

Valuing

MENTAL HEALTH LEGAL CENTRE

35 years of pioneering mental
health rights, choice and agency
in legal and social justice

Annual
Report
2023



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

Mental health:
rights, choice, agency





CEO Report

Charlotte Jones

The 2022-2023 financial year has seen incredible change and growth for the MHLC.

We started in July 2022 with our annual training session for Mental Health Tribunal representation. We have welcomed an increase in internal staff and pro bono legal partners undertaking this work and are pleased that our community of practice has grown.

In August we commenced working with the Federal Government to provide information about the supported residential services ('SRS') sector in Victoria. We discuss this project more fully later in this report. I am very grateful to Minister Shorten for his time spent speaking with us and the Bolton Clarke team, to Kate Rice from Wintringham, and to Geoff Southwell from Leadership Plus for their contribution to this project.

As a growing organisation, we reviewed our internal structure this year to meet our future needs. We adapted to changing funding, mental health reform under the new Mental Health and Wellbeing Act 2022, and other consumer driven need. We began early recruiting, process, systems and support change to help us meet the new service demands this would generate. Guided by the extensive work completed by the Board to finalise the Strategic Plan, we embedded two Principal Lawyer roles into our team and the executive management team worked to bring this change to life for the organisation.

The Board also supported my successful application to participate in the Social Impact Leadership Australia Program. Throughout this year, I attended intensive courses, received mentoring and took a period of reflection away from MHLC. I am grateful for this unique opportunity and I thank all involved in supporting this work including the Myer Foundation, the Paul Ramsey Foundation and UNSW. It was a privilege and an experience that was deeply impactful.

While away, Kate Windmill who was on secondment from VLA stepped into my role. It was a remarkable time with large scale and complex projects coming online but Kate handled it all with aplomb. Following my return, many aspects of my existing role transferred to Kate who commenced employment with MHLC in April 2023 and is now Director of Legal Practice.

CEO Report continued

We also transferred our client management system from CLASS to Action step; a huge undertaking with many challenges for the whole team. Despite the challenges, we know ultimately our systems will be better than ever.

As always, we continue to evolve as an organisation to meet current demands. Each project achieves remarkable outcomes with limited budgets and the team continues to grow in knowledge and resilience. I thank the staff team for embracing wholesale change and all of our partners for their unwavering support and assistance.

The MHLC has proven yet again that we can deliver a truly statewide service. The Strategic Plan now guides the Board, management and staff as a roadmap for the way forward and I thank all of those who informed that process, especially Vicky McIver from Arrus Knoble who led the work.

Into the next financial year, MHLC will continue our work in prisons and our Health Justice Partnership with Bolton Clarke. With the support of the Victorian Legal Services Board and Commissioner, we will expand this work into a dedicated service for people living in SRS's. Excitingly, we will also commence preparations for the launch of a new advocacy service for MHT representation with Victoria Legal Aid and the Victorian Aboriginal Legal Service commencing 1 September 2024.

I thank Nadu Dove for her tireless work on our projects and her unique ability to present complex and compelling evidence in a powerfully accessible way.

Thanks also to the dedicated Board members of MHLC, providing a solid bedrock for MHLC to thrive. My special thanks to Sophie Brown who has served on the Board since I joined MHLC and has recently resigned her post. You will be missed Sophie and your contributions to our growth will be remembered.

Thank you to all who work with us, support us, or use our service. Without all three components there is no MHLC.

Strategy '26

MHLC launched its Strategic Plan for 2022-2026 at its 35 year celebration in February 2023. The highly successful event brought together past and present staff, volunteers, funding partners, pro bono partners and key stakeholders to reflect on 35 years of serving our community as the specialist legal help provider for people experiencing mental health conditions. We are grateful to all who have journeyed with us thus far, and to those who will help us achieve our strategic goals.

Strategic Goals

MHLC's strategic goals have informed its work in 2022-2023. We have embedded and engaged with these goals to inform our current and future work.



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.



Prisons Program

MHLC prides itself on being a service that goes where vulnerable, disenfranchised and otherwise unseen people need us to go. Our legal and financial counselling work in prisons speaks directly to that commitment. We delivered dedicated outreach services at the Dame Phyllis Frost Centre, Tarrengower Prison and Ravenhall Correctional Services this financial year.



Melissa*

Melissa had experienced significant family violence prior to her incarceration. This included experiencing childhood sexual assault, homelessness and drug and alcohol addiction. She also lived in a remote area and was unemployed.

