

Submission:

Mental Health and Wellbeing Act

The Centre for Excellence in Child and Family Welfare (the Centre) welcomes the opportunity to provide a submission on the proposed new Mental Health and Wellbeing Act for consideration by the Department of Health.

The Centre is the peak body for child and family services in Victoria. For over 100 years we have advocated for the rights of children and young people to be heard, to be safe, to access education and to remain connected to family, community, and culture. We represent over 150 community service organisations, students and individuals throughout Victoria working across the continuum of child and family services, from prevention and early intervention to the provision of out-of-home care.

Many of our member organisations work with children and families who present with multiple, co-occurring needs, including mental health challenges. These families often experience intergenerational disadvantage and poverty, unemployment, housing insecurity, drug and alcohol issues and family violence.

Our sector works closely with the broader community services sector to support families, including housing, drug and alcohol, mental health, maternal and child health, financial counselling, settlement, and family violence services, among others.

The Centre welcomes the opportunity to provide some general comments in relation to the proposed new Mental Health and Wellbeing legislation for Victoria. The overarching objectives that will frame the new legislation are a clear statement of intent for a mental health system that is equitable and rights-focused and committed to prioritising the views, preferences and values of people living with mental illness or psychological distress, as well as families, carers and supporters.

In particular, we welcome the principles (5, 12 and 13) that focus on the experiences of children and young people in their own right, either as participants in the mental health system, or as carers.

In order to achieve these objectives and principles, we need to have a fully funded child and family services system that provides appropriate mental health services for people where and when they need these. We know that a key driver of children into the statutory child protection system is the untreated mental health conditions of their parents.¹

The new Act will give effect to the recommendations of the Royal Commission about:

- Non-legal advocacy, supported decision making and information sharing to help improve experiences for people accessing Victoria's mental health system
- Supported decision making

¹ Commission for Children and Young People (CCYP) 2019, *Lost, not forgotten: inquiry into children who died by suicide and were known to Child Protection*, CCYP, Melbourne.

- Information collection, use and sharing
- Treatment, care and support (including compulsory assessment and treatment)
- Use of seclusion and restraint; and
- Governance and oversight.

The Centre welcomes the intention of these reforms to improve the mental health treatment of individuals, to be client-centred and to recognise the important role of carers, including children and young people. The new legislation includes clear oversight and accountability measures and recognises the importance of a robust complaints process.

The Centre has been a key stakeholder in the rollout of the Child Information Sharing and Family Violence Information Sharing Schemes. We note that the new Act will give the Secretary of the Department of Health powers to establish new consent-based information-sharing systems and authorise people and entities to use them. As Victoria's peak body for children and families, the Centre is keen to participate in further consultations in relation to the features of a mental health information sharing scheme, how 'wellbeing' organisations will be defined, how such a scheme would promote the safety and wellbeing of children, young people and families, and how it will align with existing information sharing schemes.

We note that the new Act proposes several layers of governance and oversight. It is important that the child and family services sector is represented across the eight Regional Mental Health and Wellbeing Boards, and Regional Multiagency Panels. As outlined above, our sector plays a crucial role in supporting families with mental health challenges, which have been exacerbated by the impact of the global pandemic and associated measures to limit the spread and severity of COVID-19.

The Centre welcomes the opportunity to work with the Department of Health in the development and implementation of the new Act. We have extensive experience in assisting government to develop sector specific and targeted guidance material on a range of government reforms, most recently in the implementation of the family violence MARAM practice guides. We would welcome the opportunity to be involved in the development of the guidance materials that will underpin the new legislation and in particular, information, resources and training in relation to the experiences of children and their families.