



# MENTAL HEALTH LEGAL CENTRE

# Annual Report 2022



# About MHLC

The Mental Health Legal Centre (MHLC) is an independent, not-for-profit, specialist legal centre in Victoria.

For over 35 years, MHLC has delivered accessible legal services to consumers of mental health services and to people who are incarcerated. We deliver community education and advocate for systematic change that enhances the rights of people experiencing mental health issues. Our integrated practice team (law, paralegal, and financial counselling) provide a range of innovative services in the community, in treatment facilities and in prisons. We recognise that health and legal issues do not occur in isolation, and we work in partnership with other agencies to provide integrated services that address the needs of some of the most vulnerable members of our community.

## Our Vision



# Our Purpose

MHLC aims to increase access to social and legal justice for people experiencing mental health and legal issues. A key element of social justice is that everyone is entitled to equal access to opportunities for positive health and well-being. We work within a social model of mental health, recognising that positive mental health is influenced by social factors.

We provide interdisciplinary supports including legal assistance, advocacy and financial counselling to address our clients' unmet legal and non-legal needs.

## Principles that underpin our work

All of our services are designed to reduce the barriers to positive mental health



# CEO Report

## Charlotte Jones



Firstly, my thanks to our Attorney General Jaclyn Symes who has ensured that MHLC will be able to support members of the community for the next four years through the provision of mental health legal supports under the National Legal Assistance Partnership. We will of course ensure that the new Attorney General Mark Dreyfus is aware of the impact of this funding.

In the past year there has been a great deal of change at the MHLC, we have seen our teams evolve as students graduated, notably John who was working within Ravenhall and the administrative team. He took his first role as a social worker within another not for profit and continued his valuable work. Alongside this Nicole moved into a role working in an area which is her passion, and we wish her every success. Our amazing administrative team also moved on with Sarah taking her first full time role as a financial counsellor after undertaking the course during Covid. Lynne who moved onto another organisation was a mainstay during the two years and a support to many clients. Our new team have all stepped into the breach with Lizzy, Bonnie, Miranda and Eden who have now been joined by Bree, leading the administrative teams and HR supports.

We also brought Jamie into the legal team, ensuring we could reach more clients. We said farewell to Rory who moved into criminal law and we wish him every success. Our Principal Lawyer, Bec went on maternity leave and gave birth to a healthy baby girl in May. We were very fortunate to be able to borrow (many thanks to Lucy Adams) Kate Windmill from VLA for the duration. Kate comes with a wealth of experience having managed Gippsland CLS as well as working with VLA.

We have witnessed considerable changes in service delivery as Covid continued to have impacts particularly in Corrections but also within the HJP and how we are able to support clients across the MHT. Alongside this we have been working tirelessly with our partners to support and influence the roll out of the Royal Commission recommendations. I owe particular thanks to Craig and Taylor from VMIAC and the team at Mental Health Victoria including Gus, John and Larissa. I also extend my thanks to Craig, Pat, and Marie for their support with passing the Mental Health Act and the work of the Attorney General's department and the team. I have also developed a close working relationship with VLA and have been heartened to see the return of the Catherine Leslie into the Mental Health Team and look forward to our future working together.

As ever our pro bono team are wonderful in underpinning our generalist clinic in particular through Cass and Shab from Gadens. We have also relied heavily on Landers and Ashurst supporting our work in responses to the Royal Commission, in particular to Ed and Tess.

My thanks also go to Nadu Dove for her work on the Practice Framework which now underpins and articulates the work of the MHLC.

I would also like to thank my Board; Theresa, Geoff, Jennifer, James, Sophie and Talisa – Covid was immensely challenging and their support of the team and myself has been valued and we could not do this without you.

Our partners on all projects have also been unflappable and supportive throughout this most challenging year and my thanks to the teams at DPFC, Justice, GEO Ravenhall, Bolton Clarke and the MHT.



