

**Mental Health
Australia**

Annual Issues & Opportunities Workshop — Webinar Report

Disability, Leadership and Human Rights

Rosemary Kayess

8 October 2020



Mentally healthy people,
mentally healthy communities

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Introduction: Annual issues & opportunities workshop

Each year, Mental Health Australia hosts a two-day Annual Issues and Opportunities Workshop for members of the National Register of Mental Health Consumer and Carer Representatives (National Register) and the National Mental Health Consumer and Carer Forum (NMHCCF). This year, members from the Culturally and Linguistically Diverse (CALD) Mental Health Consumer and Carer Group from the Embrace Multicultural Mental Health Project were also invited to attend.

This year, due to the COVID-19 pandemic, the two-day face-to-face workshop was not possible, so the 2020 Annual Issues and Opportunities Workshop will occur across the year as a webinar series.

These webinars aim to further develop the representative skills of mental health consumers and carers already participating in national policy initiatives. In particular, the webinars are designed to develop representatives' advocacy, policy development, and leadership skills. The webinars also provide important networking opportunities for representatives.

The theme for the 2020 webinar series is **Consumer and Carer Leadership in a Time of Crisis – Social, Environmental and Political**.

The fourth Annual Workshop webinar was held on 8 October 2020 and was a presentation from Human Rights and Disability advocate, Rosemary Kayess.

Rosemary Kayess is the Director Engagement, Disability Innovation Institute UNSW and a human rights lawyer. Rosemary a Senior Lecturer in the Faculty of Law at the University of New South Wales. Convening international law and human rights subjects, focusing on the equality provisions within international instruments and their translation into domestic law and policy. She was a designated expert on the Australian Government delegation to the United Nations negotiations for the *Convention on the Rights of Persons with Disabilities* and facilitated the drafting of Article 24 on the Right to Education. In 2019 she commenced a four year term on the UN Committee on the Rights of Persons with Disabilities and is Vice Chairperson.

The webinar was titled "Disability, Leadership and Human Rights". A total of 20 consumer and carer representatives attended the 90-minute webinar.

This report provides highlights from the webinar and a summary of the key themes and outcomes raised during the webinar or through the subsequent evaluation survey.



Webinar 3: Disability, Leadership and Human Rights with Rosemary Kayess

Webinar Outline

1. Overview of the Committee on the Rights of Persons with Disabilities and the Convention on the Rights of Persons with Disability (CRPD), with particular reference to:
 - Article 4 (General Obligations), Paragraph 3 and
 - Article 33 (National Implementation and Monitoring), Paragraph 3
2. Leadership of people with a disability (including psychosocial disability) and how this informed and continues to inform the CRPD
3. What is a 'Shadow Report' and why is it important?

Key points raised by Rosemary during the webinar

- The Convention on the Rights of Persons with Disability represents a legal and policy shift in the area of disability – it embraces the recognition of impairment as only one aspect of human diversity and does not define a class of people protected, but scopes out what disability means and places it in the context of being a dynamic interaction between people and their environments.
- Psychosocial disability is captured in the class of persons covered, and the term as used in the Convention was defined as people who identify as consumers, users and survivors to capture a social model perspective of social and emotional distress and to move away from medical terminology such as mental illness.
- The CRPD highlights this group specifically because they can disproportionately experience the denial of their human rights. This includes psychosocial disability.
- Australia has been reviewed twice by the CRPD, and the committee expressed concern about the lack of progress to abolish systems of substitute decision-making – particularly in regards to decisions involving forced psychiatric treatment, and recommended the implementation of a nationally consistent supported decision-making framework. The committee also recommended a nationally consistent legislative and administrative framework to protect people with disability, and to eliminate restrictive practices.
- One of the strengths of the CRPD is that within a democracy such as Australia, leadership of people with disability is vital – and the leadership of people with a disability has been central to the CRPD all throughout the process.
- Segregation based on a characteristic is not permissible under international law – special education can be seen as segregation and could be argued to be discriminatory – however not everyone agrees with this.
- Human rights is about recognising that every human being should be able to achieve the same standard – it's not about differentiating. Impairment is inherent to human dignity.



