

REPORT: RESPONSES BY MENTAL HEALTH AUTHORITIES

to the distribution reports of “JUST US” in each jurisdiction.

Draft 311019

Justice Action attempted to distribute the [Just Us newspaper](#) to individuals in mental health facilities across all eight states and territories for the 2019 Federal elections. The newspaper was created to improve voting accessibility for physically isolated people. All political parties contributed their policies for this purpose.

It is the constitutional right of all Australian citizens, including prisoners and mental hospital patients, to engage in political communication.¹ It is also the right of political parties to spread their goals and aims to each Australian citizen, regardless of their status. This freedom has been recognized by the High Court of Australia.² Justice Action’s Just Us publication, which has been circulated around Australia places of detention since 2004, provides an important platform for the communication of such information.

The publication also provides the contact information of various legal firms, thus allowing consumers to assert their rights to justice. The entitlement to distribute the publication has been to the NSW Supreme Court [three times](#). Although the election is now over, the right of citizens to receive the paper between elections remains. [See case](#).

Support for the Just Us newspaper across Australia has been widespread. The acting CEO of the Victorian Mental Illness Awareness Council, Victoria’s peak consumer body, stated: “I read it [Just Us] and found it enlightening and potentially very useful to a range of consumers across Australia. We support its circulation in Victoria.” Other peak consumer representatives added their support.

We contacted 71 Local Health Districts or equivalent across Australia. 25 approved the distribution of Just Us. 13 are still in negotiation and 33 rejected it.

Justice Action created reports for each of the 8 jurisdictions giving details of who said what, in which District and sent those reports to the mental health authorities in those jurisdictions and nationally. The reports went to the Ministers, Shadow Ministers, Greens Spokespeople, Mental Health Commissions, Chief Psychiatrists and Consumer peak bodies across the nine jurisdictions - 54 places. We asked them:

“Please indicate your support for the entry of the pre-election newspaper into the facilities and assist its entry in any areas where the attached report shows incomplete distribution.”

This paper documents the responses received from those mental health authorities to the distribution reports of ‘Just us’ to each jurisdiction, and their views on the rights of Mental Health Consumers locked in hospitals to be politically involved in the community.

¹ *Commonwealth of Australia Constitution Act 1901* (Cth) (‘Constitution’) ss 7 and 24.

² *Lange v Australian Broadcasting Corporation* [1997] HCA 25.

Numbers of Jurisdictions, still in negotiation, in favour to support, or to not support the distribution of Just Us to Mental Health Consumers in Locked Hospitals

Jurisdictions	CTH	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	TOTAL
Still In Negotiation	3	5	4	0	2	2	3	4	3	26
Not Supported	2	0	2	0	2	0	3	1	1	11
Supported	0	0	0	6	1	2	0	1	2	12
Total	5	5	6	6	5	4	6	6	6	49

Commonwealth

Minister for Health: Greg Hunt

- 24/09/19 - Initial email sent.
- 27/09/19 - Called office and confirmed via phone that email was received but reluctant to send response via email.
- 08/10/19 - Follow-up email sent. Response received from Helen (Department Liaison Officer) acknowledging emails and stated that *'the issues raised in them are being considered.'*
- 22/10/19 - Called office (02 6277 7220). Talked to Helen, who stated that they can't give a response, and that they passed this issue to Attorney General Department.
- 28/10/19 – Called his office, said to call back later as they were busy
- 30/10/19 – No answer

Shadow Minister for Health: Chris Bowen

- 24/09/19 - Initial email sent
- 27/09/19 - Response received from Thomas McCrudden (Office of Chris Bowen) acknowledging email and stated *'wish you well in your endeavours.'*
- 22/10/19 - Called the office (02 9604 0710). Talked to Ninos, who passed the message to Thomas McCrudden.
- 30/10/19 – Called Ninos on 02 9604 0710 at 4pm and was transferred to his colleague, Thomas, who advised that he is unable to help us in this matter but was willing to keep copies of 'Just us' in his waiting room. Thomas also advised to contact Greg Hunt, Minister for Health.

