



Secretary

Department of Health

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Amber Wylie
Coroners registrar
Coroners Court of Victoria
Via e-mail: cpuresponses@coronerscourt.vic.gov.au

Dear Ms Wylie

Thank you for your letter of 8 December 2023 regarding Coroner Paresa Spanos' findings and recommendation following the inquest into the death of Ricky James Broughton (COR: 2018 2064). I was deeply sorry to learn of the circumstances of Ricky's death.

Recommendation 1 is directed to the Department of Health (the department):

1. *That, given the recent entry into force of the new Mental Health and Wellbeing Act 2022, the Department of Health consider, in consultation with Victoria Police and Ambulance Victoria, the need to revise the Protocol for the transport of people with mental illness to ensure its guidance to clinical and emergency service responders is sufficiently clear to enable decisions to be made about the conditions under which a mentally unwell person is transported to or from a designated mental health service consistent with the principle of least restrictive practice. In particular, it appears that clarification of the distinction between 'police involvement' and 'police transport' may be required.*

The department is currently implementing recommendation 1.

The department is drafting two new protocols: the *Ambulance Victoria protocol for mental health crisis responses and transport for people with mental illness* and the *Department of Health – Victoria Police protocol for mental health crisis responses* (the protocols).

The protocols are being developed in collaboration with Victoria Police and Ambulance Victoria, following the passage of the *Mental Health and Wellbeing Act 2022* (the Act) which commenced on 1 September 2023. These new protocols will replace the current protocols under the *Mental Health Act 2014*; the *Department of Health and Human Services – Victoria Police protocol for mental health* and Ambulance Victoria's *Protocol for the transport of people with mental illness 2014*.

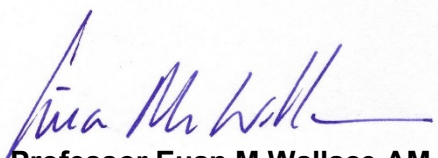
The new protocols will include clear guidance to enable clinical and emergency service responders to make decisions about the conditions under which a person with a mental illness or apparent mental illness is transported consistent with the principle of least restrictive practice. The new protocols will be finalised and published in 2024.

The Act introduced new principles which require a health-led and least restrictive approach to the transport of persons with mental illness and responses to mental health crises in the

community, wherever it is reasonably practicable in the circumstances. The new protocols will guide clinical and emergency service responders to act in accordance with these principles when exercising powers under the Act. These changes begin the work towards a health-led response to mental health crises in line with recommendation 10 of the final report of the Royal Commission into Victoria's Mental Health System.

Should you wish to discuss this matter further, please contact Kathy Ettershank, Director, Legislation and Entities Oversight, Mental Health and Wellbeing Division, Department of Health [REDACTED]

Yours sincerely



Professor Euan M Wallace AM

Secretary

26/02/2024