



Mental Health Carers NSW

MEDIA RELEASE

FOR IMMEDIATE RELEASE: 12 October 2026

Cutbacks by Legal Aid NSW will leave thousands of public hospital mental health patients without assistance.

Due to funding cutbacks, Legal Aid is dramatically reducing the assistance it provides to involuntary patients facing the Mental Health Review Tribunal to authorise involuntary treatments.

Commencing 12 October 2026, across every public hospital in NSW, Legal Aid NSW will discontinue providing legal assistance to patients in mental health wards who are scheduled to attend hearings of the Mental Health Review Tribunal (MHRT) to authorise involuntary treatment. Legal Aid will now only represent people for matters narrowly defined under the Mental Health Act, mainly concerning initial involuntary detention.

The MHRT oversees the decisions of doctors to detain a person in a mental health unit against their will, but also other aspects of involuntary treatments. With nearly 7,000 Tribunal hearings reported each year, patients will no longer have any legal representatives to provide advice or advocacy when they appeal their involuntary detention or proposed treatment. Many patients who experience a mental health crisis requiring hospital care don't have the means to afford a private lawyer or the capacity to find one. These patients are some of the most vulnerable individuals in our community. Without legal representation the patients are severely limited in challenging the doctors' opinions about the need for involuntary care.

Consumers facing the Mental Health Review Tribunal are experiencing severe mental health issues and the decisions of the Tribunal significantly impact their rights and freedoms. To withdraw this longstanding Legal Aid service will have a major impact on the confidence they and their families and carers can have that their human rights are being respected according to law.

MHCN has written to the Attorney General urgently requesting that this decision be reversed and funding provided to the NSW Legal Aid Service to continue this vital work. We also requested that the implementation of this reduction in service is delayed so that appropriate consultations can take place across mental health services in NSW about its impacts. At this time, there has been no response from the Attorney General.

Mental Health Carers NSW Inc.

Funded by the NSW Ministry of Health

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The Mental Health Review Tribunal's 2024/25 Annual Report recorded nearly 7,000 hearings last financial year on matters for which Legal Aid will no longer provide representation. This includes involuntary detention in a public mental health ward, involuntary treatment in the community, involuntary treatment using electroconvulsive therapy and appeals by consumers against a refusal of the hospital to discharge them.

Legal Aid has provided free legal assistance to patients attending these hearings for many years but is now abandoning these patients due to budgetary pressures. There has been no consultation with key agencies and no alternatives put in place.

Jonathan Harms, CEO of Mental Health Carers NSW, says "this decision by Legal Aid will reduce support to uphold the legal rights of consumers of mental health services, leaving their families and carers, who are already dealing with a major crisis, to try find representation if they can."

"This is a set-back for the human rights of consumers who are entitled to know that their liberty is only taken away when absolutely necessary and after due process has been observed," he says.

We are asking that this decision be reversed or at least delayed so that meaningful consultations can occur and alternative arrangements put in place.

– ENDS –

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About Mental Health Carers NSW: Mental Health Carers NSW is the peak body for mental health carers in NSW. We represent the voices and lived experience of mental health carers to help us advocate systemically for mental health reform.

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