service
Level 5, 80 William St
East Sydney NSW 2011

Telephone: 1300 794 991

Email: info@mentalhealth.asn.au

[Appendices](#)

Please note: This legislation guide will be updated along with the general revision of the Manual.

Commonwealth and State legislation can be found at the Australian Legal Information Institute (Austlii) Web Site: www.austlii.edu.au

Commonwealth Acts and full details of amendments are available at the Commonwealth Attorney General's Department Web Site:
<http://scaleplus.law.gov.au/html/histact/browse/TOC.htm>