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3 June 2025

To Dr Mitchell and Ms Dixon

RE; June 2025 ADDENDUM to CVP Submission to the Exposure Draft Mental Health Bill 2024

The Northern Territory (NT) Community Visitor Program (CVP) and NT Anti-Discrimination Commission (ADC) thank NT Health for allowing us the opportunity to provide an addendum to our June 2024 submission on the Exposure Draft Mental Health Bill 2024 (the Bill). This addendum contains an additional seven recommendations, thus bringing our total number of recommendations to thirty-four.

We welcome any opportunity to further discuss this submission.

Yours sincerely,



Jeswynn Yogaratnam

Principal Community Visitor and Anti-Discrimination Commissioner

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Overview

In early 2025, the NT CVP conducted a comprehensive review of its service delivery in conjunction with the Bill. This process also examined the CVP's capacity to deliver its legislated services within a budget that has remained unchanged for 11 years. The recommendations listed in this addendum are in addition to the 27 Recommendations provided by the CVP in June 2024.

We acknowledge that under s345(1) of the Bill, the Minister will be responsible for establishing the CVP Panel. Under the MHRSA this was a responsibility previously held by the Principal Community Visitor (PCV). As such, the CVP has recommended amendments to the special community visitor panel legislation, allowing the PCV to establish a special community panel with powers and functions to inspect both approved mental health facilities (AMHF) and approved mental health services (AMHS).

NT CVP Recommendations (these are in addition to CVP June 2024 submission)

Number	Section of the Bill	CVP Recommendation	CVP Explanation
28	<p>Part 14: Division 2 – Principal Community Visitor</p> <p>s335(a): <i>to establish principles and standards to apply to community visitors and community visitors panels in performing their functions;</i></p>	<p>Amend to: to establish principles and standards to apply to community visitors, community visitors panels and special community visitor panels in performing their functions.</p>	<p>Inclusion of establishment of principles and standards of functions of the special community visitor panels under PCV Functions.</p>
29	<p>Part 14: Division 2 – Principal Community Visitor</p> <p>Section 335(g): <i>to ensure that each approved mental health facility and the premises of each approved mental health service is inspected by a community visitor or community visitors panel at least once every 6 months;</i></p>	<p>Amend to: to ensure that each approved mental health facility is inspected by a community visitor OR community visitors panel OR special community visitor panel at least once every 12 months, and; that the premises of each approved mental health service is inspected by a community</p>	<p>Inclusion of Special Community Visitor Panels in inspections of both AMHF and AMHS, and an amendment to minimum frequency of inspections from 6 months to 12 months (for AMHF) and 24 months (for AMHS).</p> <p>Under the CVP budget allocation, the CVP has been unable to maintain the</p>

		visitor OR community visitors panel OR special community visitor panel at least once every 24 months	MHRSA legislated 6 monthly panel inspections of ATF's and ATA's due to the costs involved. (~\$5-8K per inspection).
30	<p>Part 14: Division 2 – Principal Community Visitor</p> <p>Section 335- Functions of the Principal Community Visitor</p> <p>There is no reference in s335 to the Principal Community Visitor's function to ensure the inspection of the register of restrictive interventions as outlined in s240(6).</p>	<p>Inclusion of:</p> <p>In S335, include reference to s240(6) and include that inspection is carried out by community visitor, community visitors panel or special community visitor panel.</p>	Inspection of the register of restrictive interventions, inclusive of bodily (physical and mechanical) restraint, chemical restraint and seclusion is an important function of the principal community visitor and should therefore also be listed in this section.
31	<p>Part 14: Division 4 - Community Visitor Panels</p> <p>Subdivision 3 – Special community visitor panels</p> <p>Section 352(1):</p> <p><i>The principal community visitor may establish a special community visitors panel to investigate and report on the overall operation of an approved mental health service.</i></p>	<p>Amend to:</p> <p>The principal community visitor may establish a special community visitors panel to investigate and report on the overall operation of an approved mental health service and approved mental health facility.</p>	This will enable a special community visitor panel to be established if an additional inspection of an approved mental health facility and/or approved mental health service is required outside of the CVP recommended minimum of at least every 12 months (see Recommendation 29).
32	<p>Part 14: Division 4 - Community Visitor Panels</p> <p>Subdivision 3 – Special community visitor panels</p> <p>Section 353: Powers of special community visitors panel</p>	<p>The addition of the following:</p> <p>Section 349(2a) to (2K); 350(a) to (e); and Division 5; to apply to a special community visitors panel as if:</p>	This provides the special community visitor panel the same function and powers as the community visitor panel.

	<i>The members of a special community visitors panel may visit any places and make any inquiries they believe are necessary to conduct the investigation.</i>	(a) it were a community visitors panel; and (b) a reference in those provisions to the Minister were a reference to the principal community visitor.	
33	<p>Part 14: Division 4 - Community Visitor Panels</p> <p>Subdivision 3 – Special community visitor panels</p> <p>Section 356: <i>The principal community visitor may re-establish a special community visitors panel if the principal community visitor believes on reasonable grounds additional investigation of the approved mental health service is required.</i></p>	<p>Amend to:</p> <p>The principal community visitor may re-establish a special community visitors panel if the principal community visitor believes on reasonable grounds additional investigation of the approved mental health service or approved mental health facility is required.</p>	Allows a special community visitor panel to be established if additional investigation of an approved mental health facility or approved mental health service is required.
34	<p>Part 14: Division 5 – General Provisions</p> <p>s357(1) <i>The person in charge and each employee of an approved mental health facility must give reasonable assistance and cooperation to:</i> <i>(a) a community visitor; and</i> <i>(b) a member of the community visitors panel established for the facility.</i></p>	<p>Amend to:</p> <p>The person in charge and each employee of an approved mental health facility must give reasonable assistance and cooperation to:</p> <p>(a) a community visitor; and (b) a member of the community visitors panel established for the facility. (c) a member of the special community visitors panel established for the facility.</p>	The inclusion of assistance of special community visitors receiving the same assistance as the panel and community visitors when attending an approved mental health facility.