Better together MENTAL HEALTHUEGAL CENTRE

Partnering to unlock choice, control and supported decision making for people with a psychosocial disability



Annual Report

2024



About MHLC

The Mental Health Legal Centre (MHLC) is an independent, not-forprofit, 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

VISION for society in Victoria

A society that recognises that access to legal representation is integral in meeting the mental health needs of the Victorian community

VISION for MHLC

A sustainable, specialist mental health centre that is recognised for its capacity to respond effectively to the needs of the Victorian Community







A growing team

MHLC continues to go from strength to strength due to our incredible team who I have the privilege to work with every day. Every member of the team impresses me with their passion, drive, teamwork, and the increasing quality and sophistication of the legal work they fearlessly undertake.

A changing mental health landscape

We continue working through the outcomes of the Royal Commission into Victoria's Mental Health System. The Mental Health Legal Rights Service (MHLRS) has strengthened our partnership with Victoria Legal Aid (VLA), Victorian Aboriginal Legal Service (VALS), lived experience consumer consultants and the Independent Mental Health Service (IMHA). We look forward to this co-designed and trauma informed service going live from September 2024.

We have been steadily building our capacity for MHLRS delivery by recruiting and training staff, particularly lawyers. As a result, our representation rates for consumers before the Mental Health Tribunal (MHT) have significantly increased. It has also reshaped MHLC internally not only with an expanded team, but with a reshaped service delivery and expanded leadership model led by our Director of Legal Practice; Kate, and our two Principal Lawyers; James and Chris.

A united sector

I represented MHLC at the Community Legal Centre Multi-enterprise Agreement (MEA) working group and am proud that our team voted for the MEA after a long three year process of negotiation and planning. This is a landmark agreement for community legal centres, being the first agreement since 2006. I would like to thank Damien and Bryanna who led this work for the sector. Many thanks also to Maddocks for their unwavering commitment and support, particularly with Lindy, Kirsten and Emily.

We were delighted to receive their accreditation from Community Legal Centres Australia, our National Peak and that we continue to work closely with our colleagues at the Victorian Federation of Community Legal Centres to support our wider goals.





Growth in partnerships

Our work within prisons continues to evolve alongside the Corrections facilities landscape within Victoria. We continue to provide a weekly inside access legal service to Dame Phyllis Frost Centre and Ravenhall, with a quarterly service to Tarrengower. We extended our reach into Corrections and the Supported Residential Services sector throughout Victoria with our extensive education and training program on the Mental Health and Wellbeing Act this year. We listened intently during these sessions, expanding our knowledge of the complexities faced by these services when working with people with mental ill health.

Growth in outreach services

Our Partners in Community work continues with Bolton Clarke, with an expansion of our partner organisations and outreach clinics now embedded into our service delivery. We are now providing a fortnightly outreach to Uniting Care's St Kilda Engagement Hub, to Launch Housing's Bob's Place in Dandenong, and have increased our outreach at Community Support Frankston to once every four weeks. We go where our clients need us.

Lived experience governance

In ensuring Rights, Choice and Agency for our consumers and clients we have also increased our governance resources. We are thrilled that Bryony Wilson has joined our stakeholder committee to support and develop our work and to ensure our training and education is reflective and accessible to the community.

Technological overhaul

After two years of work, MHLC has embedded several technological overhauls into our current work. We have digitised casework, embedded our new client management system (ActionStep), and are now building reports and systems for the provision of live data sets. To support this we have upgraded our hardware, mainframe systems, and software. The whole team has worked tirelessly to embed these changes. My thanks to Brendan, Skye, Will and Kelly for their tireless work in this regard.

We've also transformed our help seeker tools with our expanded Online Help guided pathway to support and guide consumers and carers across the mental health landscape. My thanks to Sam, Kate and Tatiana for their work on this project.