Greens Spokespeople: Rachel Siewert (Mental Health) & Nick McKim (Justice)

- 26/09/19 - Initial email sent to both senators. Response received from Tracey Tipping (Office Manager from McKim's office) stated that *'Your email has been noted by Nick's advisors for further consideration.'*
- 04/10/19 - Called Siewert's office – email was passed onto Nick McKim
- 22/10/19 - Called McKim's Hobart office (03 6224 8899). Talked to Gideon and resent email.
- 22/10/19 – Gideon responded and said that they had passed the information on to the office manager
- 28/10/19 – Replied back to Gideon from the Greens

Consumer Organisation: Frank Quinlan (Mental Health Australia)

- 26/09/19 - Initial email sent.
- 02/10/19 - Follow-up email sent.
- 04/10/19 - Called office and talked to receptionist. Acknowledged receipt of email but was adamant that their protocol does not allow them to respond back via email.
- 28/10/19 – Resent email to new CEO (wait for a couple of days before contacting)

Mental Health Commission: Christine Morgan

- 26/09/19 - Initial email sent.
- 02/10/19 - Called and spoke to Kylie – she said that they had received the email and passed it onto Ms Morgan and the executives. Said to expect a response by the end of the week.

- 25/10/19 - Email received from Catherine Brown on behalf of Christine Morgan, advising that the commission has no direct responsibility for mental health facilities or service delivery, and therefore, could not assist in the distribution of the newspaper 'Just Us'

ACT

Minister (and Greens): Shane Rattenbury

- 29/08/19 - Initial email sent. Acknowledgement of email received same day.
- 16/09/19 - Follow-up call made. Received email saying that a response was being developed.
- 22/10/19 - Called office (02 6205 0005). No response, left voicemail.
- 25/10/19 - The report is still with the Director for a response. Cannot tell when we can expect a response.

Shadow Minister: Vicki Dunne

- 29/08/19 - Initial email sent.
- 16/09/19 - Called office and resent email.
- 17/09/19 - Response received from Maria Violi (Advisor to Ms Dunne) acknowledging email and stating that she would pass the report on to Vicki Dunne.
- 22/10/19 - Called office (02 6205 0283). Resent email to Maria Violi.
- 25/10/19 - Voicemail, unable to take the call at the moment.
- 28/10/19 – sent to voicemail
- 29/10/19 – Received email from Vicky Dunne who advised she has written to the ACT Mental Health Minister, asking about the ACT Government's position on this issue. She will share his response as soon as it becomes available.

Chief Psychiatrist: Dr Denise Riordan

- 30/09/19 - Initial email sent.
- 27/09/19 - Called but no response.
- 22/10/19 - Called but no response.
- 25/10/19 - PA answered, Dr. Denise will not be in office until Nov 4. She will not be able to respond to it in the first few days she is back.

Mental Health Commission

- 11/09/19 - Initial email sent.
- 27/09/19 - Called – said they would email back with an acknowledgement of receipt.
- 22/10/19 - Called but no response.
- 25/10/19 - Will forward to the team to respond. Follow up next week.
- 28/10 – said that senior team will discuss with Dr Elizabeth Ann Schroeder

Consumer Organisation: Dalane Drexler (ACTMHCN)

- 09/09/19 - Initial email sent. Received only an automatic reply.
- 16/09/19 - Follow-up email sent.
- 04/10/19 - Called but no response.
- 22/10/19 - Called, but phone center was closed.
- 25/10/19 - Kathryn Bwan answered, she is second to Dalane. Sent the email to her at policy@actmhc.org.au Will get to it on Monday 28/10.

- 30/10/19 – Called Kathryn Bwan on 02 6230 5796 at 12:40pm. Kathryn confirmed that she did receive the email sent 25/10/19. She will raise the issue with the executive officer and the Board during next board meeting within the next 2 to 3 weeks.
- 30/10/19 – Kathryn Bwan called JA to request a copy of the ‘Just Us’ newspaper to present at next board meeting.
Her email address is: policy@actmhc.org.au
- 30/10/19 – Sent email to Kathryn with a ‘Just Us’ copy along with previous email. Kathryn should get back to us by Friday 22nd November.

