

INTAKE AND SERVICES GUIDELINES

1. General Statement

- 1.1. Mental Health Law Centre (**MHLC**) is a specialist community legal centre. We provide free legal advice and representation to people experiencing mental health issues.
- 1.2. MHLC's vision is to be an expert and valued legal service provider for people with mental health issues in our community. Our mission is to engage with the community and provide effective legal services that support the principles of recovery and consumer-centred care.

2. Eligibility criteria

MHLC can assist people who:

- 2.1. Have a diagnosed mental illness;
- 2.2. Have a legal issue that is causally related to their mental illness;
- 2.3. Have a legal issue that falls within MHLC's ambit and guidelines; and who
- 2.4. Experience financial hardship.

3. Our services

MHLC's assistance covers the following areas, subject to factors listed in *:

- 3.1. Legal advice and representation for matters under the *Mental Health Act 2014* (WA). This includes assistance with:
 - 3.1.1. Mental Health Tribunal (**MHT**) review of involuntary status, change of status, and transfers for involuntary patients who are in hospital or under a Community Treatment Order (**CTO**); and
 - 3.1.2. Representation at MHTs via video-link to Bunbury, Albany, Geraldton, and other regional hospitals.

We generally will **not** assist in complaints against the police, the health sector, or other community service providers.

- 3.2. Criminal matters, including:

- 3.2.1. Negotiations (with Prosecutions), trials and sentencing for matters at the metropolitan Magistrates Courts, the mental health specialist court (Start Court) and Children's Court; and
- 3.2.2. Negotiations (with Prosecutors), and sentencing, for matters at the District Court.
- 3.3. Guardianship and administration matters heard at the State Administrative Tribunal (**SAT**), including:
 - 3.3.1. Review, change or revocation of a guardianship or administration order;
 - 3.3.2. Representation at hearings;
 - 3.3.3. Appealing against a decision.
- 3.4. Criminal injuries compensation claims merits assessment only. The matter will then be referred to a pro bono provider.
- 3.5. Mentally Impaired Accused Board (**MIARB**).
- 3.6. Prisoners Review Board (**PRB**).
- 3.7. Violence Restraining Orders (VRO) matters. MHLC will assist clients who are respondents in FVRO and VRO applications. We will assist in defending the respondents in the applications; and also in varying or cancelling final orders, if there is merit in doing so
- 3.8. General advice on Freedom of Information requests.

** MHLC's assistance is subject to the following factors:*

- *We have the capacity;*
- *There is no conflict of interests; and*
- *There are good prospects of success. This factor is not essential for MHT hearings.*

4. Telephone Advice Line (TAL)

- 4.1. MHLC's intake is filtered through a triage system using our TAL, run by our volunteer paralegals. Potential clients must contact our TAL by ringing through 61-08-9328 8012 or 1800 620 285. If they attend at our office, we may not be able to deal with the requests for assistance straightaway.

5. Notice requirement

- 5.1. For Mental Health Tribunal hearings, we require a minimum of **five (5) working days'** notice.
- 5.2. For criminal matters, we generally require **ten (10) working days'** notice.

5.3. The notice requirement is discretionary; we may waive it if we have capacity.

6. What we don't do

6.1. Tenancy law;

6.2. Family law;

6.3. Employment law;

6.4. Consumer law;

6.5. Wills and estates;

6.6. Taxation law;

6.7. Complaints under the *Mental Health Act 2014*. We refer you to the Health and Disability Services Complaints Office (**HaDSCO**) for such complaints;

6.8. Criminal matters including:

6.8.1. Fines (we may make exceptions if the client is an involuntary patient).

6.9. Contesting or applying for Restraining Orders; and

6.10. Matters being heard in some regional courts, the WA Supreme Court, federal courts, or the High Court of Australia.

7. Referrals

7.1. If we cannot assist, we will refer clients to a more appropriate service or agency.

8. Confidentiality

8.1. We will maintain clients' confidentiality at all times.