# Chairperson Report Theresa Swanborough OAM

The development of an Annual Report offers us all the opportunity to stop and reflect on the work undertaken by MHLC over the last 12 months.

No doubt 2021-2022 will live on in our collective memories as a period that challenged us to think 'outside the box' as we came to terms with living, working and emerging from pandemic restrictions.

The CEO and staff of MHLC have shown an amazing capacity in meeting head on the challenges of working differently in difficult times. I would extend my gratitude to all MHLC staff, volunteers and partners for remaining focused on the needs of our consumers. Your resilience has meant the MHLC has continued to offer a range of service interventions.

MHLC staff have also spent time reflecting on and articulating what practice looks like at MHLC. The development and documentation of a MHLC Practice Model offers a solid bases for current and ongoing service delivery.

The confirmation of National Legal Assistance Partnership funding for the next four years, will enable MHLC to plan, develop and expand our service offer with the assurance that funding is available. To this end MHLC will review, consult and develop a new Strategic Plan that will cover 2022 to 2025.

I would take this opportunity to thank my fellow Board members, who have supported and embraced change. The Board has actively supported and lead MHLC through the difficult period that was Covid. On behalf of the full Board I would thank our CEO Charlotte Jones for her unwavering commitment to the work undertaken by MHLC.

I commend the Annual Report to you - MHLC will continue to support clients in ensuring that whenever possible their Rights, Choice and Agency are respected and exercised.

# Staffing

In this financial year our small but dedicated full time and part time team of

10 lawyers

3 paralegals

1 financial counsellor, and

4 administrative staff

navigated the new COVID landscape with vigor and resilience. We returned to our outreach services in prisons, resumed in-court advocacy and continued to manage an online advocacy system in the MHT and VCAT. We have also returned to the office, navigating our new IT system and the transition to digital files over physical ones.

We are a service committed to training and developing the next generation of lawyers and we are pleased to have hosted 4 Deakin university students and 1 PLT placement this financial year. Having returned to working in the office, our capacity to host students will increase into the future and we will work closely with universities and practical legal training services to provide training opportunities.

# Consumer support

Our dedicated team provided a responsive and knowledgeable telephone, email and social media contact service with our phones open Tuesday to Friday each week



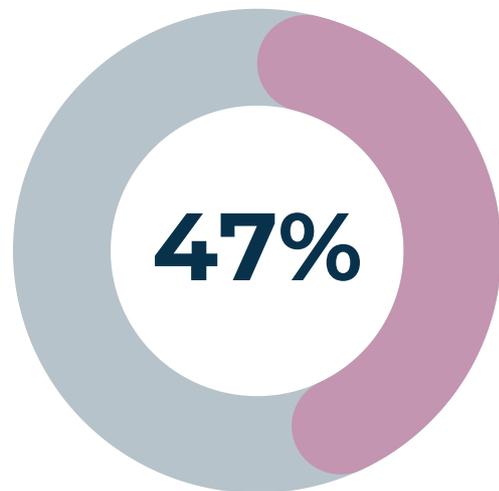
# 8343

**total contact points  
with consumers**



# 312

**matters allocated to  
the Generalist  
Program legal team  
for triaging**



**47%**  
of contact points  
related to requests for  
MHT support

## Top 8 Legal Issues

MHT | complaints | crime | IVOs  
VCAT | Family law/child protection  
fines | tenancy

# Our Programs

MHLC operates four distinct but interconnected program streams, each of which are funded differently.

Health  
Justice  
Partnership

Prisons  
Program

Generalist  
Program

MHT  
Advocacy  
Program

At the heart of our work is a visionary approach recognising access to legal representation is integral in meeting the mental health needs of the Victorian community.

We listen to and value the voice of our consumers and clients. We are particularly passionate about reaching into spaces where people are, for health or legal reasons, deprived of their liberty.

We aim for an integrated practice model, with financial counsellors embedded in our prisons program and plans to extend this service into our other program areas.

