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| **NON-LEGAL ADVOCACY (Section 3.1)** | | |
| The Royal Commission found that **non-legal advocacy** is highly valued by consumers, effective in putting supported decision making into practice, and may drive down the use of coercive practices.  The Royal Commission recommends (Rec 56) that the Victorian Government: include a legislative provision in the new Mental Health and Wellbeing Act enabling an opt-out model of access to non-legal advocacy services for consumers who are subject to or at risk of compulsory treatment.    The **new Act** will ensure all consumers receiving, or at risk of receiving, compulsory treatment can connect with **non-legal advocacy services**.  The **new Act** will require mental health and wellbeing service providers to notify **non-legal advocacy services** as soon as practicable, within 24 hours, after the making of an assessment order or a temporary treatment order. Necessary information will also be shared to allow the non-legal advocate to contact the consumer.  The **new Act** will include protections to ensure advocates can connect with consumers such as not restricting communication with advocates and obligations to notify advocates when specific events occur such as the use of seclusion or restraint.  Consumers will have the right to opt out of this service if they choose.  To better recognise **non-legal advocacy**, the Chief Officer for Mental Health and Wellbeing will be supported under the **new Act** to issue operating guidelines for these services. These guidelines will clarify and give effect to the obligations of mental health service providers to engage with **non-legal advocacy** services. | | |
| **Question** | **What Has Been Said by Consumers** | **Your Ideas for Answering the Questions** |
| Question 3:  Do you think the proposals meet the Royal Commission’s recommendations about non-legal advocacy? (Section 3.1 in the paper) | Guidelines can be ignored by services so as much as possible should be in the act.  The act must include the opt out model of independent advocacy.  The Act must expressly protect the right of access   * to all authorised mental health services * to the mental health system database to see who is on an order under the Act and (only) their contact details.   Where the consumer consents, an independent advocate:   * cannot be prevented by a service from meeting with a consumer. * cannot be prevented from attending a service meeting with a consumer. * can access consumer records | Your response to Question 3  If no, why? |
| Question 4:  How do you think the proposals about non-legal advocacy could be improved? (Section 3.1 in the paper) | Your response to Question 4 |