

# LAWS 3052 MENTAL HEALTH LAW

**Credit Points** 10

**Legacy Code** 200982

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**Description** This subject is designed to give students an introduction to the interface between the disciplines of psychiatry and law. It examines how the empirical research and theories of psychiatry intersect with the application of legal principles and practices. As a result of successfully completing this subject, students should be able to translate personal and social issues concerning the study of mental illness and mental health into the practice of mental health law and critically evaluate different perspectives and contemporary debates about mental illness and mental health.

**School** Law

**Discipline** Law, Not Elsewhere Classified.

**Student Contribution Band** HECS Band 4 10cp

Check your fees via the Fees ([https://www.westernsydney.edu.au/currentstudents/current\\_students/fees/](https://www.westernsydney.edu.au/currentstudents/current_students/fees/)) page.

**Level** Undergraduate Level 3 subject

**Pre-requisite(s)** LAWS 2013 AND LAWS 2004

**Restrictions**

Students must have completed 80 credit points of law subjects before enrolling in this subject.

## Learning Outcomes

On successful completion of this subject, students should be able to:

1. Define key terminology and identify legal, social, and human rights issues relevant to mental illness and mental health
2. Identify the key features of international human rights documents relevant to people who have mental health issues and discuss the extent to which human rights law has influenced domestic law and policy
3. Critically reflect upon Australian national policy, provisions within several NSW statutes and the common law as applicable to mental illness and mental health in a variety of contexts.
4. Explain and critique the operation and purpose of the Mental Health Tribunal (NSW) and other Courts and Tribunals regarding matters relevant to people with mental health conditions
5. Evaluate the role the law may play in preventing mental illness and promoting mental health
6. Present clear logical solutions to mental health legal problem questions
7. Examine and apply mental health law to solve problems related to mental health matters;
8. Analyse Mental Health Review Tribunal procedure;
9. Use legal research and analytical skills to present clear and logical solutions to mental health legal problems;

10. Analyse the language of psychiatric and psychological diagnosis as relevant to legal evidence presented before the Mental Health Review Tribunal.

## Subject Content

1. Introduction to key concepts relevant to mental health and illness
2. Examination of legal, social and human rights issues raised for people with mental illness
3. Introduction to relevant international law
4. Introduction to Commonwealth policies, guidelines, plans, and strategies
5. Introduction to mental health related legislation
6. Role of health practitioners and key stakeholders in merits review and judicial review processes
7. Role of legal practitioners and key stakeholders in merits review and judicial review processes
8. Law, practice and procedure, and review mechanisms in NSW relevant to forensic patients
9. Law and justice in mental health case studies
10. Law reform ? public health and human rights approaches to prevention of illness, health promotion, treatment, and care
  - Introduction to Mental Health Act 2007 (NSW)
  - Psychiatrist and Psychologist expert testimony in court and tribunal
  - legal status of An involuntary patient in A mental health facility
  - legal rights of A mentally ill patient before A tribunal
  - Jurisdiction of The mental health Review tribunal ? Civil
  - authority: includes The making involuntary patient order, financial management order, community treatment orders, electro convulsive therapy and appeal rights
  - The role of An advocate before The tribunal: includes reading all reports, research on least alternative form of care criteria and reading previous MHRT decisions to provide The best outcome for The client
  - to cross examine The treating team on The psychiatric evidence including medication prescribed as to whether there is A better form of care available for The client
  - to explain, in simple words to The client, The process involved and Possible outcomes of The hearing
  - Jurisdiction of The tribunal with respect to forensic patients in The criminal justice system
  - Explaining the pathway and review of forensic patients pursuant to the Mental Health (Forensic Provisions) Act 1990
  - authority includes making Continued Detention in A forensic hospital, conditional and unconditional discharge
  - to explain A client?fs appeal rights from The tribunal to The Supreme court
  - The role of NSW Civil and administrative tribunal with respect to guardianship, financial management and capacity Issues
  - The supervision of A client?fs finance by The office of trustee and guardian
  - legal rights to vary and revoke A financial management order before The NSW Civil and administrative tribunal
  - mental Harm Litigation: post-Traumatic stress Disorder in Law
  - Judicial scepticism in mental Harm Litigation in The District and Supreme court for compensation
  - Detention Centres: mental illness; observance of basic human rights

## Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Type	Length	Percent	Threshold	Individual/ Group Task	Mandatory
Quiz	2 x 10 questions	20	N	Individual	Y
Essay	2,000 words	35	N	Individual	Y
Essay	3000	45	N	Individual	Y

Prescribed Texts

- Prescribed materials to be provided on vUWS