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July 3, 2020

Via Email

The Honourable Adrian Dix, M.L.A.  
Minister of Health  
Room 337 Parliament Buildings  
Victoria, BC V8V 1X4  
[HLTH.Minister@gov.bc.ca](mailto:HLTH.Minister@gov.bc.ca)

The Honourable Judy Darcy, M.L.A.  
Minister of Mental Health and Addictions  
Room 346 Parliament Buildings  
Victoria, BC V8V 1X4  
[MH.Minister@gov.bc.ca](mailto:MH.Minister@gov.bc.ca)

**Re: Bill 22 – 2020 – Mental Health Amendment Act**

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Dear Ministers,

We write in response to the proposed amendments to the *Mental Health Act* in the recently announced Bill 22.

As an organization committed to protecting the rights of individuals with mental health diagnoses and other disabilities, the Community Legal Assistance Society (“CLAS”) is concerned that the provincial government is enacting this Bill without adequate community consultation or engagement. Previous proposed safe-care legislation has been strongly opposed, and the government is well aware of the many issues raised around this coercive approach to the public health emergency being experienced by our youth.

While the constrained timeframe for input on this matter precludes substantive suggestions for improvements or alterations to Bill 22, our organization wishes to convey several concerns with the proposed legislation.

CLAS is of the view that issues of mental health and addictions must be approached with a focus on voluntary services that prevent or reduce harm. Non-consensual measures that address these harms only after they have occurred, such as the detentions contemplated in Bill 22, necessarily involve infringements on liberty that can be severe and traumatic, with lasting impact.

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Detention and other non-consensual measures have a chilling effect on individuals' willingness to seek help voluntarily, for fear that future contact with the mental health system will result in detention or restriction of liberty. It is vital that the mental health system be seen as a resource and not a punishment, especially for young people who may need services for years to come.

Detention is a very serious intrusion on individual rights. Strong procedural safeguards are needed to ensure this power is only exercised when warranted and authorized by the statute. These safeguards are lacking in the proposed legislation. Compounding this problem is the lack of independent legal advice available for those detained. Absent these protective factors, the legal framework in Bill 22 poses a significant threat to the liberties of its detainees.

It is unfortunate that our government continues to prioritize the authorization and use of detention and non-consensual measures over fixing BC's mental health system for those who want help, but cannot access it. We encourage reconsideration of this approach and a re-orienting of provincial priorities towards improving accessibility and quality of voluntary services.

We look forward to your response to the very serious concerns raised herein.

Yours sincerely,

A handwritten signature in cursive script that reads "J. Mendes".

Jacqui Mendes  
Executive Director, Community Legal Assistance Society