NSW

Minister for Mental Health: Bronwyn Taylor

- 13/09/19 - Email sent (initial correspondence did not have report attached).
- 19/09/19 - Follow-up email sent. Response received from Ms Taylor’s Office acknowledging email and stating that we should expect a response within a week.
- 27/09/19 - Email received from Bronwyn Jones (Ministry Liaison Officer) with letter from Daniel Newlan (Chief of Staff) attached. Letter thanked JA for reports but provided no explicit support for Just Us distribution stating only that *‘the NSW Government fully accepts the recommendations made by the review.’* (Referring to the ‘Review of seclusion, restraint and observation of consumers with a mental illness in NSW Health facilities’)

Shadow Minister for Mental Health: Tara Moriarty

- 29/08/19 - Initial email sent.
- 02/10/19 - Called but no response.
- 23/10/19 - Follow-up email sent
- 25/10/19 - Spoke to Alex. They have received it, she will respond.

Greens Spokesperson: Cate Faehrmann

- 19/09/19 - Initial email sent.
- 02/10/19 - Follow-up call but no response.
- 23/10/19 - Follow-up email sent
- 25/10/19 - Ben says they received the email. Will send an acknowledgement of receipt in writing.
- 28/10/19 – spoke to Ben, who gave verbal acknowledgement

Chief Psychiatrist: Dr. Murray Wright

- 29/08/19 - Initial email sent.
- 16/09/19 - Call made – spoke to Diane. Forwarded email to reception as Diane said she would pass it onto Dr. Wright.
- 25/10/19 - Called DOH (02 9391 9000) and they transferred the line. Rung out, no answer.
- 28/10/19 – Was transferred, but received no response

Mental Health Commission

- 11/09/19 - Initial email sent.
- 19/09/19 - Follow-up email sent.
- 02/10/19 - Called but no response.
- 10/10/19 - Follow-up call – spoke with Alison. Said that response could be expected after the 14th.

- 25/10/19 - Alison will forward it again to the person responsible.
- 30/10/19 – Email received from Ms Catherine Lorey, Commissioner, Mental Health Commission of NSW, stating that the Commission has reviewed the comments from the local health districts and specialty networks engaged with JA. The Commission feels it is up to each local health district to make decisions in this regards, and does not enter into local operational issues.

Consumer Organisation - Being

- 09/09/19 - Initial email sent.
- 19/09/19 - Follow-up email sent.
- 10/10/19 - Called and spoke to Ashley – said she would get manager to call back but they did not.
- 25/10/19 - Spoke to Peter. They will read the email and respond, can't tell when we can expect a response.

Northern Territory

Acting Minister for Health: Michael Gunner

- 12/09/19 - Initial email sent
- 25/09/19 - Letter from Michael Gunner received via email stating his support for Just Us.

Minister for Health: Natasha Fyles

- 14/05/19 - Letter via email received saying that *Distribution of reading materials in NT Correctional Centres is subject to approval*.
- 25/10/19 - Letter via email received saying that Distribution had been accepted in their two gazette mental health facilities (Royal Darwin Hospital and Alice Springs Hospital)

Shadow Minister: Lia Finocchiaro

- 11/09/19 - Initial email sent.
- 13/09/19 - Email received from Britt Antonio (Administration Assistant) acknowledging receipt of email.
- 10/10/19 - Email received from Lorelei Fong Lim (Policy Advisor) stating that *'On reading of the rejection by the Katherine Mental Health Service, it appears the Clinical Nurse Specialist has indicated it is basically not a decision for him. This would make sense as the Katherine Mental Health Service is an arm of the NT Department of Health.'* Suggested that we approach the Top End Health Service for approval if we hadn't already done so. Top End Health Service agreed to distribute.

Greens

- 11/09/19 - Initial email sent.
- 27/09/19 - Called but no response.
- 04/10/19 - Received response from Justin Tutty (NT Greens member) pledging their support for Just Us and offering to *'tap into our local networks to see if we can assist in future'*

Mental Health Commission: Northern Territory Mental Health Coalition

- 19/09/19 - Initial email sent
- 20/09/19 - Response received from Vanessa Harris (Executive Officer) requesting more information – confusion about what was expected from NTMHC

- 08/10/19 - Email sent clarifying that we wanted to confirm their support for Just Us
- 22/10/19 - Called (08 8948 2246). Resent email to Angela.
- 25/10/19 - Email from Vanessa Harris (Executive Officer) received
 - Said they support the newspaper but they were unsure on how to assist with entry as they did not have influence in the areas listed in the report
 - Said she was happy to discuss further

