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SUB.0002.0032.0015

Dear Commissioners,

Thank you for the opportunity to have my say in the recommendations for this Royal Commission into the Victorian Mental Health System.

My name is Hadassa (Dassi) Herszberg. I have been a consumer consultant and advocate of mental health services for over 20 years. Over this time, I have watched how the mental health system has changed. I have been the recipient of some extremely good holistic care and, unfortunately shocking treatment in hospitals, as well as the refusal of services and treatment.

I was extremely pleased when Premier Danial Andrews announced a Royal Commission into Victorians Mental Health System, however tempered my reaction to cautious optimism. I have been personally involved with the Royal Commission into Institutional Responses to Child Sexual Abuse and as such, I understand the power of good that can come out of a royal commission.

In May, I attended one of the community round table consultation sessions in my capacity as a Consumer representative [REDACTED] I was appreciative of the Commissioner Dr Alex Cockram being there. Many issues, suggestions and opinions were discussed. One of these being, the need for recognition, acknowledgement and investigation of abuse, betrayal of trust, violation of human rights and questionable adherence to duty of care which occurred within mental health institutions and mental health services. When I mentioned this, we were told that this was not within the scope of this royal commission. This royal commission will be a forward-looking document, focused on how we can improve the mental health system. I found this quite surprising as I presumed that this royal commission would have similar scope to the other recent Royal Commissions that have been held.

Examples of some excerpts from Letters Patent:

The Royal Commission Into Institutional Responses To Child Sexual Abuse:

“AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.”

The Royal Commission Into Violence, Abuse, Neglect And Exploitation Of People With Disability:

“AND it is important that violence against, and abuse, neglect and exploitation of, people with disability in all settings and contexts are exposed and examined, including through the sharing of individual experiences.

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AND it is important that people with disability are central to processes that inform best practice decision-making on what all Australian Governments and others can do to prevent and respond to violence against, and abuse, neglect and exploitation of, people with disability.”

The Royal Commission Into Aged Care, Quality And Safety:

“the quality of aged care services provided to Australians, the extent to which those services meet the needs of the people accessing them, the extent of substandard care being provided, including mistreatment and all forms of abuse, the causes of any systemic failures, and any actions that should be taken in response;”

And we are all aware of the strong explorative and investigative mandate given to the commissioners for the banking royal commission.

As such, it stands to reason that it is a public expectation that there would be a uniformity of terms of references across the board and those affected by abuse and harm in the mental health system would be treated with the same credence and gravitas and offered the same opportunities afforded to others.

I applaud the Premier of Victoria, Danial Andrews’ recognition that our Mental Health system needs a stand-alone review, separate to The Royal Commission Into Violence, Abuse, Neglect And Exploitation Of People With Disability, however I would have also hoped that there would be the same exploration and recognition that people have also been harmed in the mental health system. In my view, this discrepancy, in and of itself is indicative of the overall systemic failings of our mental health system.

This Royal Commission covers many important aspects and that is extremely commendable. The Letter Patent speaks to the barriers to access to service “*But there are structural issues in the system reduce people’s access to services too, including funding arrangements and geographic boundaries.*” In my experience, another barrier to accessing services is caused by the breakdown of trust between service providers and consumers that have experienced inadequate care, abuse and harm. It is logical and easily comprehensible that one would not wish to put themselves knowingly into an situation that in the past has caused them harm. And in situations of a person suffering ill health needing hospitalisation, being redescent to do so is seen as a manifestation or additional proof of their ill-health. The patient is non-compliant, the patient is paranoid, delusional; has concerns not founded in reality.

Terms of reference 2.4 ask the commission to inquire into how to “*better service and infrastructure planning, governance, accountability, funding, commissioning and information sharing arrangements;*” into the future.

Here I point to the matter of “*governance and accountability*”. How can we trust that governance and accountability will improve if there has been no recognition and acknowledgement of past failures and failings? How can we rely on the Royal Commission to make informed decisions

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and recommendations when it is not willing to acknowledge and investigate mental health institutions wrongdoings? As I mentioned before, we have been told that this is to be a forward-facing document. However, accountability is not a forward-facing phenomenon, the roots of accountability lie in the recognition of past wrongdoings and the righting of these wrongs to the best of our capacity.

The information given on the submissions page further discourages people from putting in a submission regarding their experiences in the mental health system by explicitly diverting them away from this process and directing them to the Mental Health Complaints Commission.

” The Royal Commission is not able to resolve individual complaints or disputes. If you have a concern about your experience with a Victorian public mental health service, you can either contact the service directly or speak with the Mental Health Complaints Commissioner (MHCC).” <https://rcvmhs.vic.gov.au/submissions>

If indeed this is the case, that the commissioners do not have the scope to look into past wrongdoings and hold institution and/or persons within these institutions accountable, this Royal Commission has the potential of causing further harm to those who have already been harmed in mental health services and institutions where they should have been safe and cared for.

Given that the royal commission’s job is to address appropriate mental health care into the future, it is inconceivable that this can happen on the backs of pain and suffering of our most vulnerable citizens, those who in the care of mental health services have met with lack of duty of care, violation of human rights, abuse of power in the form of physical, emotional and sexual violence.

To this end, I seek of the royal commission:

1. The assurance that these matters will be full addressed.
2. A public acknowledgement and a pro-active and clear publication of such
3. Extension of time for submission
4. Change in terms of reference to be in line with public expectations which would be no less than the terms of reference of other inquiries.

Lastly, I would like to note that I write this in my own personal capacity [REDACTED]. Many of the concerns I have raised have been echoed by others in the consumer representative community as well as family and friends. I would also appreciate the opportunity to be heard by the commissioners either in a public or a private forum.

Once again, I thank you for the opportunity to have a say in this matter.

Kindest Regards,

Hadassa (Dassi) Herszberg

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