We cannot and do not act in isolation. We are better together and our partnerships and assisted referral pathways demonstrate our commitment to our vision.

We will partner with other services to train, develop and extend our work.

We will go where our clients need us to be.

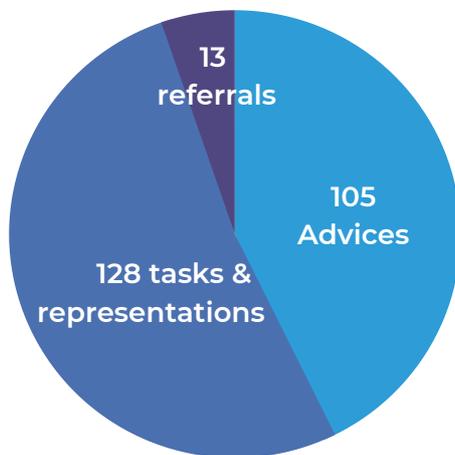
BOLTON  
CLARKE



# Health Justice Partnership

This year, we have been privileged to continue our partnership with Bolton Clarke, as part of our Health Justice Partnership (HJP). Our program provides much-needed free and accessible legal assistance to those experiencing or at risk of homelessness.

The effects of COVID are still being felt far and wide and, unfortunately, our HJP program has been no exception. Although it was not possible to reopen our Frankston clinic, we continued to provide support to clients where they lived or requested. Into the future we will continue our focus on a dedicated service to support consumers housed in supported residential services, with complex and multifaceted legal and socio-economic issues.



**226**  
**clients**  
**helped with**  
**246 services**

## Top Legal Issues

MVA | IVOs | tenancy | Drug crimes  
Injury crimes | theft crimes

## STAFF SPOTLIGHT

# Lucy Carter

## Senior Coordinating Lawyer, Health Justice Partnership



February 2014 is when it started, an information session for people looking to volunteer at the MHLCC on the night service advice line. The Centre was building back up in 2014. It squished into a couple of small rooms in an RMIT building that looked over Victoria Street.

The night service took over one of those small rooms on Tuesday and Thursday evenings. It attracted new and more experienced lawyers and had a collegiate, friendly atmosphere that had that buzz of outside work hours about it. For me, it was the entrance into new world. If I'd been asked to pay to volunteer then, I probably would have.

Soon I was also volunteering during the day and representing clients at the Mental Health Tribunal (MHT). The first MHT hearing I did I remember standing on the platform at Berwick station, with a bottle of champagne. Although I had probably over prepared, I was nervous. I walked out of the hearing hoping the Tribunal had been oblivious to the sweat patches that had progressively formed under my armpits. Even if noticed though, I thought it a small price to pay for the Tribunal refusing the application for a treatment order and the psychiatrist member saying to my client, "Your lawyer did an excellent job". On reflection, the outcome probably had more to do with the psychiatrist member drilling the registrar, who was presenting the treating team's case, than my skills as an advocate. But in that moment, the champagne tucked under my arm, I was overwhelmed with excitement – I am a lawyer.

The Health Justice Partnership with Bolton Clarkes' Homeless Persons Program (HJP) officially started in October 2015. However, by early August 2015, we had already closed the first two client files - a charismatic couple, who were both respondents to personal safety intervention order applications. I was attached to the HJP from its inception, as one of two lawyers who worked on the program. The referrals came from the unflappable, incredibly hardworking and caring, HJP nurses; in so many ways this relationship proved invaluable. Many times, a nurse would connect me back in with a client who I had lost contact with. The nurses, who literally pounded the pavement and knew the relevant haunts, could locate the client when phones had been cut off, lost or hocked, or tenuous living situations had broken down. The HJP clients experienced multiple factors of disadvantage and often lived chaotic lives. My role was outreach based. Until COVID, I crisscrossed metropolitan Melbourne attending various courts and tribunals, sometimes spilling into the regions. I met with clients on the streets, at rooming houses, at a café, a library, McDonalds. The legal issues were many and varied, covering the full spectrum of legal pickles and more serious matters.

