

# Patient rights under the Mental Health Act

## Involuntary patients

If you are a patient on a Continuing Care Order, Community Treatment Order or Authorisation for Temporary Admission under the Mental Health Act, you have the right to:

- Have your identity and civil rights respected.
- Have restrictions on your freedom kept to the minimum needed to protect you or other people.
- The best possible standard of care and treatment.
- Be protected from ill-treatment and neglect.
- Refuse to consent to treatment if you have the capacity to do so.
- Be given a statement of your legal rights under the Mental Health Act and information about available advocacy services and grievance procedures at the time that the Order or Authorisation for Temporary Admission is made.
- Be given an explanation about your diagnosis and the treatment that is proposed for your illness as soon as practicable after a diagnosis has been made and a treatment plan decided.
- Talk to your family or a close friend, and have them present when you see your doctor or psychiatrist.
- Seek a review by the Mental Health Tribunal against being on an Order (however, the Tribunal will automatically review Continuing Care Orders and Community Treatment Orders, even if you don't seek a review).
- Complain about your treatment, and ask to see an Official Visitor.

The medical practitioner in charge of your treatment must take any action that is reasonable necessary to ensure that you understand the information that is provided to you.

Information about you must be kept confidential unless you agree to its release to others. The *Mental Health Act* permits the release of confidential information to others involved in your care and treatment.

## Voluntary patients

If you want access to a mental health service but are refused, the *Mental Health Act* gives you the right to a referral for a second medical opinion.

If you are a voluntary patient you have the right to ask to discharge yourself from hospital at any time. You may, however be detained and assessed to determine whether you are so unwell that you need to be placed on a Continuing Care Order and remain in hospital, or placed on a Community Treatment Order.

## Getting the right help

If you want help for a mental health problem you should talk to your doctor. Depending on the nature or severity of the illness, your doctor may recommend medication, specialist therapy, or treatment in a hospital. Most people who go to hospital for a mental health problem choose to be admitted as a voluntary patient.

You could also call the **Mental Health Services Helpline** on **1300 332 388**. The Helpline is a Statwide, 24 hour a day, 7 day a week service for a mental health crisis. The Helpline has community mental health professionals who will give you advice and can either provide you with access to other services, arrange for a mental health assessment, or arrange for intervention if required.

### **Helping someone else**

If you believe that a close friend or family member is suffering from a mental illness, you can support them by being available to talk, and by encouraging them to seek help.

A person at the acute stage of a mental illness can lose touch with reality. They may hallucinate (see or hear things), or develop false beliefs. They may show obvious changes in mood, behave in a disorganised manner or have poor concentration. They may even express suicidal thoughts or ideas. They may not understand their illness, and therefore may not accept the risk of harm to themselves or others.

If you think your friend or family member may be at risk of harming themselves or others, you may want to contact the **Mental Health Services Helpline** on **1300 332 388**.

If anyone is in danger you should contact Emergency Services on 000. Emergency Services will contact Mental Health Services if they are required.