

**Abstract for the 5th World Conference on the Promotion of Mental Health and
Prevention of Mental and Behavioural Disorders**

Mainstreaming Mental Health Law: Some Options

Dr Leanne Craze

**Research Associate, Rethinking Mental Health Laws Project
Faculty of Law, Monash University, Australia**

Title: Alternatives to Stand Alone Mental Health Legislation

Conference Methodology: Advocacy, policy-making and systems strengthening

Conference Determinant: Discrimination

This paper raises the question of whether stand alone mental health statutes have outlived their purpose. Using New South Wales law as a case study, the paper focuses on a number of provisions in relation to involuntary assessment, admission, treatment and detention. It is argued that some of the key provisions derive from outdated 18th and 19th century conceptualizations of mental illness, of those considered to be mentally ill and of mental health care. In particular, the paper analyses the provisions enabling Magistrates' hearings for authorising involuntary psychiatric treatment and detention and the grounds for involuntary intervention under the Mental Health Act 2007 (NSW). It is argued that aspects of these provisions are inconsistent with modern psychiatric knowledge and practice. By identifying ways in which these provisions have the potential to result in increased stigma and discrimination, the paper puts a case for reassessing the current relevance of stand alone mental health legislation. A number of options are outlined for the possible fusing or integrating of key mental health provisions for adults, as well as for children and young people, into other legislative frameworks.