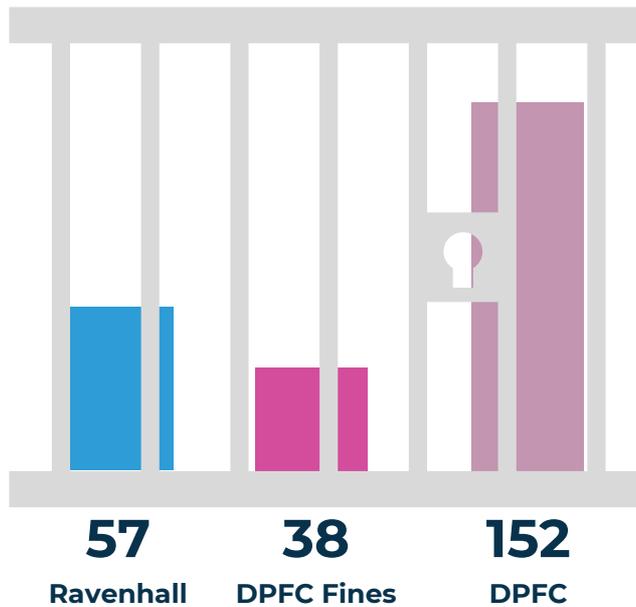
I am now the senior coordinating lawyer of the HJP and this role consumes most of my time. It is a role I am sad to leave. I have met, worked with, and learnt from, some amazing people: the MHLCC staff, including those who have moved on; the nurses and other third parties; and, of course, my clients. I will remember you all.

# Prisons Program

MHLC delivered dedicated outreach clinics at the Dame Phyllis Frost Centre (including Tarrengower) and at Ravenhall Correctional Services, throughout yet another COVID impacted year.

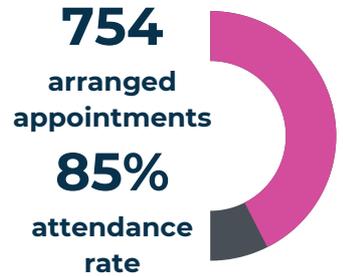
## 243

### LEGAL ADVICE CLINICS in prisons



12  
community legal  
education sessions

74  
attendees



**TOP 5  
legal issues**

- Fines
- FIVO
- Child Contact
- Impoundment
- NDIS

**FINANCIAL  
COUNSELLING**  
DPFC remand  
service

78 women helped

**TOP 5  
legal issues**

- Fines
- FIVO
- Child Contact
- Child Protection
- VOCAT

# Mario\*

## family law



Mario is a first-time offender serving a short sentence.

He attended our Legal Clinic for assistance with a family law property settlement matter. Following his arrest, the long-term relationship with the mother of his children, Louisa\*, had broken down. Our lawyer advised Mario about the financial settlement procedure and likely outcomes. Louisa was, understandably keen to settle the financial matters quickly and had engaged lawyers to assist.

To make life easier for him while serving his sentence, Mario had formalised a Power of Attorney ("POA") allowing his parents the right to handle his financial affairs, which he did not realise included the ability to sell his home.

Shortly after MHLC had provided Mario this advice, we were advised by prison staff that, very sadly and suddenly, Louisa had passed away.

Mario's parents, themselves bereaved, stressed, and under pressure from Louisa's lawyers, engaged a real estate agent to sell the home. Our lawyer contacted the real estate agent only to be told that an offer had been made on the house, but no contract of sale signed.

Mario's wishes throughout were to keep the home for himself and his kids to live in upon his release. He was shocked to learn that his parents had placed the house on the market following Louisa's death, and that an offer had been made. We advised Mario, and quickly assisted him to revoke his PoA, and to stop the sale of the home and take it off the market. Mario was also assisted to place a hold on mortgage repayments for the short period of his remaining incarceration.