Thanks

My thanks and admiration go first and foremost to the MHLC team who have risen to the challenge of the past twelve months and worked as a team to deliver for the people of Victoria. Thanks also to our Board, all of whom are volunteers, who have lead MHLC strategically through the last twelve months. Finally, thank you to our probono partners and funders for their unwavering support.

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Living the strategic plan





Our work this year continues to be guided by our Strategic Plan, including the four strategic goals shown here.

In addition to strengthening and maintaining our existing programs, we have built:

A foundation for our training and education pillar, including:

- 1. An expanded <u>Online Help</u> portal in partnership with LegalTech Helper to provide information and referrals to consumers, families, supporters and carers on mental health law, visiting rights (in hospital and prison) and communication rights (in hospital and prison);
- 2. Collaboration with LegalTech Helper and Central Queensland University, contributed to some content on the Australian Vietnamese Women's Association AVWA mental health education project, <u>Pathways to Wellbeing</u>;
- 3. A statewide education program on the Mental Health and Wellbeing Act 2022 funded by the Victorian Department of Health

A firm foundation for our increased work in the mental health law advocacy space, including extending our phone line opening hours to five days a week from 9am to 4:30pm, recruiting and training new staff to meet the incoming demand, building a more sophisticated legal practice with more court/tribunal representation on more complex legal issues and ensuring our staffing structure is properly supported. We've also strengthened our Board, with additional members added.

An increase in our Partners in Community outreach work, commencing new services at St Kilda Community Services, Bob's Place in Dandenong, and increasing our attendance at Community Support Frankston. We've also continued our work within Supported Residential Services, including advocacy around supported accommodation and funding arrangements.





Our Program Pillars

MHLC operates four distinct but interconnected program pillars.



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 kept behind locked doors.

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.







Mental Health Tribunal Advocacy Program

Fiorina Raso

I'm the new MHT Coordinator at MHLC. In my role, I coordinate the allocation of MHLC and Pro Bono lawyers to represent consumers at their Mental Health Tribunal hearings. We are committed to providing legal representation to all consumers who request assistance for their Tribunal hearings. When capacity constraints arise, we ensure that consumers receive advice about their rights before their hearings.



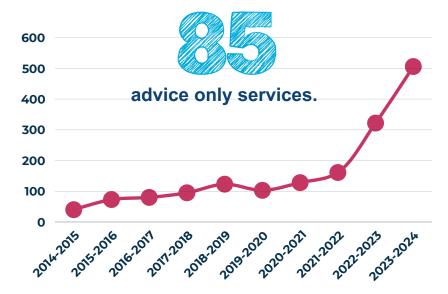
Since taking on this role, I've observed a significant increase in demand. I'm proud to say that we have been able to offer legal support to most consumers. Moving forward, I am dedicated to providing legal support to as many consumers as possible who request it.

Representation and advices

This year we represented consumers at



Mental Health Tribunal hearings and provided an additional



Year on year, MHLC continues to increase it's MHT representation rates in partnership with our pro bono lawyers.







Mental Health Tribunal Advocacy Program

Kevin*

Kevin is a 59-year-old single male living insecure housing. His finances are administered by State Trustees. Despite this, he was served a notice to vacate his room for rent arrears.

Kevin is fiercely independent and though he has the disability support pension he works casually as a cleaner. His treating team state that he will not cope without treatment and both his selfcare and his mental health will decline without medication. He is supported by an NDIS package. He does have an extensive history of both compulsory treatment and voluntary treatment.

Kevin was defined in the Mental Health Tribunal Report as having schizoaffective disorder which required inpatient compulsory treatment for 10 days. After that period, he was discharged to the community on a community treatment order for six months. That order was then extended for a further six months. Approximately 10 months after his first treatment order, we represented him in an application to revoke the community treatment order.

