

# THE NEW QUEENSLAND MENTAL HEALTH ACT IS NOW CURRENTLY BEFORE PARLIAMENT. IT ALLOWS FOR CHILDREN OF ANY AGE TO BE GIVEN ELECTROSHOCK.

Forced drugging, restraint & seclusion of children without the need for any parental consent remains legal

## PLEASE TAKE ACTION BEFORE 5PM MONDAY 19 JANUARY 2015

**Below is a summary of points of considerable concern that are in the new Draft Bill currently before Parliament that must be changed to protect children and parental rights:**

**ELECTROSHOCK OF CHILDREN (ECT):** ECT is the brutal application of hundreds of volts of electricity to the head, potentially causing brain damage, memory loss and sometimes heart attack, stroke and death. In this day and age, it is appalling that the current law even allows for children to be electroshocked. **The World Health Organization stated, "There are no indications for the use of ECT on minors, and hence this should be prohibited through legislation."** **The new Qld Draft Bill currently before Parliament contains no bans to prevent its use on children.**

Western Australia has just banned the use of ECT on children under 14 years of age. Looking overseas, since 1993, the US state of Texas has banned electroshock for under 16 year olds. Sicily, with a population of around 5 million, banned ECT completely in October 2013. There are other bans and restrictions around the world for its use on children.

In Qld, any child (under 18 and voluntarily admitted) considered to have the capacity to consent, can consent to ECT and the psychiatrist then applies to the Mental Health Review Tribunal (MHRT) for final approval. No parental consent is needed at any stage. ECT can also be given to involuntarily detained children of any age, if a psychiatrist applies to the MHRT for consent to perform ECT – again no parental consent is needed. The New Bill also allows for the use of "emergency electroshock" on children. WA has just made "emergency electroshock" of children illegal. In 2013, Medicare funded 8,973 electroshocks in Qld (the highest in Australia) up from 6,035 in 2009, a staggering 48% increase. 129 "emergency electroshocks" were given in 2012/13. **Electroshock must be banned for use on children, pregnant women and the elderly. It should never be given to involuntary patients without their fully informed consent.** [p.170,558,318,319,320,171, 318,319,320 of Queensland Mental Health Bill 2014 (MHB 2014)]

**PSYCHOSURGERY OF CHILDREN:** All forms of psychosurgery are correctly banned in NSW and the NT for all age groups. WA and SA ban all forms for children under 16. The new Qld Draft Bill will ban the forms of psychosurgery involving surgical cutting or burning of the brain which is a needed improvement. However deep brain stimulation (DBS) will remain legal for all ages including children. In DBS, a hole is drilled into the head to implant electrodes through which an electrical current surges from a pacemaker like device inserted under the skin in the chest. DBS can cause irreversible brain damage, stroke, paralysis, seizures, memory loss, suicide and post-operative death. DBS costs around \$70,000 and it is experimental and is only being done in Victorian trials. It is NOT an approved mental health treatment in Australia.

**A child (under 18) if considered to have the capacity to consent, could consent to DBS with final approval given by the Mental Health Review Tribunal (MHRT). Parental consent would not be needed and only a parent's "views are considered" by the MHRT.** It is also proposed to re-name psychosurgery – DBS as "neurosurgery." They are not the same and this is an attempt to hide the true nature of this experimental practice. Neurosurgery is an operation to rectify a scientifically diagnosed medical condition. Psychosurgery-DBS is performed to change behaviour and the psychiatric diagnosis that leads to the psychosurgery is not based on any scientific test. **Deep brain stimulation must be banned for all ages.** [p.558,173,172,321,322,49,49,169,170 of MHB 2014]

**RESTRAINT AND SECLUSION OF CHILDREN:** The use of mechanical restraint (belts, harnesses, manacles, sheets, straps) remains legal for involuntarily detained children and adults if a doctor applies to the Qld Chief Psychiatrist who then gives their approval. Reasonable force can be used to detain and administer treatment to involuntarily detained children and adults. The New Bill fails to provide any legal safeguards against children and adults being subjected to chemical restraint (the use of psychiatric drugs to subdue and control). All forms of restraint can and have caused significant trauma and also death. **Both chemical and physical restraint need to be prohibited for use in children, pregnant women and the elderly.** [p.179,180,181,186,380,381 of MHB 2014]



**CHILDREN PLACED IN PSYCHIATRIC WARDS WITH ADULTS AND SEXUAL ABUSE:** The New Bill does not rule out children being held in wards with adults. Instead it is proposed that “wherever practicable” they should be “held” separately. The New Bill retains the ability for involuntarily detained children to be searched by removing all clothing. Not having legal protections that prevent children from being exposed to an adult environment insufficiently supervised where they can suffer physical and sexual abuse, is unacceptable. Additionally there is no mandatory reporting of sexual abuse or criminal fines to ensure reporting of alleged sexual assault of patients by a mental health worker or another patient to proper police authorities. In 2013, the Victorian Mental Illness Awareness Council issued a report after completing a study of women in psychiatric hospitals. They found that 85% of women felt unsafe in a psychiatric hospital, 45% reported they had been sexually assaulted and 61% reported the sexual assault to nurses. Of those who reported the sexual assault, 18% said the nurses were slightly helpful and 82% said the nurses were not at all helpful. **The law must be amended to ensure that children are not placed in adult wards and to ensure mandatory reporting of alleged sexual abuse.** [p.260,263,264,265,267,268,269 of MHB 2014]