Mario was then contacted by Child Protection, to discuss the care and support of his children while he was incarcerated. We provided advice to Mario on same, and he has since agreed with Child Protection on a plan of action for the care of his children during his incarceration, and for their continued contact with him while incarcerated. Mario has been advised the children will be returned to his care upon his release.

This complex matter demonstrates the myriad of legal matters that impact on incarcerated people, together with the twists and turns along the way. We are pleased to have been able to support Mario whilst in prison and wish him and his children the very best for their future together.

\*Names and details have been amended to protect the anonymity of our client and his family. Case study used with the permission of our client.

# Kate\*

## child support debt



Kate sought the assistance of Inside Access (IA) in regards to a Child Support Agency (CSA) debt.

Whilst in prison, Kate received a letter from CSA informing her that she had a debt of approximately \$10,000 which included penalty interest of approximately \$2,000.

Kate could not confirm whether the debt was correctly raised, but did note that due to her mental health and substance abuse issues over the last five years which led to over 10 periods of incarceration, she had not provided CSA with her actual income details.

IA obtained a copy of Kate's Transaction Statement and Assessment Notices. It was clear from these documents that CSA had used a provisional income much higher than Kate's actual income to calculate CSA payments.

IA applied for a Retrospective Determination of CSA payments based on Kate's actual income. We provided supporting material outlining Kate's history of imprisonment and mental health and substance abuse as a reason for Kate not providing CSA with income as soon as practicable.

CSA accepted that at the time that the administrative assessment was made, Kate was not able to provide CSA with her actual income due to her exceptional circumstances. We are pleased to say our application was successful, CSA remitted the penalty interest, and upon recalculation of payments owed based on actual income her debt was waived.

# Generalist Program

Our generalist program continues to grow. The legal issues people bring to us are diverse, often interconnected and complex. While we can't help everyone, we are privileged to have partnered with many clients to advise them of their legal rights and responsibilities, or to advocate for them in negotiations or courts/tribunals.



## STAFF SPOTLIGHT

# Jamie Yew

## Junior Lawyer, Generalist Program



I care deeply about human rights and am passionate about access to justice for vulnerable groups, with a particular interest in mental health. After 12 years of social work in this area, I wanted to further advance my lifelong commitment and determination to fight for the rights and dignity of disadvantaged populations, so I started my legal journey at the Mental Health Legal Centre.

During 2018 and 2019 as a Juris Doctor student, I volunteered at the night service. I was often the first point of contact for clients. I empathetically listened to them, assisted them to identify their legal issue and social support, and referred their matter to a pro bono lawyer. Being part of a compassionate and experienced team that was working to provide legal assistance to every single person who contacted the night service, confirmed that I wanted to start my legal career in a community legal centre.

In 2020 with multiple COVID-19 lockdowns, I was truly fortunate to complete a 75-day internship as part of my Practical Legal Training. I learned a lot from my mentor by observing them provide legal advice, drafting advice and strong advocacy. I spoke with clients to obtain further instructions or followed up in relation to their matter, liaised with other professionals such as health practitioners to obtain support letters, undertook legal research, and drafted applications.

At the end of my internship and with the impending demand for services in a new COVID-19 world, I became a member of the social work team. I provided support to the generalist clinic as well as being involved in the National Disability Insurance Scheme (NDIS) clinic at Ravenhall Correctional Centre. Every week I met prisoners who disclosed their disability whether it was intellectual, cognitive, or psychosocial. These prisoners gave firsthand insight into criminalised behaviour in the context of disability and strengthened my resolve to assist them in rehabilitation and reduce recidivism. Upon release, we connected the prisoners with NDIS support to deliver therapeutic and social support to reintegrate into the community.

On 1 March 2021, I was admitted into the Supreme Court of Victoria as an Australian Lawyer. Shortly after I transitioned into a hybrid paralegal and social worker role. As a paralegal, I provided current information on legislation, drafted correspondence, and collected relevant evidence to assist the lawyers to deliver legal services.

