



12 MAY 2005

MEDIA RELEASE

PM MUST ACT ON DETAINEE MENTAL HEALTH

Australia's peak mental health professional groups today call on the Prime Minister to restate his Government's commitment to the National Standards for Mental Health Services and to implement them at all detention centres.

The Department of Immigration and Indigenous Affairs has amply demonstrated its total lack of understanding of mental illness. It operates in an unconstrained manner, without independent specialist advice on the assessment and treatment of people with a mental illness and in clear breach of the National Standards for Mental Health Services — standards the Australian Government has helped devise and endorsed in 1996.

The judgment of Justice Finn of the Federal Court last Thursday (*S v. Sec. of DIMIA and CW*) has revealed that the professional delivery of mental health services into detention centres is hopelessly compromised by DIMIA's failure to recognise that it has a duty of care. In his judgment, Justice Finn found the Government guilty of 'neglect of its duty' for the inadequate level of psychiatric care for detainees with serious mental illness at the Baxter Centre. The Judge also found that the Government ought to have sought independent advice on the mental health of the two applicants.

As the evidence provided to the Federal Court made clear, clinicians employed by DIMIA contractors or in state services to provide mental health care to detainees are being seriously compromised, particularly in their professional duty of care to their patients, by being forced to work in a system where:

- the standards of care do not meet national or international standards
- the Federal Court has recognized that the environment itself is both a cause and a contributor to mental illness
- the advice of mental health professionals is consistently ignored
- there is no external oversight of the standards of health care provided

It is unlikely that mental health carers and clinicians could find a more difficult environment in which to work than a DIMIA detention centre. At the core of providing mental health care to people in immigration detention is the need for a trusting interaction where people can reveal their inner life without fear. How can anyone provide fair-minded comprehensive mental health care to detainees when they are assumed to be trying to deceive immigration officials into believing that they are asylum seekers? When people are described by the system as 'illegal' what room is there to build trust, to uncover their fears, access and treat their trauma, depression or psychosis?

As a matter of urgency we also call on the Prime Minister to:

- Immediately order an independent assessment of all detainees held in detention for more than six months by specialist mental health services, and thereafter every six months.
- Immediately order the removal of those found to be mentally ill into proper mental health facilities and provide care that meets the National Mental Health Standards.

To ensure that the Government can meet its duty of care to detainees, as required by law, this group will undertake to work with the Government to urgently establish an independent multidisciplinary mental health panel to assess the mental health care provided at all detention

centres against the National Standards for Mental Health Services, to provide advice on how the centres may improve care to meet the Standards and provide ongoing monitoring of mental health care at all detention centres.

Media contacts:

Mental Health Council of Australia, Deborah Nesbitt, Communications Manager, 0417 289111 / 02 62853100

Royal Australian & New Zealand College of Psychiatrists, Allan Crompton (Media Adviser) 03 96014944

Royal Australian College of General Practitioners, Jason Berek-Lewis (Communications Man.) — 03 86990414

Australian & New Zealand College of Mental Health Nurses, Prof. Nicholas Procter — 08 83022148 / 0417 080630

Multicultural Mental Health Australia, Prof. Nicholas Procter — 08 83022148 / 0417 080630

Australian Psychological Society, Prof. Lyn Littlefield (Exec. Dir.) — 1800 333497 / 03 86623300

Australian College of Psychological Medicine, Carole Castles (Pres.) — 1300 888606

Australian Association of Social Workers, Robert Bland — 0407 411222

Catholic Health Australia, Francis Sullivan — 0418 486440