Acting on his instructions, we submitted to the Mental Health Tribunal that Kevin:

- did not have a mental illness:
- did not need immediate treatment to prevent harm to himself or others his housing
 was insecure not because of his alleged mental ill health, but because State Trustees
 failed to pay his rent on time. Kevin had a history of extended periods of time when he
 did not receive antipyschotics, and his mental health did not decline. While he would
 stop depot medication if a voluntary patient, he said he would seek help and be open
 to resuming medications;
- did not have a therapeutic relationship with the treatment team;
- could receive treatment as a voluntary patient, requesting the Tribunal have regard to the decision-making principles of transitioning to a less restrictive form of treatment and that they protected his right to autonomously manage his own health. Kevin found compulsory treatment unnecessary and counterproductive, being highly restrictive and making him feel like a criminal, with his views and preferences disregarded. This negatively impacted his wellbeing, in contradiction to the principles of the Mental Health and Wellbeing Act. Kevin had a therapeutic relationship with his GP and could manage his health with his GP's support. He also had an NDIS package and a supportive housing worker.

The Mental Health Tribunal revoked the community treatment order as Kevin could receive treatment in a less restrictive manner.







Mental Health Legal Rights Service

The Mental Health Legal Rights Service (MHLRS) is a co-designed, consumercentred and collaborative model for providing mental health legal rights services in Victoria.

MHLRS stems from recommendation 56(3) of the Royal Commission into Victoria's Mental Health System (2021). It seeks to increase and improve access to legal information, advice and legal representation before the Mental Health Tribunal, improve consumer experience and outcomes, enhance collaboration and systemic advocacy, and contribute towards a healthy, human rights promoting, collaborative mental health system.

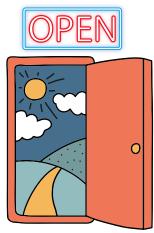
MHLRS was developed by a co-design group including legal partners (MHLC, Victorian Aboriginal Legal Service and Victoria Legal Aid), people with direct consumer lived experience and other stakeholders.

We've been working hard to be ready for MHLRS; reimaging our intake services, recruiting and training lawyers, aligning our internal supports, and increasing our MHT representations by 57%.

MHLRS officially commences from September 2024 when a central intake line for consumers, carers and families opens. MHLC will have a key role in representing people on consecutive Community Treatment Orders and those needing enhanced legal support.

MHLRS demonstrates how we are 'better together' - working not as 'competing' legal services to provide help and advocacy to consumers but as a collaboration of services helping consumers find us through a no wrong door approach.

With consumer informed and co-designed training, we know we will only get better at supporting people experiencing mental ill-health before the Mental Health Tribunal.







Ti Cons

Consumer support

Our dedicated team provided a responsive and knowledgeable telephone, email and website contact service with our phones open Monday 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.



324*
referrals out

1373

matters allocated to the Generalist Program legal team for legal advice and triaging



25,000+

visits to our website with 38%

as first time visitors

652
Online Help users

37%

were people living with a mental illness **26**%

were family members seeking information 22%

users searched Mental Health Tribunal







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.



557
advices
518
court/tribunal/other
representations

Chris Nicholson Principal Lawyer



Chris Nicholson is the MHLC Principal Lawyer with responsibility for the Generalist and Partners in Community Programs. Chris has been at the MHLC since October 2023, following several years at Victoria Legal Aid, practicing in the areas of summary and indictable crime, family violence intervention orders, mental health tribunal, guardianship and administration, and residential tenancy. Prior to being admitted to practice law, Chris was a social worker, primarily practicing in the housing and homelessness sectors.

"We are uniquely placed at MHLC to provide a truly wraparound service for our clients. We see the whole person seeking not help, not just the presenting issue."





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

215

297

237

6

clients helped legal services provided

casework matters

secondary consults to nurses

Stefan*

Stefan* is a 19-year-old male, who identifies as GLBTQI+, with severe anxiety and depression, and bi-polar disorder. Stefan's mother died when he was a child, and he experienced family violence perpetrated by his father, leading to intermittent homelessness and child protection involvement as a young person. We met Stefan through the Bolton Clarke nurses.

