



# Minister for Mental Health

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## **MENTAL HEALTH ACT 1986 REVIEW**

### **TERMS OF REFERENCE**

The review of the *Mental Health Act 1986* (the Act) will examine whether the Act provides an effective legislative framework for the treatment and care of people with a serious mental illness in Victoria. The review will aim to ensure that the Act appropriately protects human rights in light of the *Charter of Human Rights and Responsibilities*.

Any proposals for reform will take into consideration:

- Victorian Government priorities, including the principles and reform outcomes of the Mental Health Strategy, *Because mental health matters*.
- The evidentiary bases for reform.
- The Victorian legal framework.
- The *Charter of Human Rights and Responsibilities* and international human rights law.
- Australian and international models for mental health legislation.
- Regulatory principles, including those in the *Victorian Guide to Regulation*.
- The impacts of proposed reforms and associated implementation issues.

The Review will not examine the criteria and pathways by which security and forensic patients enter the mental health service system in the Act, the *Sentencing Act 1991* and the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*.



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19/7/2008