

Paving the roads to recovery: Building a better system for people experiencing mental health issues in Victoria

The Royal Commission into Victoria's Mental Health System provides an opportunity to build a coordinated mental health system with the voices, rights and recovery of people experiencing mental health issues at its centre. **Here is a summary of our 57 recommendations for reform.**

Consumer leadership

- Involve consumers in implementing the Royal Commission's recommendations
- Embed consumer leadership in mental health services and intersecting systems

Access to advocacy

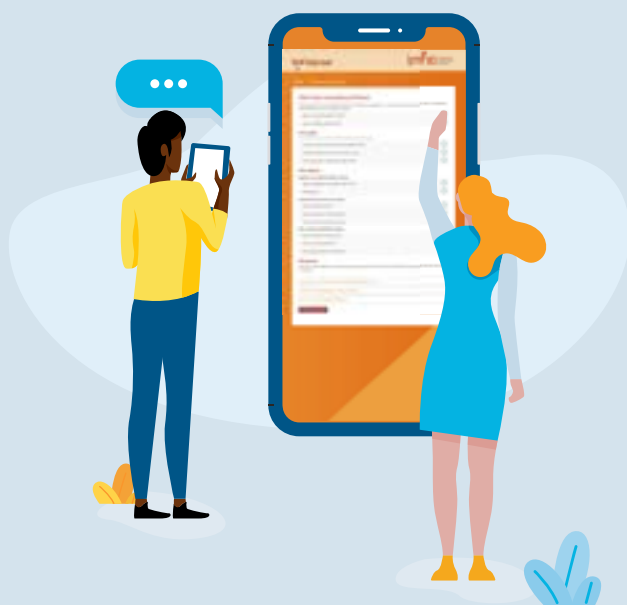
- Make Independent Mental Health Advocacy an opt-out advocacy service for consumers on compulsory treatment orders
- Increase funding for Mental Health Tribunal legal assistance
- Improved referral and information-sharing for consumers to access legal help

Accessibility and safety of services

- Require mental health services to screen for family violence risks at intake.
- Improve mental health and justice system responses to people who use family violence and are experiencing mental health issues
- Improve access to specialist and high-quality mental health treatment in regional areas
- Resource mental health services to implement specific strategies to provide trauma-informed care and tailored services for local communities

Service delivery and community supports

- Require mental health services to embed supported decision-making, recovery and least restrictive practice into their practice
- Increase rates of voluntary mental health services and treatment in the community
- Train clinicians on the Mental Health Act and the Victorian Charter
- Improve access to holistic and flexible treatment options
- Work with the Australian Government to expand Mental Health Care Plan funding
- Implement cross-governmental co-ordination to ensure consumers have a seamless experience of mental health, health and NDIS supports
- Introduce standards to regulate inpatient care, liveability standards, discharge and transition planning in Secure Extended Care Units
- Roll out broader accommodation options (e.g. step-down programs)
- Resource the supply of safe, stable and affordable housing





Mental health system oversight

- Allow consumers with decision-making capacity to refuse treatment, unless immediate treatment is necessary to prevent serious harm to another person
- Ensure a substitute decision-maker gives effect to a person's will and preference
- Insert a presumption of capacity into the Mental Health Act
- Empower the Mental Health Tribunal to make prospective community treatment orders
- Increase oversight of decisions that restrict a person's rights
- Introduce quality assurance mechanisms and measures to evaluate the effectiveness of the Mental Health Tribunal
- Publicly report service level and demographic data to improve transparency and accountability, and support service planning and delivery
- Develop a state-wide monitoring and evaluation framework for the mental health system, co-produced with consumers
- Consider greater regulation of the mental health system
- Improve complaint handling mechanisms for consumers

Human rights and discrimination law

- Broaden protected rights in the Victorian Charter, including the right to self-determination for Aboriginal and Torres Strait Islander peoples, and the right to health
- Implement recommendations from the 2015 Human Rights Charter Review
- Improve effective implementation of the Convention on the Rights of People with Disabilities and Optional Protocol of the Convention Against Torture
- Take positive steps to reduce the mental health impacts of discrimination and workplace sexual harassment



Children and young people

- Ensure all young people can access tailored youth services, including inpatient care
- Ensure children in out of home care can access the mental health supports they need
- Provide clear guidance and greater support to improve the child protection system's response to families experiencing mental health issues
- Implement and resource a specialised response for adolescent family violence
- Raise the minimum age of criminal responsibility to 14
- Expand and extend youth forensic mental health facilities



Criminal justice

- Resource community mental health care and treatment options
- Consider ways to reduce the reliance on Victoria Police as first responders for people experiencing mental health issues (e.g. a direct referral system)
- Decriminalise offences that penalise mental health issues, addiction and poverty
- Facilitate greater use of cautions and diversions
- Improved access to services which help people address underlying causes of offending
- Issue a summons or notice to appear rather than arrest where possible to keep people experiencing mental health issues connected to treatment and support



- Make minor changes to bail laws to avoid people charged with minor offending being held on remand
- Roll out state-wide access to therapeutic courts (e.g. ARC and the Drug Court)
- Develop a mechanism for assessing and determining fitness to plead or participate in proceedings in the summary jurisdiction
- Increase the range of dispositions available in the summary jurisdiction
- Create a presumption against short sentences of imprisonment for people experiencing mental health issues
- Ensure Community Corrections Orders have a therapeutic focus
- Expand secure forensic mental health facilities to resource sufficient beds
- Improve availability of voluntary assessment, therapeutic care and supports in custody
- Resource practical transition planning and support for people leaving custody
- Improve access to supervision or parole upon release

Read our full report and the stories of people with a lived experience of the mental health system at www.legalaid.vic.gov.au/roadstorecovery