Stefan initially presented with summary crime matter – shop theft of food while homeless. We successfully negotiated a diversion with police prosecution and appeared for him in the Magistrates Court, where diversion was approved.

At the same time, Stefan told us about an infringements matter involving fare evasion on public transport while homeless and fleeing family violence. We worked with him to file a successful family violence scheme application with Fines Victoria, leading to the fines being cancelled.

Stefan then had a subsequent summary crime matter – assault charges against his father, in what was a situation of the misidentification of the perpetrator of family violence. The Police initially refused to withdraw the charges, and on instruction we resisted the police position, seeking to take the matter to a contest mention at the Magistrates Court, based on self-defence. Police prosecution decided to withdraw the assault charges prior to the contest mention, on a no costs basis.

We walked with Stefan and his Bolton Clarke nurse to resolve these matters. We listened to him and fought for his rights, bringing him a sense of dignity and respect he had little experience receiving.

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Partners in Community

We continue to expand our health justice partnerships and outreach locations. This year we added Bob's Place and the St Kilda Engagement Hub, and increased our frequency at Community Support Frankston.

We maintain our commitment to go where people need us to go, and the co-location of lawyers at these outreach locations helps to build accessible legal services for consumers, and supportive collaborative education between lawyers and nurses/support workers.

Andre Barca is our lawyer leading the Supported Residential Services (SRS), NDIS and Disability Support Pension (DSP) clinics. He's worked with MHLC for over four years, and has an innate ability to connect with people and nurses/support workers. Andre's work extends beyond that of a lawyer taking instructions - he is continually issue spotting for clients, advocating for a fair go for people experiencing mental ill-health, other ill health, and homelessness, and advocating in many different courts and tribunals. He is endlessly approachable and always willing to help.







Partners in Community





Karla experiences longstanding and complex physical and mental health issues which significantly reduces her work capacity. Karla had applied for the DSP in the past, but her applications were rejected. The MHLC worked collaboratively with her mental health care team and other supports to gather appropriate and targeted evidence to support her DSP application. The MHLC also supported Karla with her JobSeeker Payment mutual obligation requirements with Centrelink as we worked on her DSP application. Karla's DSP application was ultimately approved, providing a more secure and stable source of income which improved her quality of life.

During our assistance with Karla, her marriage broke down due to family violence. Karla's husband, who was her main carer, had been perpetrating family violence against her and was removed from the property by police. We assisted Karla with several other legal issues that arose during this time, including other Centrelink issues (Rent Assistance, Family Tax Benefit), a Family Violence Intervention Order (FVIO), child protection, child support, and tenancy matters. The MHLC specifically represented Karla in FVIO proceedings, and in Victorian and Civil Administrative Tribunal (VCAT) proceedings to ensure the return of her complete bond. We also worked with Karla's care team to link her with appropriate non-legal support services.

Karla later sought further legal assistance from the MHLC in relation to breaches of the FVIO, and for criminal charges she received for driving offences. The MHLC represented Karla and successfully advocated for her to be granted access to the Criminal Justice Diversion Program. She was also supported to obtain information from Victoria Police about the status of the FVIO breaches committed by her husband.

Karla received holistic support from the MHLC for a range of legal and non-legal issues. By remaining a constant source of support of Karla, she knew she could contact the MHLC for trusted and wraparound legal assistance. Without the support of the MHLC, Karla may not have accessed legal assistance in a timely manner or at all.





Inside Access



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.



FINANCIAL COUNSELLING DPFC remand service 128 women helped \$135K debt waived \$2.565M debt on hold



May*

Harold*

May sought our help with a \$42K Centrelink debt which had been referred to a debt collector. May had been incarcerated for four years, with many years left of her sentence to serve. She obviously couldn't pay, and didn't know why the debt existed.

