

	ACT: Mental Health Act 2015*	NSW: Mental Health Act 2007 ss68, 71, Schedule 1	NT: Mental Health and Related Services Act 1998 ss4, 7A, 8, 11, 35, 110, 118	QLD: Mental Health Act 2016 ss5, Schedule 3	SA: Mental Health Act 2009 ss3, 7	TAS: Mental Health Act 2013 s3	VIC: Mental Health Act 2014 ss3, 11	WA: Mental Health Act 2014 ss4, 50, 80-81, 189, 281, Schedule 1	NZ: Mental Health Act (Compulsory Assessment and Treatment) Act 1992 ss5-6, 7A
Community, culture and spiritual beliefs	N/A	The cultural and spiritual beliefs and practices of people with a mental illness or mental disorder who are Aboriginal or Torres Strait Islanders should be recognised.	As far as possible, the person's treatment and care is to be appropriate to and consistent with the person's cultural beliefs, practices and mores.	The unique cultural, communication and other needs of Aboriginal and Torres Strait Islanders must be recognised and taken into account; they should be provided with treatment, care and support in a way that recognises and is consistent with Aboriginal tradition or Island custom, mental health and social and emotional wellbeing, and is culturally appropriate and respectful.	Take into account the patients' traditional beliefs and practices.	Personal reasons for granting any patient a leave of absence under this Act include – if the patient is an Aborigine – attending an event of cultural or spiritual significance to Aborigines.	Aboriginal persons receiving mental health services should have their distinct culture and identity recognised and responded to.	Provide treatment appropriate to, and consistent with, their cultural and spiritual beliefs and practices and having regard to the views of their families and, to the extent that it is practicable and appropriate to do so, the views of significant members of their communities, including elders and traditional healers, and Aboriginal and Torres Strait Islander mental health workers.	Any court, tribunal, or person exercising a power under this Act in respect of a person must exercise the power with proper recognition of the importance and significance to the person of the person's ties with his or her family, whanau, hapu, iwi, and family group; and with proper recognition of the contribution those ties make to the person's wellbeing; and with proper respect for the person's cultural and ethnic identity, language, and religious or ethical beliefs.
Extended family	N/A	For the purposes of designating carers, a <i>relative</i> of a patient who is Aboriginal and Torres Strait Islander includes a person who is part of the extended family/kin according to the indigenous kinship system of the patient's culture.	For the purposes of designating primary carers, a <i>relative</i> of the person includes anyone related to the person through a relationship that arises through Aboriginal customary law or tradition.	<i>Parent</i> of an Aboriginal and Torres Strait Islander minor includes a person who, under Aboriginal and Torres Strait Islander tradition, is regarded as a parent of the minor.	If the person is of Aboriginal and Torres Strait Islander descent, that person may be a <i>relative</i> of another through Aboriginal and Torres Strait Islander kinship rules, as the case may require.	N/A	N/A	For this Act – if the person is of Aboriginal and Torres Strait Islander descent – a <i>close family member</i> of a person includes any person regarded as such under the customary law, tradition or kinship of that person's community.	[See above]
Indigenous mental health practitioners and traditional healers	N/A	N/A	<i>Aboriginal and Torres Strait Islanders health practitioner</i> means a person registered under the Health Practitioner Regulation National Law to practise in the Aboriginal and Torres Strait Islander health practice profession (other than as a student).	N/A	When practicable and appropriate, involve collaboration with health workers and traditional healers from their communities.	N/A	N/A	<i>Health professional</i> includes an Aboriginal and Torres Strait Islander mental health worker. <i>Traditional healer</i> , in relation to an Aboriginal and Torres Strait Islander community, means a person of Aboriginal and Torres Strait Islander descent who uses traditional (including spiritual) methods of healing; and is recognised by the community as a traditional healer.	N/A
Duty to provide Indigenous interpreters	N/A	N/A	N/A	To the extent practicable and appropriate in the circumstances.	N/A	N/A	N/A	N/A	Any court, tribunal, or person exercising a power under this Act in relation to a person must ensure a Māori interpreter if it that is the person's first/preferred language.
Other references to indigenous persons or culture	N/A	N/A	A community visitors panel is, so far as is practicable, to include persons of both sexes and of diverse ethnic backgrounds (including Aboriginal and Torres Strait Islander backgrounds). The same applies to Mental Health Review Tribunals.	N/A	N/A	An <i>Aboriginal person</i> is a person who satisfies all of the following requirements: Aboriginal ancestry; self-identification as an Aboriginal person; communal recognition by members of the Aboriginal community.	<i>Aboriginal person</i> means a person who is: descended from Aboriginal and Torres Strait Islanders, self-identifies as an Aboriginal person, and is accepted as an Aboriginal and Torres Strait Islander by an Aboriginal and Torres Strait Islander community.	To the extent that it is practicable and appropriate to do so, assessment and treatment provided to a patient who is of Aboriginal or Torres Strait Islander descent must be provided in collaboration with Aboriginal or Torres Strait Islander mental health workers and significant members of the patient's community, including elders and traditional healers.	A practitioner must apply any relevant guidelines and standards of care and treatment issued by the Director-General of Health when deciding: when and how to consult the family or whanau, or the proposed patient or patient; whether the consultation is reasonably practicable; and whether it is in the patient's best interests.

Disclaimer: These tables have been developed by the RANZCP as at 30 June 2017 in order to allow key provisions in the Mental Health Acts to be compared. They are intended for reference purposes only and are not intended to be a substitute for legal or clinical advice.

Comment: References to Aboriginal and Torres Strait Islander peoples and Māori are a feature of the newer Acts. The exception is the New Zealand Act, which acknowledged Māori culture, ethnic identity, language and religious or ethical beliefs and extended family and social groups when it was enacted in 1992. The requirement to consult with the family or whānau of the patient or proposed patient was added in 2000. Most of the Acts now acknowledge Aboriginal and Torres Strait Islander and Māori kinship systems and culture. Several Acts go further (such as NZ and WA), requiring the involvement of interpreting services, traditional healers, and Aboriginal and Torres Strait Islander health professionals. *Although the ACT Act does not directly refer to Aboriginal and Torres Strait Islander peoples and Māori, the Principles respect the right to access treatment, care and support that is sensitive and responsive to the patient's individual needs, including in relation to culture: s6 (f)(i).