Key themes raised by consumers and carers during the webinar

- Australia needs a Commonwealth Human Rights Act or a Statutory Bill of Rights – efforts have been made however this has not been favoured by successive governments. There is also work occurring to create state/territory charters.
- There should be recognition of the expertise of people with a disability over and above other stakeholders. Other stakeholders are also important but they don't hold the same expertise as is held by those with a lived experience.
- In many cases, carers also need to be included as stakeholders, and their rights need to be protected as well. This can be challenging when the person they are caring for is acutely unwell (for example experiencing a psychotic episode) and may be a danger to themselves or others. This needs to be explored further – how can we support the person who is experiencing an acute episode and their carer so that both their rights are protected?
- The system needs a lot of change to be able to support all individuals with psychosocial disability to the level that is required. Currently the onus is on the consumers and carers to 'fight' for what they need – it is very difficult to achieve the necessary support.
- The NDIS does make mention of the CRPD, however whether it follows it or not is up for conjecture.
- Nationally consistent service standards is something we need to achieve, as well as avenues for people with a disability to be able to engage with the process and monitor service quality.

Feedback

An evaluation survey was sent to all participants following the webinar, which 4 webinar participants responded to. These responses help gauge the level of participant satisfaction with the webinar as well as participants' reflections and insights.

Example Reflections

75% of Evaluation Survey respondents reported being satisfied or very satisfied with the webinar overall.

“Rosemary Kayess did a fabulous job in covering the topic and Danica Browne facilitated the event well. Everyone that participated was fully tuned in to what was being said and the calibre of questions were related and of high standard in getting further conversation happening. Well done to all that contributed!”

“Thank you. We needed that as a group. Hope people are more confident to argue the case now.”

“Thanks Rosemary. Your experiences are valued and respected.”



Appendix 1: Webinar Attendees

National Register of Mental Health Consumer and Carer Representatives (the National Register)

The National Register is a pool of 60 trained mental health consumer and carer representatives from across Australia. National Register members work at the national level to provide a strong consumer and carer voice in the mental health sector. The National Register is a Mental Health Australia project.

National Mental Health Consumer and Carer Forum (NMHCCF)

The NMHCCF is a combined national voice for mental health consumers and carers. The NMHCCF listen, learn, advocate and influence in matters of mental health reform. Mental Health Australia auspices and has a formal Memorandum of Understanding with the NMHCCF.

Culturally and Linguistically Diverse (CALD) Mental Health Consumer and Carer Group

The CALD Mental Health Consumer and Carer Group is comprised of a CALD mental health consumer and a carer representative from each state and territory of Australia. The CALD Group includes a passionate, energised and diverse mix of voices, and provides advice to the National Multicultural Mental Health Project Alliance based on members' lived experience and connections to their communities.



Appendix 2: 2020 Workshop Working Group

The 2020 Annual Workshop planning was informed by a working group of consumer and carer representatives, who helped shape the theme, speakers and presenters for the webinar series.

The working group developed the theme of “Consumer and Carer Leadership in a Time of Crisis – Social, Environmental and Political” for this year’s Annual Workshop, which provided a focus for the webinar series.

Working group members included:

- Susan Adam
Carer Representative — National Register Member
- Fay Jackson
Consumer Representative — National Register Member
- Noel Muller
Consumer Representative — National Register member
- Carli Sheers
Consumer Representative — National Register Member



For more information please contact the Consumer and Carer Team at Mental Health Australia on 02 6285 3100 or at natreg@mhaustralia.org.

Mental Health Australia is the peak, national non-government organisation representing and promoting the interests of the Australian mental health sector and committed to achieving better mental health for all Australians. It was established in 1997 as the first independent peak body in Australia to represent the full spectrum of mental health stakeholders and issues. Mental Health Australia members include national organisations representing consumers, carers, special needs groups, clinical service providers, professional bodies, public and private mental health service providers, researchers and state/territory community mental health peak bodies.



Mental Health Australia



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mentally healthy communities

Mental Health Australia is the peak independent national representative body of the mental health sector in Australia.

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