Inside Access brought a Freedom of Information application to obtain all documents from Centrelink. When received, the documents revealed May had a number of different debts raised for a number of different reasons.

A few debts were raised because she had not provided her income for various financial years. We helped her update those details, and each of those debts were either reduced or removed.

A trickier debt arose in relation to an incorrectly completed form by May's nominee. We applied for a formal review of the decision to raise a debt on the basis of this incorrect information, and the debt was reverted.

As a result, May's debt to Centrelink was reduced by half.

Harold* was incarcerated at Ravenhall. Harold sought help with a victims of crime assistance application for a horrific assault committed against him in his early 20's. Harold's criminal history was largely attributed to his history of drug use, mental health conditions and childhood trauma including being removed from his family by Child Protection as a child. He spent his childhood in foster care, where he was emotionally, physically and even sexually assaulted by his caregivers. He used drugs to help him cope.

Harold had been subject to a violent assault and had been acutely impacted by this event. The application for assistance was complex and required obtaining a number of existing and new medical reports. Our advocacy led to Harold being awarded special financial assistance of \$5,500 and counselling for six years. Shortly after this, he was released from Ravenhall and is now employed with a government department and has stable accommodation which he wouldn't have been able to achieve without the VOCAT Award.

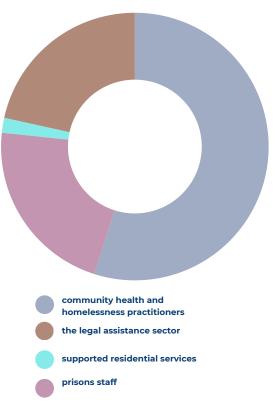


Education and training



To help educate Victorian's about mental health reform, we were tasked by the Victorian Department of Health with delivering training on the Mental Health and Wellbeing Act 2022 to our stakeholder cohort. We spoke with over 998 individuals about the new Act, travelled to regional areas throughout Victoria and received complimentary feedback about the training.





The Strategic Plan

MHLC has a long held commitment to training the legal assistance sector on mental health law. We have commenced building the foundations for a new Education and Training Pillar within MHLC, that focuses not only on delivering training on the substantive law we know about, but on collaborating with people with lived experience of mental ill health and professionals within the 'system' to foster real conversations and learnings about the softer 'human' skills and fearless advocacy we need to excel in our work.

This pillar also embeds our work in strategic advocacy - with parliamentarians and law makers, government agencies and systems navigators, to reduce barriers to justice.





Chairperson Report Theresa Swanborough OAM



The Board of MHLC continues to work to ensure that the organisation is driven by its Strategic Plan and that this remains at the heart of Board engagement with the team at MHLC.

The Board works closely across MHLC to ensure each Board member develops and maintains an overview of the Strategic Plan as demonstrated in each Program Pillar. The Board meets three times a year with the team at MHLC to hear about the work they do and how their effort feeds into our Strategic Plan. These meetings offer the Board members and the Team an opportunity to reflect on how different components of the organisation come together to achieve the shared goals. MHLC has a highly dedicated and nuanced group of employees, who are dedicated and passionate about the work they do. The case studies they provide us highlights the legal complexity tackled by the team members and these are a testament to their expertise across so many areas of law.

The team's expertise and dedication are highlighted not just in representation across the Tribunal and court system, but also the client access we have within Corrections and the work undertaken in partnership with health, housing and welfare organisations. The ongoing work with our Health Justice Partnership has enabled the development of a service framework ensuring that MHLC is able to work with clients who without assertive outreach would be denied access to legal services.

MHLC is also providing to the wider health system training and education around the new Mental Health and Wellbeing Act. This demonstrates our desire to work as a driver of system reform, aiming to ensure improved service outcomes for those we work with. Across all its endeavors MHLC actively works to bring down the stigma that surrounds people experiencing mental ill health.





