



JUSTICE ACTION

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Court hearing for patient's right to his name

"The Supreme Court today will hear arguments about mental patients' right to an identity and entitlement to publicly criticise the Health Department and the Mental Health Review Tribunal. The [Summons](#) alleges bias involving a conflict of interest in protecting itself rather than the patient under its obligation for care. It is before Justice Adams in Queens Square Court 9D at 10am" said Justice Action Coordinator Brett Collins.

"In a hearing of the Tribunal last year, considering whether to permit the patient to use his name, the President Greg James made his interest clear. He said: '...and the content...I would be amazed if they didn't, are going to relate to criticisms of the operation of the Tribunal, which means, s.162 is engaged.'[\(Affidavit p.27\)](#). He then demanded to know '...what is it he wants to publish? Where does he want to do it?' (p.30). He personally threatened legal action against media outlets (p.38) and complained to the State Crime Command (p.39) if they were to publish the patient's name and expose his case and experiences" said Mr Collins.

"This controversial case came before the Supreme Court last year in the first appeal under the new mental health legislation. The Tribunal had wrongly denied the patient's right to appeal until an audio record of the hearing and a search of the file supported him, but his story still hasn't been told. He wants to expose his and others' treatment by the Health Department and influence public policy, proposing better ways to deal with mental health issues. His Settlement offer to not expose any material elicited before the Tribunal was rejected, and they are fighting this with tooth and nail – using resources and legislation intended for his benefit" said Mr Collins.

"A person's name is intrinsically linked to their identity, and is accepted as an undeniable human right – except in a hospital. To be without a name leaves you unable to represent yourself, to be responsible for your statements, quotable and examinable. This case will set the benchmark of the social status of mental health consumers, allow them to interact with the general community and maintain accountability in an area where health authorities have powers much greater than

in prisons. Forcible medication and irreversible ECT procedures have a well documented past of abuse. They are beyond shame in their culture of control" said Mr Collins.

Peter O'Brien of O'Brien Solicitors is acting pro bono for the patient.
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