

The Mental Health and Wellbeing Act 2022



Principles

The Act strengthens principles to guide service providers to support the dignity and autonomy of people living with mental illness and psychological distress.

Scope

The Act broadens the scope of organisations regulated under the mental health legislation, reflecting the more inclusive end-to-end service system envisaged by the Royal Commission.

Rights and Responsibilities

A Statement of Rights must be issued to consumers at various points across their care, particularly if a consumer is being placed on an Assessment Order (Community or Inpatient). The Act requires that reasonable efforts must be made to determine whether the consumer has an Advanced Statement of Preferences for their care or a Nominated person of support, and allows for privacy and protection if a consumer is believed to be at risk of family violence.

Accountability

There will be greater accountability for mental health and wellbeing service providers to demonstrate in their annual reporting how they adhere to and promote the mental health and wellbeing principles.

Lived Experience

Persons with Lived and Living experience of Mental illness or Carers employed in a prescribed role will be recognised as mental health and wellbeing professionals.

The Commission

The new Mental Health and Wellbeing Complaints Commission will allow a more open process for consumers, families, and carers to make complaints about care received and mental health and wellbeing services.

Community-based care

In all circumstances, including crisis events, care should be provided to consumers in their own communities in a timely and accessible manner. The Act requires holistic treatment of intersecting medical and mental health needs of the consumer.