Melissa had been a victim of identity theft and was concerned about fraudulent debts in her name. We obtained credit reports, sifted through her extensive credit file, discussed her options and provided her with some basic education about credit reporting.

Through negotiation with multiple creditors, we secured a waiver of almost \$30,000 in debts, had fraudulent credit enquiries removed from her credit file, confirmed that for other fraudulent loans in her name the creditors were now statute barred from pursuing repayment and referred Melissa to our legal team for support with a victims of crime application.

Melissa will leave prison with a clean financial record, support for her recovery from the violence perpetrated against her and the knowledge that our service cared enough to help her.



Consumer support

Our dedicated team provided a responsive and knowledgeable telephone, email and website contact service with our phones open Tuesday to Friday each week. Our phone team are the gateway to many of our services and their caring, trauma informed and efficient triaging helps direct people to the right services.

11,000+
calls this year



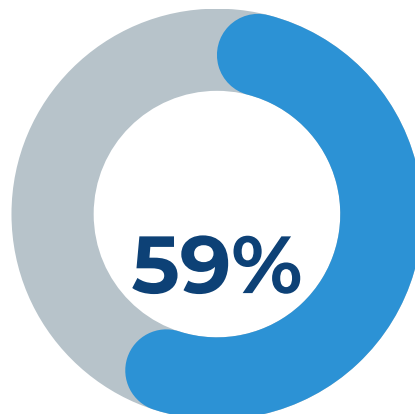
4769
total contact points
with consumers



291
referrals out



754
matters allocated to
the Generalist
Program legal team
for triaging



of contact points
related to requests for
MHT support



Mental Health Tribunal Advocacy Program



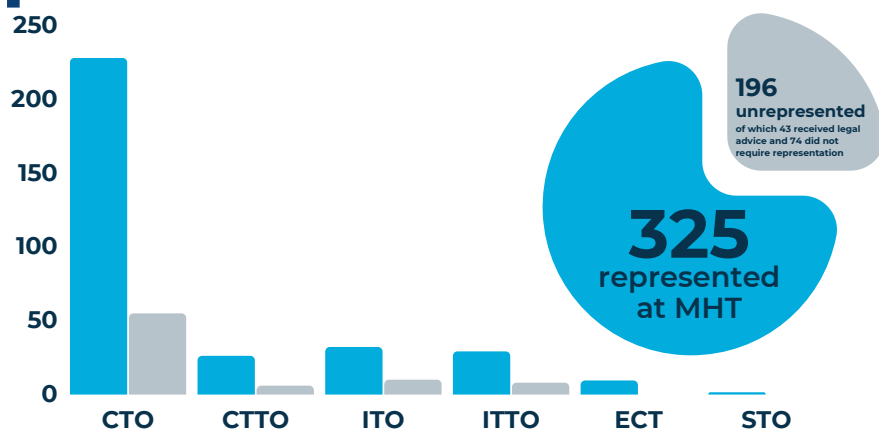
Lizzy Yu is our MHT Coordinator, bringing together our team of pro-bono and in-house lawyers to provide as many consumers as possible with legal representation before the Mental Health Tribunal.

During her time with MHLC and due to her efforts and the contributions of our hardworking and dedicated lawyers, Lizzy has seen the program grow to double the representation rates from the last financial year.

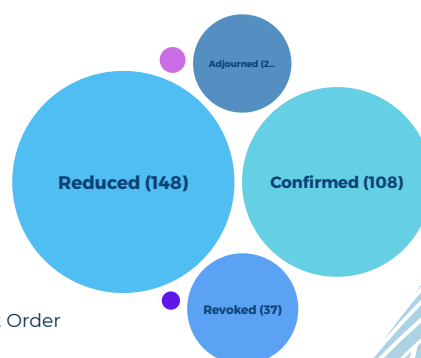
But people are more than numbers and Lizzy is most proud of the way consumers are treated with compassion, care and respect by our team, who focus on advocating for their dignity and autonomy to be upheld.

With the commencement of the Mental Health and Wellbeing Act 2022, we expect that our service will become even busier. We hope to improve accessibility to legal representation and contribute to creating a system where the voices of people with lived experience of mental health challenges are prioritised.

Representation and referrals



Representation outcomes



KEY:

CTO: Community Treatment Order | CTTO: Community Temporary Treatment Order
ITO: Inpatient Treatment Order | ITTO: Inpatient Temporary Treatment Order
ECT: Electroconvulsive Treatment Order | STO: Secure Treatment Order



James Roughley Principal Lawyer

Speak up with
and for
consumers -
clients

James joined our team this past year as Principal Lawyer, having a 30-year career in nursing and 9 years in law. James' background knowledge has been invaluable to the interdisciplinary work we do. He leads our MHT and prisons work, lives in regional Victoria and co-locates with one of the regional community mental health services.

