

# VICTORIAN ROYAL COMMISSION ON MENTAL HEALTH

## TAKE ACTION TO STOP PSYCHIATRIC ABUSE

The Royal Commission has been given the task to inquire into and report on how Victoria's mental health system can be improved. So far we have seen community consultations across Victoria, submissions were called for, the Royal Commission has heard from 96 witnesses of which 29 were consumers and round table consultations after the hearings, not open to the public.

Yet despite all this, have the right questions been asked? The Royal Commission was established to envisage what mental health services should look like, is this possible if individual cases of treatment and abuse are not investigated and findings about service providers not made as occurs in other Royal Commissions? Does hearing testimony from only 29 victims give a true picture of the problems of abuse and trauma in psychiatric wards so they can hear first-hand what it is really like and rectify abuse? Should the Royal Commission hear testimony about conflicts of interest which drive up the use of psychiatric drugs and treatments?

Doctor Gerry Naughtin, a mental health adviser to the National Disability Insurance Agency said health professionals lacked the answers to key questions. "What is the evidence about what works? Do we have the outcome measures to understand what is actually being achieved? The answer is we don't."

### PSYCHIATRY NEEDS TO BE HELD CRIMINALLY ACCOUNTABLE FOR ABUSE AND DEATHS

Victorian psychiatrists are exempt from key criminal fines and prison terms in the *Victorian Mental Health Act*. In stark contrast, in QLD there is a \$26,110 fine or 2 years imprisonment for ill-treatment of a patient; in S.A. ill-treatment warrants a fine of up to \$25,000 or imprisonment for 2 years; in W.A. it is up to \$24,000 or 2 years imprisonment and NSW it is a \$5,500 fine and/or 6 months imprisonment.



In Victoria, under the *Prevention of Cruelty to Animals Act*, if a person commits an act of cruelty on any animal that torments, worries, terrifies, wounds, mutilates or abuses, an animal, they can be fined up to \$40,297 or imprisoned for up to 12 months. Yet mistreatment of psychiatric patients continues without criminal penalty in the *Victorian Mental Health Act*.

Unlike other states of Australia, there are also no criminal fines or prison terms in the *Victorian Mental Health Act* related to electroshock, psychosurgery (cutting and burning the brain), restraint, seclusion, sexual abuse or excessive or inappropriate use of psychiatric drugs. **Recommendation:** The Royal Commission recommends that psychiatrists and mental health workers be held criminally responsible for deaths and damage they cause

to patients, with mandatory reporting to police of all crimes/suspected crimes and criminal fines and prison terms for all forms of abuse to be included in the *Victorian Mental Health Act*.

### ELECTROSHOCK (ECT)

Electroshock is the application of hundreds of volts of electricity to the brain. It is torture and can cause permanent memory loss, brain damage, suicide, cardiovascular complications, intellectual impairment and even death. One Victorian woman who was forced to undergo electroshock said she had security guards wheel her down to the treatment room holding her down so she didn't escape. "I felt like I was being wheeled down to the gas chamber really," she said. She would even eat from a stash of food to avoid the general anaesthetic and when staff found her food, she resorted to eating grass to avoid the electroshock. Claims by psychiatry that ECT does not cause brain damage ignores basic electrical science as when electricity is sent through the brain, it is converted into heat, increasing the temperature. Cells can suffer dysfunction, temporary injury, permanent damage or even cell death, according to Dr. Ken Castleman, Ph.D., biomedical engineer who has provided legal testimony in ECT device litigation.

In 2005 the World Health Organization stated, "There are no indications for the use of ECT on minors, and hence this should be prohibited through legislation." A staggering 22,765 electroshock "treatments" were given to Victorians including 52 children aged 15-19 years of age in 2017/18. **Recommendation:** The Royal Commission recommends that the *Victorian Mental Health Act* is amended to ban all forms of psychosurgery and electroshock for all ages with criminal fines and prison terms for violation of the ban.

### RESTRAINT MUST BE MADE A CRIMINAL OFFENCE

Restraint use is legal for everyone including children, pregnant women and the elderly in Victoria. Restraint can be: 1) Physical, being forcibly held/held down by a person to immobilise 2) Mechanical, the use of devices such as belts or straps 3) Chemical, the use of psychiatric drugs to subdue or control. For the last 3 years, Victoria had the highest physical restraint rate in Australia in public acute psychiatric facilities (Queensland did not report) and the highest mechanical restraint rate in 2017/18 of all states of Australia (excluding Qld). Chemical restraint is not covered in the *Victorian Mental Health Act* and is not reported. There are humane ways to assist patients in distress. **Recommendation:** The Royal Commission recommends the *Mental Health Act* is amended so that all forms of restraint of a psychiatric patient are banned and it is made a criminal offence.

### PSYCHIATRIC DRUGS

In 2017/18 there were over one million Victorians on a psychiatric drug. As of December 2017 there were 41,317 adverse drug reactions linked to psychiatric drugs reported to Australia's drug regulatory agency, the Therapeutic Goods Administration (TGA), 1,716 of these were deaths. There

have been 67 warnings issued for psychiatric drugs by the TGA. These warnings include the risk of hallucinations, increased blood pressure, agitation, akathisia (inability to remain motionless), aggression, life threatening heart problems, addiction, suicidal ideation and possible death.