Consumer Organisation: Helen Day

- 16/09/19 - Response received supporting entry of Just Us on behalf of the Top End Mental Health Consumers Organisation

Queensland

Minister for Health: Dr. Stephen Miles

- 29/08/19 - Initial email sent. Automatic response received.
- 27/09/19 - Follow-up call made. Talked to Jason (Liaison Officer) who acknowledged receipt of email (cannot provide this via email) and said they are currently working on it.
- 14/10/19 - Received letter via email from Professor Keith McNeil (Acting Deputy Director-General, Clinical Excellence QLD). Letter acknowledged our initial email and referred to a previous letter sent by Dr Thomas John (Delegate Chief Psychiatrist) to JA on 20/02/19 (letter was attached). Letter from Prof. McNeil stated that *'Hospital and Health Services are independent statutory bodies, governed by their individual Hospital and Health Board and Health Service Chief Executive. It is at the discretion of the Hospital and Health Service to decide whether they deem it appropriate to distribute the newspaper.'* Did not provide support.

Shadow Minister: Rosslyn Bates

- 29/08/19 - Initial email sent.
- 16/09/19 - Follow-up email sent.
- 27/09/19 - Follow-up call with Jessy. Resent email as requested.
- 04/10/19 - Follow-up call – no response.
- 22/10/19 – Follow up call, spoke to Jackie. She said she'd have a look at the email trail and call us back.
- 25/10/19 – Follow up call and spoke to Jackie. They have not been able to speak to the Minister regarding this yet as she has been in the Parliament for a fortnight and is a Press conference today. Call back next week.
- 28/10/19 – no answer

Greens Spokesperson – Larissa Waters

- 29/08/19 - Initial email sent.
- 16/09/19 - Follow-up call with Jane. Resent email as requested
- 25/09/19 - Response received from Katinka Allom (Office of Larissa Waters) stating that Ms Waters and the Australian Greens *'support all people having the appropriate*

information required before participating in the voting process. Being inside a facility should not dictate whether or not you can fully exercise your democratic rights.'

Chief Psychiatrist: Dr. John Reilly

- 29/08/19 - Initial email sent.
- 16/09/19 - Follow-up call with Leola. Resent email as requested
- 27/09/19 - Follow-up email sent.
- 02/10/19 - Follow-up call made – said they would get back to us.
- 22/10/19 – Follow up call made. Spoke to Cameron who said he would get Leola to call us tomorrow. Initial email resent for her reference.
- 25/10/19 - Follow up call made. Spoke to Bryan, the staff member to whom the email was allocated to is not in office. Call back on the same number on Monday 28/10.
- 28/10 – called back, was transferred, but received no response
- 29/10/19 – Received email from Dr John Reilly with the attached letter from the Deputy Director-General, Professor Keith McNeil, advising, “It is at the discretion of the Hospital and Health Services to decide whether they deem appropriate to distribute the newspaper”. For further information, please contact Ms Janet Ceron, Director, Office of the Chief Psychiatrist on (07)3328 9138

Mental Health Commission

- 09/09/19 - Initial email sent.
- 04/10/19 - Follow-up call – stated that they cannot be involved. Said they sent an email to JA but unable to locate it.

Found old email correspondence from May in which the Mental Health Commission claims they “are not in a position to support or assist in distribution of this newspaper”.

South Australia

Minister: Sarah Hanson-Young

- 29/08/19 - Initial email sent.
- 27/09/19 - Called - acknowledged email and said they would send email of receipt.
- 22/10/19 – called again. Spoke to Bonnie who asked we resend the initial email to senator.hanson-young@aph.gov.au. Have resent email.
- 25/10/19 - Acknowledgement of receipt not yet received. Call to follow up if no email by 28/10.
- 22/10/19 – email received from her office acknowledging receipt of the email, has been passed on to the senator and her policy advisor

Shadow Minister for Health and Wellbeing: Chris Picton

- 29/08/19 - Initial email sent.
- 27/09/19 - Called – acknowledged email and said they would send email of receipt.
- 22/10/19 – called again. Spoke to Jason who asked us to resend the email and he would pass it on to the appropriate person.
 - Follow up email sent after this call, automated reply received.
- 25/10/19 - Acknowledgement of receipt not yet received. Call to follow up if no email by 28/10.