Several months later I was officially a junior lawyer in the generalist clinic and the Mental Health Tribunal (MHT) advocacy program. I also briefly worked with clients incarcerated at the Dame Phyllis Frost Centre to assist with their child contact, child protection, and family law matters.

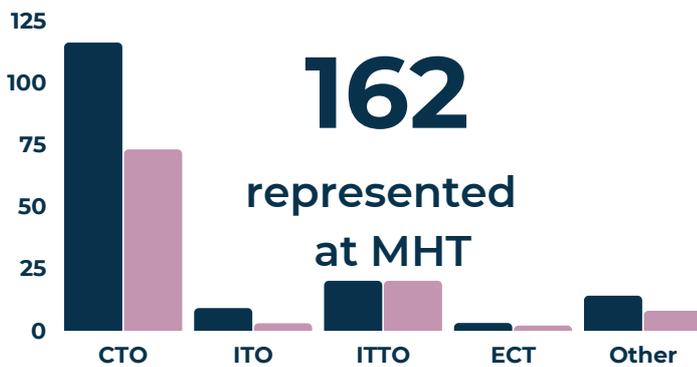
I represented clients at the MHT several times a week. These clients shared the most personal parts of their life with me and entrusted me to respectfully tell their stories. They ignited a passion in me to advocate that persons experiencing mental illness who can make decisions about their medical treatment must be listened to. And further, to uphold their dignity throughout the entire legal process and help them find self-empowerment no matter the legal outcome.

At the MHT I was especially determined to advocate for women who were victims of family violence. Whether their brave disclosures had been taken out of context to be incorrectly diagnosed as a mental illness, or the perpetrators had reported false information to the mental health system as a form of coercive abuse, it was imperative for me to believe my client and to stand up for them.

When treatment orders have been revoked, it is incredible to witness the moment clients attain full autonomy and self-determination over their mental health. To be able to achieve justice for vulnerable members of the community who may not have otherwise had the chance is extraordinarily rewarding.

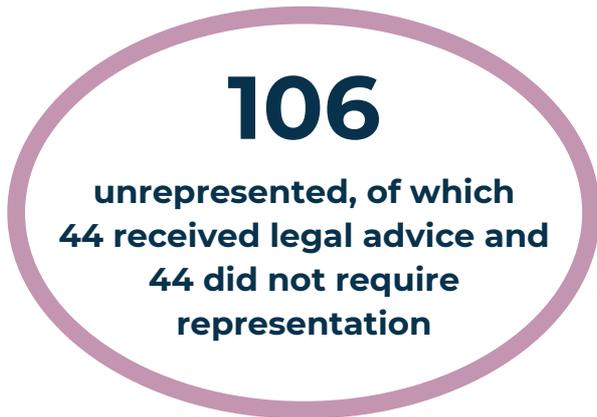
# Mental Health Tribunal Advocacy Program

We are proud that almost 50% of the consumer contacts with our service relate to our statewide advice and representation before the Mental Health Tribunal. We cannot do this work without the support of our pro bono partners who dedicate their time to learn, listen and advocate for clients. Our and who join together in community to support this community of practice.

