

Oral presentation

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Involuntary treatment and review and the Victorian human rights charter: uneasy compatibility in the antipodes?

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from WPA Thematic Conference. Coercive Treatment in Psychiatry: A Comprehensive Review
Dresden, Germany. 6–8 June 2007

Published: 19 December 2007

BMC Psychiatry 2007, 7(Suppl 1):S65 doi:10.1186/1471-244X-7-S1-S65

This abstract is available from: <http://www.biomedcentral.com/1471-244X/7/S1/S65>

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Background

In this presentation, the presenter will explore a number of basic rights to be expressly protected under the Human Rights Charter (HRC), passed in 2006 by the Victorian Parliament, analyze the impact of the HRC and the issues faced by the Mental Health Review Board of Victoria (MHRB) and Victorian mental health service providers under the Victorian Mental Health Act 1986 (MHA), and consider appropriate operational responses to the challenges and potential problems for the MHRB and service providers in this new human rights-dominant environment.

Methods

The presenter will base the discussion and analysis on the work of a working party of Board members established in late 2006 to prepare for the commencement of the HRC in January 2008. It will be informed by a 2007 study tour of other comparable jurisdictions.

Results

The presenter will attempt to predict the important impacts, particularly on the Board's fundamental role to hear appeals and conduct reviews in respect of the involuntary treatment of people with a serious mental illness by applying statutory criteria which must be met before a person can be treated as an involuntary or compulsory patient. He will refer to both the Board's work and his study of comparable United Kingdom and European jurisdictions visited as part of a Churchill Fellowship-funded study tour.

Conclusion

The presenter will provide his assessment of the benefits and barriers that this new human rights dominant envi-

ronment is likely to create for those involved in treatment and review of involuntary patients.