- 28/10/19 – called his office, said that he will try to get back to us soon

Chief Psychiatrist: Dr. John Brayley

- 29/08/19 - Initial email sent.
- 10/09/19 - Received email from Lisa Huber acknowledging email and attached letter from Dr. Brayley. Letter advised that *'your newsletter has been distributed to subscribers of the State-wide Lived Experience Register, managed by the Office of the Chief Psychiatrist (OCP). Membership of the Register includes mental health consumers, carers and interested persons within the mental health community who use it to keep informed.'* It also stated that *'This issue (upholding the right to vote) has been added to the Agenda for the next OCP Lived Experience Reference Group Meeting for discussion.'*

Mental Health Commission

- 02/10/19 - Spoke on phone. Did not confirm whether they will acknowledge or support as of yet.
- 22/10/19 - Follow up email sent. Automated reply received, acknowledgement of email.
- 25/10/19 - Called and spoke to Peta, she said she'd speak to her manager and provide a response soon.
- 30/10/19 – Email received from the SA Mental Health Commission Team stating that they support access to clear and unbiased information to people who are experiencing mental illness. However, the SA Mental Health Commission does not have jurisdiction over the distribution of material in hospitals.

Tasmania

Minister for Mental Health and Wellbeing: Jeremy Rockliff

- 29/08/19 - Initial email sent.
- 08/10/19 - Received letter thanking us for our email. Letter stated that *'Statewide Mental Health Services, together with the Tasmanian Health Service, ensure that all patients and clients receiving inpatient treatment in Tasmania are supported to vote during an election. If a client has a particular request regarding the distribution of publications or business material, I am advised that they are encouraged to discuss this with their treating team.'* No explicit support provided.

Shadow Minister for Mental Health and Substance Abuse: Sarah Lovell

- 29/09/19 - Initial email sent.
- 03/10/19 - Response received from Annette Branch (Electoral Officer) who passed on Ms Lovell's thanks for the email and stated that Ms Lovell was currently discussing our concerns with the Shadow Minister for Justice Ella Haddad, so we should await a response.
- 22/10/19 – Called but no response. Sent response email to Annette following up on response.
- 28/10/10 – Said they were still looking over their policy

Greens Spokesperson: Rosalie Woodruff

- 29/08/19 - Initial email sent.
- 04/10/19 - Follow-up email sent.

- 18/10/2019 – Our email was forwarded from Woodruffs office to kyle.lowe@dpac.tas.gov.au with no objections from Woodruff.

Chief Psychiatrist: Dr. Aaron Groves

- 26/09/19 - Initial email sent.
- 30/09/19 - Response received stating that Dr. Groves is *'more than happy to facilitate the availability of all materials to people who are in Mental Health Facilities within Tasmania.'*
- 2/10/19 – Response sent to Aaron asking him how many copies he would like and where should we send them. Maybe follow up on this and give him the facilities we suggest should distribute the newspaper?
- 25/10/19 - Called office and they said that the email must have gotten lost → asked to resend. Resent email from 2/10/19. Awaiting response.

Mental Health Commission

- 11/09/19 - Initial email sent.
- 16/09/19 - Follow-up call and email.
- 10/10/19 - Follow-up call – spoke with Nick who explained that they had a look but could not be of assistance since they do not have authority or jurisdiction on the matter.

Consumer Organisation

- 11/09/19 - Initial email sent.
- 16/09/19 - Follow-up email sent.
- 17/09/19 - Response received from Claire (Social Work student on placement) acknowledging email and stating that she would notify the CEO of the email.
- 25/10/19 - Called to follow up but no answer. Call again if no reply.
- 28/10/19 – Called but they sent us to another number, who said that this was not their department.

Victoria

Minister for Mental Health: Martin Foley

- 27/08/19 - Initial email sent.
- 02/10/19 - Letter received acknowledging email. Letter identified that Victorian health services operate under a devolved model of governance and so *'Services can consider their position and can choose to distribute your publication or not.'* Mr Foley then states that he endorses our *'continued focus on enabling all members of the community to participate in political processes'* – he also identified, for future reference, other designated mental health service providers.