James is able to stand in the shoes of consumers and to fiercely advocate for their human rights while having a deep appreciation for the health systems best interest's framework.

Bernie*

Bernie is a homeless man we met in a public mental health inpatient service. He had an extensive and long history of compulsory mental health admissions for his mental health diagnoses of schizophrenia and an acquired brain injury. He was routinely labelled by health services as grandiose, delusional and paranoid.

Bernie had a rough childhood, experiencing trauma which impacted on his adult behaviour, and which meant that his mental health while in hospital suffered more than it did when he was in the community.

Bernie had extensive community supports for assistance with his health, finances and social interactions but efforts to find him accommodation had been unsuccessful. Bernie had been held in hospital under an Inpatient Treatment Order because of this lack of accommodation, with evidence clearly showing he could otherwise receive treatment in the community.

We took the time to really listen to Bernie and over the course of several months and several Mental Health Tribunal hearings we were able to secure his discharge from hospital under a short term Community Treatment Order. We argued that accommodation was not a form of treatment and that he must be discharged to comply with mental health and human rights principles.

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, to advocate for them in negotiations, or to represent them in courts/tribunals.



Anh*

Anh has lived with mental illness for a long time. Labelled with dissociative identity disorder, borderline personality disorder and depression, Anh was also experiencing considerable grief following the death of her father and in her state of poor mental health she verbally threatened her neighbours. She had temporarily disengaged from her mental health supports at the time.

She found herself slapped with a notice to vacate and a VCAT possession order hearing for her longstanding rented home.

We acted quickly to help Anh and represented her at the VCAT hearing. We argued that Anh had reengaged with her mental health supports and now had the additional support of the NDIS. Anh had lived at the premises for many years without incident and had a positive prior relationship with the neighbours. We argued that Anh's mental illness placed her at high risk of homelessness if evicted, coupled with other persuasive caselaw arguments.

VCAT agreed and refused to grant the landlord the possession order. Anh continues to manage her health and wellbeing with the knowledge that her tenancy is safe.

People need people: SRS's



When we were writing the Royal Commission report into the Mental Health Service a client of the Bolton Clarke Health Justice Partnership explained the impact of the NDIS – it was quite simply life changing. Two hours a week of support changed everything.

The nurses however had a very different experience of the NDIS and SRS systems. What they saw was that the people who the NDIS was designed to support and liberate from isolated and complex lives made them a target for people who wanted to use and exploit the financial potential of their package.

Our clients who live in the supported residential system are highly vulnerable and this was clearly highlighted in the submissions made by Wintringham into the standards of care they found when they were tasked by taking over three facilities. These submissions were made to the Federal Royal Commission into Disability, Neglect, Exploitation and Abuse.

As we began conversations across the sector it became clear that there was great deal of knowledge and plenty of complaints but that there was very little evidence that anything happened when this was sent into the various agencies and bodies who are supposed to regulate the sector.

MHLC embarked on a two strand program, firstly to give legal support to people who live in supported residential services or supported independent living. This meant supporting them to understand if their funds were being incorrectly used, if they needed to complain, or by providing other forms of legal support such as preventing an NDIS provider obtaining a guardianship order.

Secondly we employed three former nurses; Bill, Anne and Julie who began interviewing former and current residents of the SRS system. They also spoke with workers across the sector and brought together all of the members of the sector facing similar issues. They worked tirelessly on this, passionate about bringing change.

As a project team, we met with every different regulator on a regular basis.

People need people: SRS's

Nadu Dove bravely stepped into the role of project management lead, coordinating the response and building the reports needed.

This work was emotionally and physically difficult for all concerned. The impacts of reliving peoples traumatic experiences and also seeing people who had lost agency as a result was deeply impactful.

We will ensure this work does not end here. We have written a wide ranging report as a result of this work to be launched later in 2023. We are aware that this a highly complex area that does not have simple answers but there are simple changes which could have a huge impact quickly.

Thank you to all the people who have worked across this project, all of the workers across the sector who have contributed, and all those who I have met with and have been so helpful. This list includes but is not limited to State Trustees, The Office of the Public Advocate, Naomi at Villamanta and all members of the Private Congregate Care Alliance who have taught me so much.

The client facing legal help work has been led by our lawyer Andre Barca and he has achieved remarkable outcomes working through systems that are designed to frustrate.

