

# RESTRAINT, SECLUSION AND FORCED ELECTROSHOCK OF CHILDREN ARE LEGAL IN QUEENSLAND

(No parental consent needed)

**How is it even possible that if someone is cruel to an animal in Qld, it carries a 10 times greater criminal fine than ill-treating a psychiatric patient? Now is the time to change all of this.**

**Highlighting a major flaw in the current *Qld Mental Health Act* is this comparison:** Under the *Qld Animal Care and Protection Act 2001*, if someone is cruel to an animal including injuring, wounding or terrifying the animal, it carries a maximum penalty of \$275,700 or 3 years imprisonment. Yet in stark contrast, if a psychiatrist or mental health worker ill-treats a psychiatric patient it carries a maximum penalty of only \$27,570 or imprisonment for 2 years under the current *Qld Mental Health Act*—significantly less than the penalty for being cruel to an animal. **Recommendation:** Criminal fines and prison terms are dramatically increased with further amendments made to the *Qld Mental Health Act* as this was not done when it was reviewed in early 2022.

**In June 2021, the World Health Organization (WHO) released guide-lines that lashed out at psychiatric coercive practices such as restraint, seclusion, forced electroshock and forced treatment and detainment** that it says, “are pervasive and are increasingly used in services in countries around the world, despite the lack of evidence that they offer any benefits, and the significant evidence that they lead to physical and psychological harm and even death.”

The WHO highlighted the fact that coercive psychiatric practices occur because “they are mandated in the national [or state] laws of countries.” Despite the challenges to changing laws and treatment paradigms, WHO says “it is important for countries...to eliminate practices that restrict the right to legal capacity, such as involuntary admission and treatment.” This was also not done when the *Qld Mental Health Act* was last reviewed. **Recommendation:** Involuntary admission and treatment are banned with heavy criminal penalties for violations of these bans.

**ELECTROSHOCK (ECT)** is the application of hundreds of volts of electricity to the head to create a seizure (convulsion). It can cause brain damage, permanent memory loss, heart problems and stroke. ECT, including forced ECT is legal for all ages including children, pregnant women and the elderly in Qld. **In 2018 there were 178 Medicare funded electroshocks given to 15-19 year olds in Qld, the highest in Australia for this age group.** There were 10,995 Medicare funded electroshocks given in Qld in 2020/21, also the highest in Australia and

an increase of 29% in just 4 years. **Recommendation:** Electroshock is torture and must be banned for all ages with severe criminal fines and prison terms for violation of the ban. [*Qld Mental Health Act* (QLD MHA): sections (s) 233, s234, s236, s237, s509]



**RESTRAINT & SECLUSION:** Psychiatric restraint can and does cause death. It should be a crime. It is well-known within psychiatric circles to have zero therapeutic benefits and instead can greatly increase trauma and is legal for use on children in Qld. There were 4,834 physical restraint events (bodily force) and a further 212 mechanical restraint instances (e.g. being cuffed to a bed) in Qld in 2020/21. The use of psychiatric drugs to subdue (chemical restraint) is not reported. There were 17,359 seclusions in 2020/21. **Recommendation:** The *Qld Mental Health Act* is amended per the WHO instructions to eliminate psychiatric restraint and seclusion with heavy criminal penalties also implemented for violation of the bans. [Qld MHA: s243, s244, s246, s254, s256, s268, s270, s272]

**PSYCHOSURGERY:** While the forms of psychosurgery that involve cutting and burning the brain have been banned for all ages since March 2017 in Qld, this does not go far enough. NSW and the NT correctly ban all forms of psychosurgery for all ages. In Queensland deep brain stimulation (DBS) for “mental illness,” involves drilling a hole in the head to implant electrodes deep in the brain through which an electrical current surges. It can cause memory loss, irreversible brain damage, bleeding in the brain, coma and post-operative death. DBS is legal for all ages in Qld including children. The Qld Mental Health Tribunal approved 4 applications for DBS in the last 3 years. **Recommendation:** DBS must be banned for all ages with severe criminal fines and prison terms for violation of the ban. [Qld MHA: s241, s239, s510, s511, s512]

**INVOLUNTARY COMMITMENT:** A child or adult can be locked up in a psychiatric facility and forcibly treated including with potentially dangerous psychiatric drugs, restraint, seclusion and electroshock. A child or adult can also be forced to have treatment while at home. Psychiatry also has the power to prevent a parent from visiting their child and speaking to their child if they decide it is in the child's best interests. While parents can request a hearing at a Mental Health Tribunal (MHT) to have their child released, there is no guarantee the child will be allowed home. In 2020/21, there were 11,765 involuntary treatment authorities (inpatient and in the community) reviewed by the Qld Mental Health Tribunal, only 119 of these were revoked. **Recommendation:** Involuntary detainment and treatment are eliminated in the *Qld Mental Health Act* per the WHO's Guidance

with heavy criminal penalties also added for each instance of these occurring. [Qld MHA: s18, s48, s49, s50, s411, s413, s281, s284]

**DEATHS, COMPLAINTS AND ACCOUNTABILITY:** Spending on mental health in Qld has increased 36.6% in 5 years and reached over \$1.2 billion in 2018/19. What are the results of this spending? **In 2018, there were 161 deaths including 2 deaths from restraint reported to the Qld Chief Psychiatrist.** ♦ Between 2014/15 and 2019/20 there has been a 713% increase in complaints made for Qld mental health service organizations. The number of complaints made against psychiatrists is not publicly reported. ♦ The latest Qld statistics reveal: 43.5% of children aged 0-17, discharged from a psychiatric ward/facility had not significantly improved. ♦ 61.3% of children aged 0-17 in ongoing outpatient community-based care did not significantly improve. ♦ 72.5% of adults aged 18-64 years old in ongoing community-based care did not significantly improve. **Recommendation:** Every death in the mental health system is investigated for criminal responsibility and the number of complaints made against psychiatrists is publicly reported.

**ALTERNATIVES:** There is no doubt that some children and adults 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. **Recommendation:** Existing money spent needs to be re-directed into proven workable solutions that provide real help.

**For references and more information visit:**  
[cchr.org.au/qld-mental-health-act](http://cchr.org.au/qld-mental-health-act)

## TAKE ACTION

PHONE, EMAIL, WRITE OR VISIT THE BELOW AND  
YOUR LOCAL MEMBER OF PARLIAMENT AND REQUEST:

1. The *Qld Mental Health Act* is amended to ban electroshock, restraint, seclusion and that the World Health Organisation's instructions to cease involuntary admission and treatment are enshrined in the law.
2. Dramatically increased criminal fines and prison terms for ill-treatment of a patient.
3. Every death in the mental health system is investigated for criminal culpability and negligence and any misconduct involving prescription practices is also reported to police for criminal investigation.

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Please also contact your local Member of Parliament: [parliament.qld.gov.au/Members/Current-Members](http://parliament.qld.gov.au/Members/Current-Members)

Tell others so they too can take action. ♦ Write a "Letter to the Editor" to your state and local newspapers.

To read the current Qld Mental Health Act: <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-005>



Contact the Citizens Commission on Human Rights

Email: [national@cchr.org.au](mailto:national@cchr.org.au) ♦ Phone: 02 9964 9844 ♦ Website: [cchr.org.au](http://cchr.org.au)

**Warning: No one should stop taking any psychiatric drug without the advice and assistance of a competent medical doctor.**  
CCHR was established by the Church of Scientology and Professor of Psychiatry, the late Dr Thomas Szasz in 1969 to investigate and expose psychiatric violations of human rights.