**Conflicts Of Interest:** Conflicts of interest between psychiatrists and pharmaceutical companies is an area which drives up the use of psychotropic drugs. For example, the integrity of medical guidelines has been shaken with high profile exposure of bias and conflicts, both in Australia and the US, which have brought untouchable bastions of authority into disrepute. Authoritative advice loses credibility when the consumer discovers an undisclosed conflict of interest. Consumers value and demand transparency and openness in order to make informed decisions. The simplest method to counteract conflicts of interest, is to make it mandatory they are disclosed. This is especially important where psychiatrists with conflicts of interest are advising governments and entire populations can be affected. **Recommendation:** The Royal Commission recommends each adult and child death resulting from psychiatric drug related causes be investigated for criminal culpability and that psychiatrists with conflicts of interests declare them, not only publically but also to patients prior to treatment.

## PSYCHIATRY HAS PROVEN IT CANNOT POLICE ITSELF

In 2011 a Victorian inquiry was called due to high rates of unexpected and unnatural deaths in psychiatric wards, which also raised serious questions about standards of care and allegations of cover-ups. The inquiry looked at 41 deaths in psychiatric facilities including 8 suicides between 2008 and 2010. There were another 45 unexpected and unnatural deaths including 36 suicides between 2011 and 2014. The deaths continued with 21 including 12 suicides in 2017/18. Despite the fact that Australia's drug regulatory agency has issued 3 psychiatric drug warnings for the risk of suicidal behaviour with antidepressants, this fact is still being largely ignored by psychiatrists.

**Sexual Assault and Abuse:** Unlike Victoria, the *WA Mental Health Act* has a \$6,000 criminal fine for failing to report unlawful sexual contact with a patient by staff. Australian psychiatrist Prof. Carolyn Quadrio's research found that one in every ten male therapists will have sex with or develop an intimate link with a female patient. The findings of a study of 958 patients who had been sexually involved with a therapist suggested that 90% were



harmed and about 14% will attempt suicide. The only way to rectify this is enacting laws like the *New York Penal Code* which says that psychiatrists, psychologists and therapists are guilty of statutory rape if they have sex with a patient during a course of treatment. In no other area of the community would any form of sexual abuse be tolerated.

**Recommendation:** The Royal Commission recommends that any form of sexual contact, sexual exploitation, sexual misconduct or sexual relations with a patient or former patient by a psychiatrist, psychologist or other behavioural therapist are made criminal offences in the *Victorian Crimes Act*. "Therapeutic Deception," where the therapist made the patient think the sexual activity was part of their treatment should carry higher penalties. Consent of the victim shall not be a defence in prosecution. In addition, the *Victorian Mental Health Act* is amended so that safeguards exist to enforce mandatory reporting of unlawful sexual contact to police by a staff member on a patient.

## ESCALATING COST OF MENTAL HEALTH AND CONSTANT DEMANDS FOR MORE MONEY

For years experts have said there is inadequate or no accountability for the money spent on mental health. Despite the lack of accountability, funding continues to soar and still the psychiatric system has not improved. Spending on mental health by the Victorian government increased by over 16% in just 3 years from 2015/16 to 2017/18 (up from \$1.312 billion to \$1.525 billion). There is no doubt that some children and adults can be troubled, sometimes severely. But they should be given holistic, humane care that improves their condition including medical tests to determine if the problem is caused by an undiagnosed medical condition. Institutions should be safe havens where adults and children voluntarily seek help without fear of indefinite incarceration and harmful or terrifying treatment. They need a quiet and safe environment, good nutrition, rest, exercise and help with life's problems. **Recommendation:** The Royal Commission recommends that strong accountability measures are put in place that measure improvement not "services delivered" and the redirection of existing budget money to implement proven non-harmful solutions.

## WHAT YOU CAN DO

The Royal Commission will release an interim report in November 2019. In the meantime:

- **Share this Fact Sheet with others:** It is also available at: <http://www.cchr victoria.org.au/victorian-royal-commission-mental-health/> Log onto [cchr victoria.org.au](http://cchr victoria.org.au) or [cchr.org.au](http://cchr.org.au) to see references for above and to read a more detailed fact sheet.
- **Write, phone, visit or email your local Member of Parliament and express your concerns:** Ask them to make amendments to the Victorian Mental Health Act and to also implement procedures that ensure accountability in the psychiatric industry.
- **Keep up to date with what is occurring with the Royal Commission by receiving updates directly from the Royal Commission:** <https://rcvmhs.vic.gov.au/our-approach>
- **Report psychiatric abuse:** If you or any of your loved ones have been abused in any of the ways above, please contact CCHR on 1300 085 995.
- **Sign up to receive updates from CCHR:** <http://www.cchr victoria.org.au/>



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CCHR was co-founded in 1969 by the Church of Scientology and the late Professor of Psychiatry, Dr Thomas Szasz, to investigate and expose psychiatric violations of human rights.

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