As an offshoot of our Health Justice Partnership, it goes without saying that this project would not exist if not for the entire Bolton Clarke team who have worked tirelessly to support clients.

There was also an inner circle who worked with the us throughout this project and their expertise knowledge and input is incalculable: Kate Rice from Wintringham, Ashley Lewis from Legacy Assist, Muriel Cummings, Geoff Southwell, Nadu Dove and Kate Windmill who very ably started this project on behalf of the MHLC. This work will drive change and we are very grateful to Minister Shorten for his support in ensuring that we were able to undertake this work, the William Buckland Foundation and Victorian Legal Services Board and Commissioners for enabling us to produce the final report.

Health Justice Partnership

Valuing
Mental Health Legal Centre

Build
partnerships
to further
our mission

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. We recommenced our Frankston clinic this year and have visited various accommodation settings throughout the state to help clients.

117

clients
helped with
136 services

Top Legal Issues

crime | infringements
tenancy | NDIS | VOCAT

63

court
attendances

Alexander*

Alexander has lived with mental illness for many years, diagnosed with schizophrenia, but also living with substance use and addiction. Alexander is also an unhoused person and has been the victim of family and domestic violence over the years, which has further affected their mental health.

Alexander engaged our services when they were faced with a number of fines they had accrued over many years. Given their circumstances, Alexander was not in a financial position to pay these fines. We applied for an Enforcement Review on the basis of special circumstances for Alexander's fines. We contacted the various housing and support services accessed by Alexander over the years and gathered statements in support of their hardship.

We managed to have all of Alexander's fines waived and assisted them to apply for the Disability Support Pension and the NDIS. Alexander is now able to move forward with their life without fear of enforcement. They now have disability support via the NDIS, an ongoing income and secure housing.



Mental Health and Wellbeing Act 2022



Following the recommendations of the Royal Commission into Victoria's Mental Health System handed down in 2021, the new Mental Health and Wellbeing Act 2022 commences from 1 September 2023.

We have been actively engaged in contributing to the reform agenda and have this year made various submissions relating to draft legislation and reform opportunities.

In everything, we bring to the table our knowledge gained by helping people with lived experience.

To help educate Victorian's about mental health reform, we have been tasked by the Victorian Department of Health with delivering training on the new Mental Health and Wellbeing Act 2022 to our stakeholder cohort, including the homelessness sector, Bolton Clarke and other outreach nursing services, Corrections Victoria staff, community lawyers and pro bono lawyers.



This work will continue into the next financial year.

Chairperson Report Theresa Swanborough OAM



In developing the MHLC 2022 Annual Report, I am once more struck by the number of innovated Programs implement by MHLC. These Programs have been developed to assertively reach out to people and communities who due to circumstance and/or location are effectively locked out of the generalist service system.

The strength of an organisation is underpinned by a Strategic Plan that guides the Board, its employees and those it seeks to partner with. To this end the MHLC Board spent considerable time and resources in developing our newly articulated Strategic Plan 2022 -20026. We are confident that our Strategic Plan will support the ongoing success and growth of MHLC. I would take this opportunity to thank my fellow Board members who spent many hours drafting, consulting, and reviewing the components of the Strategic Plan.

We are extremely grateful to our funders who span Local, State and Federal government departments. Noting the Attorney General of Victoria via her department continues to support the work of MHLC. MHLC is very fortunate in having the financial support of a range of Philanthropic organisations, as well as the practical pro bono support of several Legal Firms. Such support means that the work of MHLC is known and supported across a broader section of the Victorian community. The combination of government funding, Philanthropic funding and pro bono legal support adds to the resilience of MHLC and recognises a shared responsibility.



Chairperson Report Theresa Swanborough OAM

MHLC has a strong focus on service provision, as well as a role in seeking to bring about broader 'service system change'. MHLC and Bolton Clarke – Homeless Persons Program (HPP) have partnered to implement a Health Justice Partnership. This partnership has highlighted the injustices experienced by many NDIS recipients living in Supported Residential Service's (SRS's). MHLC has been actively working with Minister Shorten to highlight the often-fraudulent experiences of NDIS recipients within SRS's. While MHLC works to bring about sustainable change within SRS's we would acknowledge the decades of work undertaken by HPP nurses.

On behalf of the MHLC Board I would extend our gratitude to all MHLC staff, volunteers, and partners for remaining focused on the needs of our clients. It is the staff of MHLC who breathe life into our Strategic Plan, and we thank them for their endeavours, as they continue to offer a range of service interventions. Charlotte Jones CEO MHLC is to be commended for her unwavering commitment to the work undertaken by MHLC.