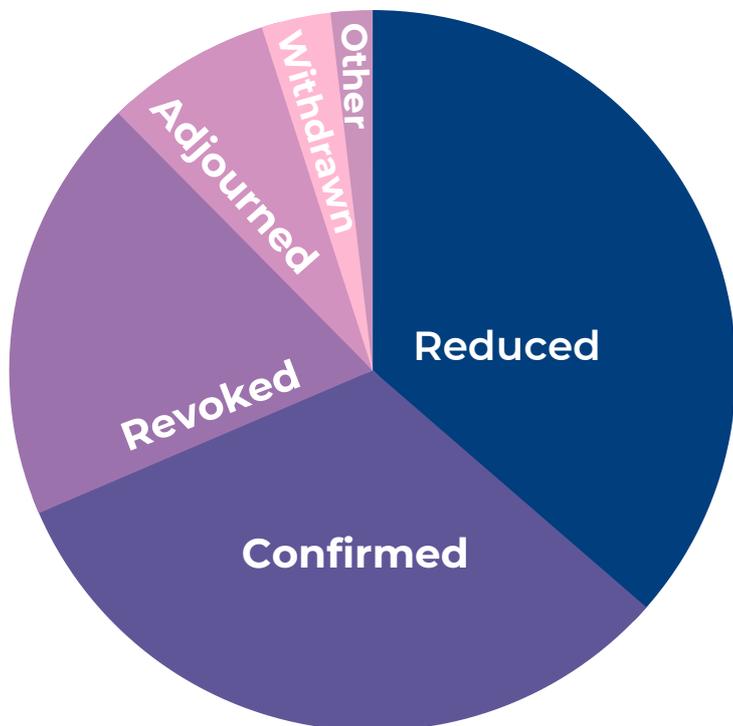


**162**

represented  
at MHT



## Representation outcomes



4 Community of  
Practice meetings



## why we switch the lights on ..



### Jess\*

Our lawyer, Jamie, represented Jess who was seeking to revoke a 26-week Compulsory Treatment Order ('CTO').

Jess advised us that she had been diagnosed with 'delusional disorder' and placed on an order for compulsory treatment.

Jess was first hospitalized for compulsory mental health treatment three years earlier, after her ex-partner called the Crisis Assessment and Treatment Team ('CATT') following her claim that he tried to poison her. Jess explained she had been experiencing family violence by her ex-partner for over 10 years. The abuse included physical assaults, psychological abuse, coercive controlling behaviour and stalking. It even included a physical assault while she was pregnant. An intervention order (IVO) was made for her protection and she was extensively supported by a Domestic Violence Service and her GP.

In seeking revocation of the CTO we asserted that Jess did not meet the treatment criteria and her CTO should be revoked.

In relation to criteria (a), we argued that Jess did not have a mental illness. Specifically, Jess did not have a 'significant' disturbance of thought, mood or perception'. Her presentation and behavior was a result of the trauma associated with her family violence experiences, not a mental illness, as described above. Importantly, we referred to section 11(g) of the Act and expressed our concerns that crucial individual needs of Jess were not addressed. This was particularly in relation to her culture and background, which we asserted were ignored by treating psychiatrists in all assessments.

Next, we argued that criteria (b) was not met, as Jess was not requiring immediate treatment to prevent serious deterioration in her mental or physical health or serious harm to another person. This argument was supported by the treatment team stating that Jess was a caring and safe mother, who was capable of looking after her children.

In terms of criteria (c), we argued that a Treatment Order would not provide the appropriate treatment for Jess, and thus should not be ordered. We highlighted that the best form of treatment for Jess was informed trauma support, not medication.

Finally, with regard to criteria (d), we argued that there is a less restrictive way to readily treat Jess, as she was not in need of mental health treatment. We asserted that Jess needs family violence and trauma support, to move forward with her life and looking after her children. We referred to Jess's consistent use of intensive case management from a Domestic Violence Service, as well as regular contact with her GP who understood her cultural needs.

The Tribunal revoked the CTO, as they were not satisfied that Jess met the criteria for compulsory treatment. Specifically, the Tribunal revoked the order under criteria (a), on the basis that Jess did not have a mental illness and her symptoms were a result of trauma associated with family violence.

Without MHLC representation, Jess would most likely have remained on the Treatment Order, would remain considered to have a mental illness requiring treatment. Jess would continue to struggle with being medicated against her will for an illness that she does not have, while lacking treatment that she really needed to deal with and overcome her family violence trauma.

