



Mental Health Review Tribunal

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The Director
Standing Committee on Social Issues
Parliament House
Macquarie Street
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10 November 2003

Inquiry Into the Inebriates Act 1912

Thank you for providing the Tribunal with the opportunity to comment on the Inebriates Act. The subject legislation does not come within the purview or operation of the Tribunal. Nor does the Inebriates Act have any direct interaction with the Mental Health Act 1990 which is the Tribunal's primary legislative source.

On many occasions, persons suffering from illnesses precipitated or exacerbated by habitual liquor or narcotic drug may come before the Tribunal on the basis that such drug or alcohol use is a factor in a diagnosis of a mental illness or mental disorder. However, in such cases, the Inebriates Act or the issues that it raises are not relevant to the Tribunal's role and functions. Nevertheless, it is clear that habitual drug use is a significant risk factor in the development of mental illness. Appropriate and effective measures to reduce the incidence and severity of drug use, particularly for those who have a vulnerability to developing mental illnesses, would be desirable. However, such measures need to achieve the right balance between protecting an individual's civil rights with the desirability of providing effective therapeutic treatment.

The Tribunal has no body of evidence, expertise or practical experience to make any substantive comment in relation to your particular inquiry. It may be useful for the Inquiry to consider as one form of comparison, arguments in relation to the compulsory treatment of persons with a mental illness. In particular, the Inquiry might consider the objectives of the Mental Health Act (section 4) in its deliberations and also the definition of 'mentally ill persons' and 'mentally disordered persons' under sections 9 and 10. The latter definitions allow for compulsory treatment in circumstances where such treatment is necessary for the person's own protection from serious harm or for the protection of others from serious harm.

We wish the Committee well in its endeavours in this most important area. We will advise Tribunal members of the inquiry and its terms of reference.

Yours sincerely



Maria Bisogni
Deputy President