



**MENTAL HEALTH LEGAL CENTRE**  
**SUBMISSION TO THE FAMILY VIOLENCE REFORM IMPLEMENTATION MONITOR 2020**

This submission should be read in conjunction with the joint submission prepared by Victoria Legal Aid, the Federation of Community Legal Centres and Women’s Legal Service Victoria. It contains insights and recommendations related to Recommendations 98, 99 and 138 that have been identified by Mental Health Legal Centre as a frontline community legal service.

**About Mental Health Legal Centre**

MHLC works with vulnerable Victorians who experience co-occurring mental health and legal problems. We represent clients before the Mental Health Tribunal and provide advice and assistance across a wide range matters. We also work closely with the Bolton Clarke Homeless Persons Team alongside delivering services in Dame Phyllis Frost Centre and Ravenhall Correctional Centre.

**Recommendations 98 and 99**

Appropriate identification of and response to family violence remains an issue in mental health services despite the implementation of the recommendations in this area. The mental health system can be used as a means of power and control by perpetrators of family violence and this is particularly concerning when the treating team give credence to their account of events. Women often find their reports of family violence are dismissed as delusions or paranoia. Referral options are inadequate.

We note that the recommendations in relation to mental health focus on providing support to practitioners within mental health services. This is important but in our experience there is a service delivery gap for people that experience mental illness and family violence, particularly when they are in inpatient settings. There is a need for a specialised consumer-facing service.

A health justice partnership model (which is evidence based and evaluated) would be effective in this setting. It could embed lawyers and family violence practitioners with particular expertise in mental health. Such a service would provide a tailored referral option for mental health clinicians that maintains the therapeutic relationship and provides appropriate family violence support. All individuals who disclose family violence should be referred to such a service, irrespective of the views of the treating team about the veracity of the disclosure. Technology could be utilised to increase access to services (including the courts) for women who are inpatients.

**Case studies:**

**Jill** was admitted as an inpatient on the basis that she was suffering from a delusional disorder. Her delusions were said to be that she believed that she had been subjected to family violence for a number of years. The treating team prevented Jill from accessing family violence supports because they did not want to validate her delusions.

**June** went to her local hospital in a state of extreme distress seeking help in relation to family violence. She was admitted to a locked mental health ward. Although she was a voluntary patient, she was not told that she was and did not realise she was free to go. She contacted our service and it took a senior lawyer an hour on the phone with the treating team to convince the treating team to release her. She then left the hospital with no referral to any family violence services.

### **Recommendation 138**

The Mental Health Legal Centre delivers our Inside Access program at Dame Phyllis Frost Centre. We have a dedicated family violence lawyer as part of this program. Despite our efforts we have been unable to assist women to obtain family violence intervention orders prior to their release from prison. This is due to court processes requiring physical attendance at a Magistrate's Court to apply for an order. The lack of a pathway for women in prison to obtain orders puts them at significant risk upon release.

We would like to see the extension of some of the remote hearing processes that have been implemented in response to COVID-19 to support women in prison. Providing appointments with Registry staff via videolink would make a significant difference for women in prison as well as women in rural areas.

Inside Access also provides a legal service at Ravenhall Correctional Centre. Many of the clients who access our service are in prison due to breaches of family violence orders. Our lawyers regularly obtain copies of orders and explain them to individuals who have not previously understood the effect of the orders they are subject to. We recommend further support be available to ensure that respondents have a clear understanding of the consequences of orders when they are made or served.