Jess no longer feels displaced and misunderstood. MHLC's ability to really listen to and understand Jess, address her concerns and provide advice while upholding the law proves powerful in achieving just outcomes, as seen in this case. Jamie was able to get through to the Tribunal, positioning them to understand the client and her true needs, just as MHLC had to when Jess was first referred to us.

# The way forward ...

## Online Help

During COVID, we received a significant increase in calls from carers, families and support workers seeking legal help and referrals.

To respond to this need, we worked with Legal Tech Helper and Central Queensland University to create an Online Help service funded by the Telematics Trust. This became operational on our website in September 2022.

Anyone can use the MHLHC Online Help service. We encourage family members, carers and friends of people with mental health challenges to use it. Referring organisations can also use it to find help for their clients.

It took many hours of collaboration, attention to detail and communication to produce this service and we are very grateful to all who contributed.



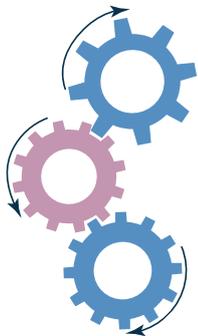
Good afternoon.

We are the Mental Health Legal Centre (MHLHC). We give free legal help to people in Victoria with mental health challenges.

Welcome to our **Online Help** service.

Continue

## Strategic planning



During this financial year, we have also been diligently consulting, evaluating and developing our 2022 to 2026 strategic plan, vision, game plan and goals, to be launched in October 2022.

## Mental health reform

A new Act for Mental Health has been passed and will commence September 2023. We are pleased to see many positive changes made to mental health care following the Royal Commission, and we are grateful to our partners and allies who have all contributed to the frenzied rate of reform work underway. This work, together with our work in supporting people impacted by mistreatment in some Supported Residential Services, is grounded in the experience of consumers and a clear evidence base. We look forward to partnering with VLA, VALS and other CLCs to provide essential legal help services to people experiencing involuntary inpatient or community based mental health treatment, to holding fast to the dignity of clients and consumers within the mental health system, and to learning from those with lived experience.

# Our funders

We are grateful to our sponsors and look forward to their continued support of our funders, pro bono partners and students and volunteers, to whom we and our clients remain indebted for your support, including but not limited to:



Victorian Legal Services  
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Helen Macpherson Smith Trust



THE WILLIAM BUCKLAND  
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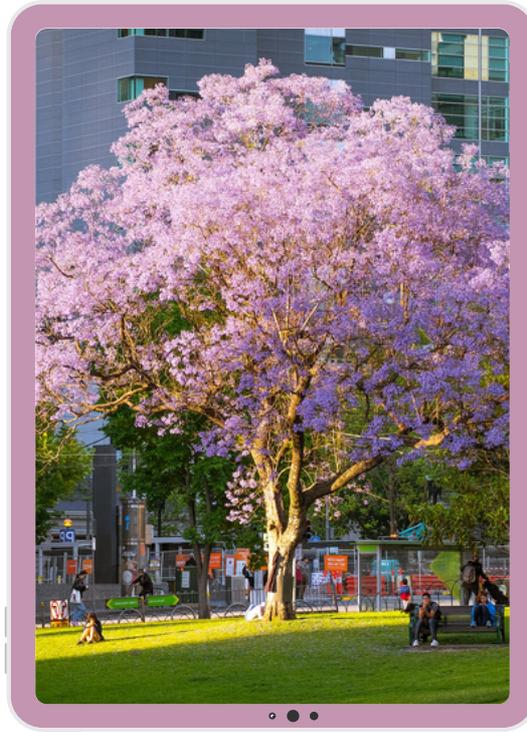


# Our pro-bono legal partners

LANDER  
& ROGERS

HWL  
EBSWORTH  
LAWYERS





**We acknowledge that all our work occurs on First Nations land which was never ceded.**

The cover page photo is of a Jacaranda tree in Flagstaff Gardens, near the MHLC office.

Other photos and graphics used in this Report are sourced either from our website, individuals, or Canva.