



## Review of the *Mental Health Act 2009 (SA)*

### Fact Sheet 1 – Background Information

#### About SALRI

The South Australian Law Reform Institute ('SALRI') is an independent non-partisan law reform body based at the Adelaide University Law School that conducts inquiries into areas of law. SALRI identifies law reform options that would modernise the law, resolve issues with the law, remove unnecessary laws, or, where desirable, adopt an approach from other States and Territories. To do this, SALRI looks at how the law works, conducts research and consults widely with the community, interested parties and experts. Based on its research and consultation, SALRI makes recommendations to the State Government – who, with the State Parliament, decide whether to reform the law.

#### Review of the *Mental Health Act 2009 (SA)*

The *Mental Health Act 2009 (SA)* ('MHA') must be reviewed every five years. SALRI has been asked by the State Government to review the MHA and, as part of this review, to:

- Consult with relevant parties, such as experts, interested groups and persons with lived experience of mental illness.
- Recommend appropriate changes to the current law which promote human rights and best practices.
- Consider the findings of the Royal Commission into Victoria's Mental Health System.
- Consider the meaning and practice of decision-making capacity.
- Determine the effectiveness of establishing the role of Mental Health Commissioners under the MHA.
- Any other relevant issues raised by the Office of the Chief Psychiatrist.

According to its terms of reference, **SALRI will not examine the provision or delivery of mental health services**. SALRI acknowledges that there are very real issues and needs in this area. However, SALRI cannot look at issues beyond the scope of this review.

#### Your input is needed

SALRI is committed to an active and inclusive consultation process and wants to hear from you about your experiences in using, accessing and dealing with the MHA. We are particularly interested about ways in which the law and practice can be improved. Your experiences and views are very important. There are three ways that you can be involved:

1. Fill out the survey on the YourSAy site at <https://yoursay.sa.gov.au/mental-health-act-review>;
2. Send us a written submission or letter (formal or informal) via email or post:
  - **Email:** [salri\\_mha@adelaide.edu.au](mailto:salri_mha@adelaide.edu.au)
  - **Address:** The South Australian Law Reform Institute, University of Adelaide, Ligertwood Building, Adelaide, South Australia, 5005.
3. Attend an expert or interested party (such as consumers/carers/organisations) roundtable discussion.

**Please note: SALRI does not, and cannot, provide legal advice to individuals. If you are in need of legal advice we encourage you to speak to a lawyer and/or contact a community legal service.**

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