I would take this opportunity to thank my fellow board members, who continue to support and embrace change as they look to the future. On behalf the Board I would thank Sophie Brown who after many years of diligent service will be stepping down from the Board.

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.



Belonging, values and influencing future lawyers



MHLC is committed to providing a safe working environment with a focus on supporting and appropriately stretching our team. We aim for brave and vulnerable conversations, inclusivity and a common purpose. This provides a healthy base for introducing students and volunteers to our team.

Every trimester, MHLC is privileged to host students from Deakin University in their Community Legal Internship course. We also welcome Practical Legal Training placement students and other volunteers.



LikTung Lee joined us this year and completed over 100 hours of placement. He writes:

“As a third-year law student my journey interning at the MHLC has been nothing short of transformative. Not only has it deepened my understanding of mental health advocacy within the legal field, but it has also reinforced the significance of values and belonging in the workplace.

From the outset, my passion for mental health advocacy has been the driving force behind my commitment to this internship. This experience has allowed me to channel this passion into meaningful actions and given me the opportunity to work directly with clients navigating complex legal systems while facing mental health challenges. The sense of purpose derived from this work has been immeasurable, providing me with a profound sense of fulfilment and achievement.

Beyond the clients, the workplace culture at the Mental Health Legal Centre has been instrumental in shaping my experience. The warmth and approachability of every member of the team have created an environment that encourages learning and growth. I have never hesitated to seek guidance or assistance, and every colleague has been eager to provide support. This inclusive and collaborative atmosphere has not only facilitated my learning but has also reinforced my sense of belonging within the workplace.”



We are grateful to walk alongside and support some of the future generations of lawyers and provide them an insight into how their careers can positively impact the human rights of others.

The way forward ...

In the year ahead, MHLC will continue:

- building new partnerships with Victoria Legal Aid and the Victorian Aboriginal Legal Service (thanks to Lucy Adams, Catherine Leslie and Anna Potter).
- cementing our place as a specialist community legal centre with the invaluable support and work of Chris Maylea who recognises MHLC's importance in providing clients support in complex times
- growing our Inside Access program with the support of the Department of Justice and Community Safety
- partnering with LegalTech Helper, Central Queensland University and the Australian Vietnamese Women's Association to build a referral pathway for mental health legal referrals.
- finalising our Online Help pathways to align with the new Mental Health and Wellbeing Act 2022
- advocating about National Legal Assistance Partnership funding, not just for MHLC but in partnership with the Federation of Community Legal Centres for the wider sector
- continuing to advocate for people within the NDIS space impacted by unscrupulous practices.
- building on our service model to support clients accessing the Disability Support Pension to meet the increased demand.
- advocating to grow our Health Justice Partnership model, with its externally evaluated proof of value, working with the Honourable Paul Edgecombe and Tim Richardson.
- continuing advocacy with the Minister for Mental Health Gabrielle Williams and the Attorney General Jaclyn Symes for their continued connection and invaluable input to the sector
- continuing to work with Minister Shorten around the NDIS and Centrelink, acknowledging his passion to hear and understand the stories of our clients and intervening to bring about substantive impact - both short and longer term.



Our funders

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



Victorian Legal Services
BOARD + COMMISSIONER



Helen Macpherson Smith Trust



Our pro-bono legal partners

The reach, impact and effectiveness of MHLC's work is furthered by our partnerships with a number of private law firms.

Our longest standing pro bono partnership is with Ashurst, who have collaborated with us for over 30 years to enhance rights, choice, and agency for our consumers and for the wider systemic issues that impact on mental health in Victoria. The team at Ashurst are ever willing to assist with operational support, representation for individuals before the Mental Health Tribunal, law reform submissions, policy development and training.

We are grateful to Ashurst and our other pro bono partners for their unyielding support and commitment to our mission. Our work is extended significantly because of their support, and our clients and wider community benefit from this.

Ashurst

Berrill & Watson
SUPERANNUATION & INSURANCE LAWYERS

**LANDER
& ROGERS**

gadens

Gilchrist Connell



**GILBERT
+ TOBIN**

NORTON ROSE FULBRIGHT



**sparke
HELMORE
LAWYERS**

**HWL
EBSWORTH
LAWYERS**



Valuing Mental Health Legal Centre

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

***Names and details have been amended to protect the anonymity of our clients and their families.**

Other photos and graphics used in this Report are sourced either from our website, the Victorian Department of Health's Mental Health POD, individuals, or Canva.