**INVOLUNTARY COMMITMENT OF CHILDREN:** Children and adults can be placed on a “treatment authority” which means they can be involuntarily detained and treated in a psychiatric institution or be required by law to receive psychiatric drugs at home. This can include forced drugging, restraint, seclusion and electroshock. Parental consent is not needed for involuntary treatment. 6,508 orders for involuntary detainment were made in 2012/13. **APPEALS:** Parents can appeal their child’s detention or the Mental Health Review Tribunal will automatically review the detention after 28 days and then every 6 months. There is no guarantee that this appeal will result in the child being able to return home. While awaiting the review, the child can continue to be involuntarily treated. The New Bill includes an improvement where a lawyer will be provided for any tribunal hearings relating to children. But in a potential conflict of interest, the Mental Health Review Tribunal appoints this lawyer. In comparison, the SA government provides funding for a lawyer of the person’s choice for mental health tribunal hearings. **No child should be involuntarily detained and treated without parental/guardian consent. Only a judge or magistrate should have the right to detain someone and only with full legal representation for the person facing deprivation of liberty, paid for by the State.** [p.47,50,51,59,61,57,58,315,316,317,39,277,402 of MHA 2014]

**ACCOUNTABILITY FOR MONEY SPENT:** The Qld mental health budget has exploded 42% since 2009/10, up from \$809,996,000 to \$1,152,117,000. With a budget of this size one would expect there to be complete accountability for money spent. Yet there has been a 65% increase in mental health service complaints between 2009/10 and 2011/12. If the funds spent were actually helping people this would be evidenced by decreasing numbers of complaints and people labelled as “mentally ill”.

**ALTERNATIVES:** There is no doubt that some children who are troubled require special care. But they should be given holistic, humane care that improves their condition. Institutions should be safe havens where children and adults voluntarily seek help for themselves or their child without fear of indefinite incarceration or harmful and terrifying treatment. They need a quiet and safe environment, good nutrition, rest, exercise and help with life’s problems. Extensive medical evidence proves that underlying and undiagnosed physical illnesses can manifest as psychiatric symptoms and therefore should be addressed with the correct medical treatment, not psychiatric techniques. Studies show that once the physical condition is addressed, the mental symptoms can disappear. With proper medical treatment and real help people can lead healthier, happier lives.

## ACTIONS YOU CAN TAKE:

**Urgently write or email expressing your objections to the Health and Community Services Committee  
Feedback closes 5pm Monday 19 January 2015**

**Health and Community Services Committee**  
**The Research Director**  
**Parliament House**  
**George Street, Brisbane Qld 4000**  
**Email: [hcsc@parliament.qld.gov.au](mailto:hcsc@parliament.qld.gov.au)**

**Please also cc your local Member of Parliament and the below Ministers. You can also visit, fax or phone them.**

**Premier:** Hon C Newman, PO Box 15185, City East, Qld 4002 • Phone: 07 3719 7000 • Fax: 07 3220 6222 • Email: [thepremier@premiers.qld.gov.au](mailto:thepremier@premiers.qld.gov.au)

**Leader of Opposition:** Hon A Palaszczuk, PO Box 75, Inala, Qld 4077 • Phone: 07 3372 3207 • Fax: 07 3372 6881 • Email: [Inala@parliament.qld.gov.au](mailto:Inala@parliament.qld.gov.au)

**Minister for Health:** Hon L Springborg, GPO Box 48, Brisbane, QLD 4001 • Phone: 07 3035 6100 • Fax 07 3220 6225 • Email: [Health@ministerial.qld.gov.au](mailto:Health@ministerial.qld.gov.au)

**Shadow Minister for Health:** Mrs J Miller, PO Box 122 Goodna, Qld 4300 • Phone: 07 3288 3737 • Fax: 07 3818 1613 • Email: [Bundamba@parliament.qld.gov.au](mailto:Bundamba@parliament.qld.gov.au)

**Shadow Minister for Mental Health:** Mrs D Scott, PO Box 2486, Logan City DC, Qld 4144 • Phone: 07 3808 5212 • Fax: 07 3808 6295 • Email: [Woodridge@parliament.qld.gov.au](mailto:Woodridge@parliament.qld.gov.au)

**Members of Parliament contacts:** <http://www.parliament.qld.gov.au/members/current>

**The Qld Mental Health Act 2014** can be downloaded from: <http://www.parliament.qld.gov.au/work-of-committees/committees/HCSC/inquiries/current-inquiries/MentalHealthB14>

**For more information or further copies of this summary, contact the Citizens Committee on Human Rights (CCHR) Australian National Office:** Phone: 02 9964 9844 • Email: [national@cchr.org.au](mailto:national@cchr.org.au) [www.cchr.org.au](http://www.cchr.org.au)