Shadow Minister for Mental Health: Emma Kealy

- 11/09/19 - Initial email sent.
- 02/10/19 - Called and told that email had not been received. Resent email as requested.
- 09/10/19 - Follow-up email sent.
- 25/10/19 - Called and spoke to Susan, she said email was found and they'd bring it to Ms Kealy's attention.

Greens Spokesperson: Tim Read

- 11/09/19 - Initial email sent.
- 16/09/19 - Follow-up email sent.
- 27/09/19 - Follow-up call but no response.
- 02/10/19 - Follow-up call – email received and requested we resend a more concise email.
- 25/10/19 - Resent email; made it more concise and clearly stated the aim of the email. Awaiting response.

Chief Psychiatrist: Dr. Neil Coventry

- 11/09/19 - Initial email sent.
- 02/10/19 - Follow-up call – told they were processing email/report and would prepare a response, but couldn't guarantee a response.
- 25/10/19 - Called to follow up and they said that they weren't sure → took down JA's email and said they'd respond soon.

Mental Health Commission

- 11/09/19 - Initial email sent.
- 16/09/19 - Response acknowledging receipt received from Ilaria Mirabella (Resolutions Administration and Support Officer).
- 25/10/19 - Called and they said that they felt they did not have jurisdiction over the distribution of JUST US. Asked for response in writing and they said they no longer had email on record. Resent email and awaiting reply.
- 25/10/19 - Provided a written response stating that they could not distribute our resources.

Consumer Organisation – MIAC (Mental Illness Awareness Council)

- 10/09/19 - Initial email sent.
- 16/09/19 - Follow-up email sent. Response acknowledging receipt received.
- 25/10/19 - Called but went to voicemail because of a meeting being held. Need to follow up.
- 28/10/19 – Called. But it went to voicemail

Western Australia

Minister for Mental Health: Roger Cook

- 13/09/19 - Initial email sent. Automatic reply received.
- 27/09/19 - Follow-up call – spoke with office who said that report was in conversation, and to expect a response.
- 22/10/19 – Follow up call, spoke to Lucy who said she'd note down we'd called to follow up on the response and would pass it on.

Shadow Minister for Mental Health: Zak Kirkup

- 29/08/19 - Initial email sent.
- 27/09/19 - Follow-up call but no response.
- 28/10/19 – Followed up. Receptionist said that it was flagged for his attention, and he would try and reply soon

Greens Spokesperson: Alison Xamon

- 29/08/19 - Initial email sent.
- 27/09/19 - Follow-up call – said they would email us.

- 08/10/19 - Response received from Kirsten Richards (Electorate Officer) acknowledging our email and stated that *'The Greens acknowledge the rights of all people to access political information and to vote. I am assured that the Australian and WA Electoral Commission provide substantial assistance to those who need it, including those in locked mental health facilities. We leave decisions related to material such as your newspaper in the hands of the treating medical staff, who are best placed to make determinations about the suitability of specific materials, including yours. I encourage you to continue to discuss the matter with the relevant health services and to engage with the WA Mental Health Sector...'*
Did not provide explicit support for distribution of Just Us however encouraged us to continue to engage with the facilities who might distribute it.

Chief Psychiatrist: Dr Nathan Gibson

- 29/08/19 - Response received stating that it is not appropriate for the Chief Psychiatrist to *'direct the active distribution of political information from a non-government agency to patients within secure mental health units.'*

Mental Health Commission

- 27/09/19 - Response received from Bec Oliver (Media and Communications Officer) acknowledging email and stated that they had discussed our concerns with their counterparts at the Department of Health. She stated that the Minister of Health would provide a response.
- 22/10/19 – Sent a response email to Bec asking her to follow up with the Minister, as we haven't heard back from him.
- 22/10/19 - Received a response stating that our report had been passed on again to the Ministers office.

Consumer Organisation

- 09/09/19 - Initial email sent.
- 27/09/19 - Follow-up call but no response.
- 04/10/19 - Response received from Rebecca Banks (Administration Officer) with attached correspondence from Shauna Gaebler (CoMHWAs CEO). Letter stated that *'The Just Us publication has a valuable place among the range of political information sources individuals may be interested in, and we would be happy to distribute information about Justice Action through our newsletter...We appreciate Justice Action's efforts in the lead up to the recent election to ensure people in detention have access to equal opportunities to make informed voting choices.'*