

VICTORIAN ROYAL COMMISSION ON MENTAL HEALTH

TAKE ACTION TO STOP PSYCHIATRIC ABUSE SUBMISSIONS CLOSE 5 JULY 2019

This long-awaited opportunity for a full investigation into abuses in the psychiatric system is welcomed by everyone. It is vital that everyone advise the Royal Commission of areas of abuse that must be rectified so that urgently needed changes are made. Until there are laws to protect vulnerable children and adults, there are no real safeguards.



PSYCHIATRY NEEDS TO BE HELD CRIMINALLY ACCOUNTABLE FOR ABUSE AND DEATHS

Victorian psychiatrists are exempt from 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. anyone who ill-treats or wilfully neglects a patient can be fined up to \$25,000 or imprisoned 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. For aggravated cruelty that results in death or serious disablement of an animal, they can be fined up to \$80,595 or imprisoned for up to 2 years. 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, restraint, seclusion, sexual abuse or excessive or inappropriate use of psychiatric drugs. **Recommendation:** The Royal Commission recommends that psychiatrists and all mental health workers be held criminally responsible for the 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*.

BAN PSYCHOSURGERY & ELECTROSHOCK (ECT)

Psychosurgery: can cause memory loss, irreversible brain damage, bleeding in the brain and post-operative death. All forms of psychosurgery are correctly banned in NSW and the NT for all age groups and the forms involving cutting or burning the brain are banned in QLD for all ages. It is banned in SA and WA for under 16's. There are no bans in Victoria. Psychosurgery can also involve electrodes being inserted into the brain and sending an electrical current through it as is the case with deep brain stimulation (DBS). In 2014 the NSW Ministry of Health commissioned an investigation into the efficacy of DBS which concluded, "There is insufficient evidence at this point in time to support the use of DBS as a clinical treatment for any psychiatric disorder." In 2017/18 there were 8 people in Victoria given DBS.

Electroshock (ECT): 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. A 2010 literature review of ECT studies on the efficacy of ECT concluded that the continued use of ECT represents a failure to introduce the ideals of evidence-based medicine into psychiatry. 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." In 2017/18 there were 13,281 electroshock "treatments" given to Victorians including 2 children under 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 use of mechanical restraint rate in 2017/18 of all states of Australia. 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), 1,439 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. **Recommendation:** The Royal Commission recommends each adult and child death resulting from psychiatric drug related causes be investigated for criminal culpability.

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 36 including 12 suicides in 2017/18. Clearly the investigation was a white-wash as the deaths continued. 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: A 2013 report by the Victorian Mental Illness Awareness Council found 45% of the women they surveyed who had been in Victorian psychiatric hospitals had been sexually assaulted and 82% of those who reported a sexual assault were not helped by nurses. The study also found more than 67% had been sexually harassed and 85% reported feeling unsafe in a psychiatric hospital. Nothing has changed. In December 2017, Victoria's chief psychiatrist conceded that the number of serious incidents that land on his desk continues to rise. 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 sexual contact, sexual exploitation, sexual misconduct or sexual relations with a patient or former patient specifically 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 concrete safeguards exist to enforce mandatory reporting of unlawful sexual contact with a patient by a staff member of a psychiatric facility.

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). **Recommendation:** The Royal Commission recommends the redirection of existing budget money be spent to implement proven non-harmful solutions to help vulnerable children and adults.

ALTERNATIVES- RESTORING HUMAN RIGHTS AND DIGNITY

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. 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. 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 psychiatry having no real workable humane solutions, a continual cry for more funding and the lack thereof being blamed as the cause of the problem, proven solutions that help and don't harm must be implemented.



WHAT YOU CAN DO SUBMISSIONS CLOSE 5 JULY 2019

To lodge a submission log onto: <https://rcvmhs.vic.gov.au/submissions>

To post a submission, you will need the cover page from the above link or phone the Royal Commission on 1800 00 11 34 for assistance. The Royal Commission's website for further information is: <https://rcvmhs.vic.gov.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.