



Secretary

Department of Health & Human Services

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Ms Laura Royce
Coroners Registrar
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Dear Ms Royce

I am writing in response to your letter dated 30 April 2015 regarding Coroner Byrne's recommendations to the Department of Health & Human Services in his findings into the death of Mr. Craig R McMillan.

In response to the relevant recommendations made by the Coroner:

Recommendation 1

When, as last resort, Victoria Police have the onerous responsibility of transporting a mental health patient to hospital under circumstances such as those seen here, then the police officer who makes the decision to transport, prior to endorsing that decision, proactively enquire of family members, and other present, whether the person about to be transported has any medical conditions which may potentially compromise the patients wellbeing.

Response

This recommendation is not directed to the Department of Health & Human Services. However, the department would like to note that our services are addressing this issue and working with Victoria Police to reduce the risk of such an event occurring again. The department can confirm if the same situation arose today the person would be transported subject to an In-patient Assessment Order or the police powers under sections 350 and 351 of the *Mental Health Act 2014*.

Recommendation 2

Adopting an observation of Doctor Dodd, professionals (Victoria Police, Ambulance Victoria and CAT teams under the umbrella of Department of Health) dealing with patients suffering a mental health episode who are, or are about to be restrained, be provided with a special warning by way of practice directions, of the increased risk of death the condition poses.

Response

The department relies on the current legislation and policy documents as response to this recommendation. Safe transport requires a clinical assessment, including the gathering of information about a person's mental health and general health and the presence of any drugs or alcohol. The department recognises the importance of a coordinated approach when dealing with patients suffering a mental health episode and requiring transport to a hospital.

The combined effect of the following legislation and policy documents makes seeking information about medical conditions best practice:

- The *Mental Health Act 2014* sections 11, 29, 30, 32, 33, 36, 38, 350 and 351;
- *Department of Health and Victoria Police Protocol for Mental Health 2010*. This protocol is currently being reviewed and will be updated this year to assist both police and clinicians. However, there will be no substantive change to transport arrangements in the updated protocol as this protocol is considered to have already satisfactorily addressed the issue of prior review of all medical conditions;
- *Protocol for the transport of people with mental illness 2014* for Ambulance Victoria;
- Chief Psychiatrist Guideline – *Safe transport of people with a mental illness August 2011*;
- Chief Psychiatrist Clinical Practice Advisory Notice *Practice of Prone Restraint* dated June 2013.

In 2013 the Chief Commissioner of Victoria Police and the Secretary to the Department of Health (as it was then) agreed to establish a Victoria Police - Department of Health Inter-Departmental Liaison Committee. The committee meetings commenced in June 2014 and this is a forum where senior representatives from the department and Victoria Police strategically respond to issues affecting people with complex mental health and/or alcohol and other drug problems who come in contact with Victoria Police and the hospital emergency system. The work of the committee is guided and supported by legislation and policy documents which include, but are not limited to:

- The *Mental Health Act 2014*;
- *Department of Health and Victoria Police Protocol for Mental Health 2010*;
- *Protocol for the transport of people with mental illness 2014* for Ambulance Victoria;
- *Non-Emergency Patient Transport (NEPT) Clinical Practice Protocols*; and
- *Occupational Violence Incidence Response: managing incidents in public health services*.

Finally, I would like to thank you for the opportunity to respond to the recommendations made by Coroner Byrne. If you require further information please contact Dr Mark Oakley Browne, Chief Psychiatrist on 9096 7571 or email ocp@dhhs.vic.gov.au.

Yours sincerely



Dr Pradeep Philip
Secretary