MHLC has continued to drive not just service delivery but also system reform through the work of the CEO. MHLC seeks to influence the policy agenda ensuring our endeavors are underpinned by an evidence base. This work is supported and seen as the whole life cycle of a community legal centre which is dedicated to a specialist area of law. MHLC will continue to demand the full implementation of the Royal Commission recommendations into the Mental Health system. We will seek to ensure that the legal rights of those with mental ill health remain on the agenda.

The Board welcomed the outcomes of the Disability Royal Commission and particularly the highlighted and continued concerns around group home environments.

MHLC will continues to highlight the risks posed to clients by the Supported Residential Services (SRS) system. This includes driving conversations within the Social Security Regulator to ensure that SRS clients are seen and that their exploitation is not ignored.

On behalf of the Board I thank Charlotte Jones, CEO of MHLC. Charlotte's dedication, commitment, and passion in seeking justice for MHLC clients has and continues to underpin the significant development and growth of MHLC. This growth ensures increased legal access for many who otherwise would be denied any sense of justice.

The Board has undergone some changes during the year, and we would like to thank Jenny Rose, who stepped down as Treasurer in April, we were very grateful for her expertise and support. We were delighted that David Treger has chosen to step in and take up the role as treasurer, David came to us having completed the merger of On the Line with Beyond Blue.

We were also pleased that both Mary-Anne Rushford and Gus Clelland agreed to join the Board this year and we have welcomed their respective knowledge and expertise in system delivery and service reform. We know that with their continued contributions they will expand the capacity and skills of the Board as a whole.

To my fellow Board members thank you for your endeavors and your continued commitment of the work of MHLC.





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.

MHLC hosts up to 5 PLT students and up to 8 Deakin placement students a year. We are proud to be contributing to the next generation of lawyers with practical support.

This year, Michael Winstanley completed his PLT at MHLC.



As a post graduate law student I was very grateful to complete my three weeks of placement at the Mental Health Legal Centre. In this time, I learnt a lot about mental health law, in particular about the Mental Health Tribunal, which I wasn't aware about before commencing my placement. I was able to shadow several lawyers in \hearings and observe them passionately advocating for their clients.

I also had the opportunity to perform a number of paralegal tasks, including drafting letters, writing several research memos on different areas of law including the definition of S91ZJ danger from the Residential Tenancies Act 1997, whether S322K self-defence from the Crimes Act 1958 would be a successful defence, how funds in court orders can be overturned, and the types of errors that can invalidate a MHT hearing order.

I worked on matters related to tenancy, criminal law, and family violence. As part of this work, I made a number of follow up phone calls requesting documents on behalf of lawyers. For one matter, I made a number of calls to investigate a client's excessive utility bills, and discovered that the landlord was likely overcharging the tenant. For another matter I was tasked with transcribing parts of police body cam footage that involved one of our clients.

I worked with the passionate team across a number of areas of law who were all willing to provide support and guidance, both to myself and to all of their clients. I was fortunate enough to be offered an ongoing paralegal position with MHLC, and am hoping to remain on the team as a junior lawyer after my admission.





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.

We are grateful to our 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.



My name is John Berrill, a partner at Berrill & Watson Lawyers. I have represented clients before the Mental Health Tribunal on a pro bono basis for the last 10 years and I've got to say it's one of the most rewarding things I've ever done as a lawyer.

The hearings are about the health, rights and liberties of some of the most vulnerable people in our society, many of whom are not able to fully articulate their circumstances and wishes about their own health management.

John Berrill

The criteria for compulsory treatment orders are quite specific and it is our role to make submissions on behalf of applicants. Although the success rate is not particularly high, there has been an increasing focus on the rights of patients and we have an important role in that process.

Ashurst Berrill & Walson SUPERANNUATION & INSURANCE LAWYERS





LANDER & ROGERS

NORTON ROSE FULBRIGHT

Russell Kennedy



wotton kearney





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:















The GEO Group Australia Pty Ltd.

























Justice and Community Safety









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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, individuals, or Canva.

