

# Factsheet - Changes to the Chief Psychiatrist's statutory role and what it means for service providers

Office of the Chief Psychiatrist

**OFFICIAL**

## Summary

On 1 September 2023, the Chief Psychiatrist will have new statutory powers and responsibilities to oversee quality and safety in Victoria's mental health and wellbeing system.

This change will result in new compliance requirements for mental health and wellbeing services that are overseen by the Chief Psychiatrist.

## Changes to the Chief Psychiatrist's statutory role

The *Mental Health and Wellbeing Act 2022* commences on 1 September 2023, replacing the *Mental Health Act 2014*.

It redefines the role of the Chief Psychiatrist, broadening their jurisdiction to additional settings and practices of clinical mental health.

This includes new powers and responsibilities to oversee mental health and wellbeing services in custodial settings and to regulate chemical restraint.

These changes were recommended by the Royal Commission into Victoria's Mental Health System. They build a governance architecture that places consumers at the centre and supports the workforce to deliver safe and high-quality treatment and care.

## What this means for service providers

There are important compliance implications arising from the changes.

From 1 September 2023 clinical mental health and wellbeing service providers will have new reporting obligations to the Chief Psychiatrist.

They will also be required to adhere to an expanded set of rights-based principles emphasising supported decision-making, dignity and autonomy.

The fact sheets below outline these changes. They also highlight the compliance requirements that remain unchanged in the areas of clinical practice overseen by the Chief Psychiatrist.

This information will assist the mental health and wellbeing sector prepare for the commencement of the *Mental Health and Wellbeing Act 2022* on 1 September 2023.

- Factsheet – [Clinical Governance](#)
- Factsheet – [Custodial settings](#)

- Factsheet – [Reportable deaths](#)
- Factsheet – [Sexual safety](#)
- Factsheet – [Electroconvulsive Treatment \(ECT\)](#)

## Further information

Further information about clinical best practice and reporting requirements for mental health and wellbeing services is contained in the [Chief Psychiatrist's guidelines and directives](#).

Information about the quality and safety role of the Chief Psychiatrist and resources supporting the clinical workforce, consumers, carers and their families can be found on the [Health Department's website](#).

The *Mental Health and Wellbeing Act 2022* is available for download on the [Victorian Legislation](#) website.

For queries about the Chief Psychiatrist's role and corresponding compliance obligations, email the Office of the Chief Psychiatrist on [ocp@health.vic.gov.au](mailto:ocp@health.vic.gov.au)

## Disclaimer

This fact sheet summarises key differences between the *Mental Health Act 2014* and *Mental Health and Wellbeing Act 2022* that apply to the Chief Psychiatrist's statutory role. It provides information to assist the mental health and wellbeing sector transition from the old act to the new act in the Chief Psychiatrist's areas of oversight. The fact sheet is valid for six months from the date of publication.

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