

Children able to consent to sterilisation and 12 year olds to consent to psychosurgery and electroshock without any parental consent in W.A.

The W.A. Mental Health Act is under review and the above are included in its proposals. Please take action so that children are protected and parental rights are upheld. Below are the proposals of grave concern:

CHILDREN OF ANY AGE TO CONSENT TO STERILISATION: If a psychiatrist decides that a child (under 18 years) has sufficient maturity, he or she will be able to consent to sterilisation. Parental consent will not be needed. Only after the sterilisation procedure has been performed does it have to be reported and then only to the Chief Psychiatrist. [Pages: 135 & 136 of the Draft Mental Health Bill 2011]

12 YEAR OLDS WILL BE ABLE TO CONSENT TO PSYCHOSURGERY: Banned in N.S.W. and the N.T., psychosurgery irreversibly damages the brain by surgery, burning or inserting electrodes. This draft bill proposes to allow a 12 year old child, if considered to be sufficiently mature by a psychiatrist, to be able to consent to psychosurgery. Once the child has consented it goes before the Mental Health Tribunal (MHT) for approval. Parental consent is also not needed for the MHT to approve the psychosurgery. [Pages: 108, 109, 110, 197, 198, 199, 213]

12 YEAR OLDS WILL BE ABLE TO CONSENT TO ELECTROSHOCK (ECT): Electroshock is hundreds of volts of electricity to the head. Any child aged 12 and over, whom a child and adolescent psychiatrist decides is "mature" enough, will be able to consent to electroshock. Also, once consent is given, there is no requirement for parents or anyone, including the MHT, to approve the electroshock. Electroshock should be banned. Its use on the elderly, pregnant women and children is especially destructive. [Pages: 100, 101, 103, 104, 194, 105]

RESTRAINT AND SECLUSION OF CHILDREN: Children can be restrained in a psychiatric institution, with the use of mechanical restraint (manacles, belts, straps etc.) and bodily force. Chemical restraint - the use of psychiatric drugs to subdue and control the person - is not covered in the draft bill, so there are no legal safeguards to prevent its application. Death can result from all forms of restraint. [Pages: 122, 121, 113, 246]

INVOLUNTARY COMMITMENT OF CHILDREN: A psychiatrist can involuntarily detain any child for up to 14 days if "suspected" of mental illness. Parents will not be able to discharge their child during this period and take them home. The psychiatrist can then make a "continuation order" to continue the detainment for up to 3 months and thereafter for each subsequent 3 month period. During detainment, the child could be drugged, restrained, secluded, given electroshock if over 12 and could be put into a ward with adults. Parental consent is not required to continue the detainment or for any treatment, including the child being placed on a legal order to continue to receive drugs at home. The MHT hold hearings on the detainment of a child, but there is no guarantee the child will be able to go home. In 2010/11 there were 1,248 hearings for all ages and only 58 people had their status changed from involuntary to voluntary. [Pages: 21, 22, 35, 19, 107, 36, 53, 54, 183 -185, 190, 191, 213, 214, 18, 46, 47, 48, 65, 66, 70, 73, 75-77]

WHO WILL BE ABLE TO DETAIN A CHILD IS NOT FULLY KNOWN: An "authorised mental health practitioner" can also detain a child or adult in the draft bill. Exactly who an authorised mental health practitioner is, is not defined by the draft bill. The Chief Psychiatrist can literally give anyone or any profession the power to detain someone just because he considers they are qualified and by publishing the decision in the *Gazette*. This clause must be removed from the Draft Mental Health Bill 2011. Only a judge or magistrate should have the power to order someone be detained, and only with full legal representation for the person facing deprivation of liberty [Pages: 246, 247, 21, 22]

WHO IS RESPONSIBLE FOR THIS DRAFT BILL?: The W.A. Mental Health Commission (MHC) were responsible for writing the Draft Mental Health Bill 2011, with Mental Health Commissioner and clinical psychologist, Mr Eddie Bartnik overseeing the process.

SOLUTIONS: Some children who are troubled undoubtedly require special care. But they should get holistic, humane care that improves their condition. They should be treated with care and compassion. Institutions should be safe havens where children and adults voluntarily seek help themselves or for their child without the fear of indefinite incarceration or harmful and terrifying treatment. They need the proven benefits of a safe, quiet environment, good nutrition, rest, exercise and help with life's problems. Extensive medical evidence proves that underlying and undiagnosed physical illness can manifest as "psychiatric" symptoms. Studies show that once the physical condition is corrected, the mental symptoms disappear. With proper medical, not psychiatric, care and help with life's problems, people can lead healthier and happier lives. The draft mental health bill, if passed, would do the opposite.

ACTIONS YOU CAN TAKE

Write expressing your objections to the Mental Health Commission and to your state legislator.

Feedback closes 9th March 2012 at 5pm.

Email: on contactus@mentalhealth.wa.gov.au Mail: GPO Box X2299 Perth Business Centre, W.A. 6847

Send a copy of your objections to the Mental Health Minister, Health Minister and your local Member of Parliament.

Find their addresses at: www.parliament.wa.gov.au/parliament/memblast.nsf/WAIIIMembers

The draft bill can be viewed at <http://www.mentalhealth.wa.gov.au>

FOR MORE INFORMATION ON THIS SUMMARY, CONTACT THE CITIZENS COMMITTEE ON HUMAN RIGHTS (CCHR) PERTH OFFICE on (08) 9472 9181, email@cchr-wa.org