

Your Rights as an Involuntary Patient (*Mental Health Act 2013*)

The Tasmanian *Mental Health Act 2013* (the Act) aims to protect the rights of people with mental illness. This brochure explains your rights as an involuntary patient and what you can do if you think that your rights are not being respected.

What Rights Do I Have?

You have the right to:

- be treated with respect and to have your rights restricted only when this is necessary for your health and safety and the safety of others
- have your individual needs respected and met whenever possible
- only be temporarily detained for assessment when the Act allows
- be temporarily detained in hospital for a maximum of four hours unless an Assessment Order or Treatment Order is made which requires you to stay in the hospital for a longer period
- only be secluded or restrained, be given urgent treatment when the Act allows
- apply for leave from hospital and be given help to apply for leave. You also have the right to be given a copy of any leave pass that is issued or the reasons why your application for leave is refused
- be transferred from one hospital to another only if this is directed by the Chief Psychiatrist (or delegate). You also have the right to be transferred from hospital to a Secure Mental Health Unit only if the Chief Psychiatrist (or delegate) authorises the transfer
- have private contact with your representatives, support persons and with Official Visitors
- have your privacy respected and your personal information dealt with confidentially in most cases
- be given information about your rights and the rules and conditions of the hospital.
- be given information about your diagnosis and treatment
- be given copies of documents that are relevant to your assessment, treatment, diagnosis and care. This includes copy of any Assessment Order or Treatment Order that is made and a copy of your treatment plan.
- have information given to you in a way that you can understand. This might involve being given access to an interpreter
- be given help while in hospital to understand and exercise your rights
- receive general health care while in hospital

What Rights Do I have While in Hospital?

In most circumstances you have the following rights while in hospital:

- to have access to current information about local, national and world events
- to practise your religion and customs alone or with others, and to have things with you that you need to practise your religion or customs
- to wear your own clothing
- to be given access to physical aids and communication aids if you need them.

Can I be involved in making decisions about my assessment, treatment and care?

Under the Act you may only be given treatment:

- with informed consent, or
- if the treatment is authorised by the Chief Psychiatrist or the Tribunal.

Both your informed consent and authorisation from the Tribunal are needed for you to receive some types of special psychiatric treatments.

You should also:

- be allowed and supported to make your own decisions as much as possible
- be involved in decisions about your assessment, treatment and care
- be able to give information at the Tribunal hearing

Can I choose someone to represent me?

Under the Act:

- your guardian or lawyer can act as your representative
- if you are a child under 18 years old your parent can represent you
- you can also nominate any another person to represent your interests
- The Tribunal can organise a representative for you if needed

Can I ask for a review of decisions made under the Act?

Under the Act:

- you have the right to ask the Tribunal for a review
- you have the right to be given reasonable notice of Tribunal hearing
- you have the right to attend the Tribunal hearing
- your representative can also attend the hearing
- if you are not happy with the decision that the Tribunal makes, you may be able to appeal to the Supreme Court
- you can ask the Chief Psychiatrist to intervene directly in your assessment, treatment and care.

How Can I Raise Concerns and Complaints?

A copy of the Fact Sheet 'How Can I Raise Concerns and Complaints?' should be attached to this fact sheet or you can ask your case manager or another member of your treating team for a copy.

The Fact Sheet provides information on who you can contact to raise any concerns or complaints you have about your care and treatment.

You can do this in a number of ways:

- you can speak with your case manager or another member of your treating team
- you can contact the Chief Psychiatrist
- you can contact Advocacy Tasmania or ask the Legal Aid Commission of Tasmania or ask your support person or representative to contact them
- you can ask an Official Visitor to visit the Secure Mental Health Unit
- you can make a complaint to an Official Visitor or ask your support person or representative to make the complaint
- you can contact the Tribunal Registrar
- you can also contact the Health Complaints Commission or Ombudsman if you are unhappy about any other aspect of your treatment and care

Useful Contacts:

Advocacy Tasmania Inc.
Hobart: 1800 005 1 31
Devonport: 6441 020 1
Launceston: 6331 0740
Website: www.advocacytasmania.org.au

Legal Aid Commission of Tasmania
Phone: 1300 366 61 1
Website: www.legalaid.tas.gov.au

Mental Health Stream of the Tribunal
TASCAT
Email:
applications.mentalhealth@tascat.tas.gov.au
www.tascat.tas.gov.au

Official Visitors
Phone: 1800 00 1 170
Website: officialvisitors.tas.gov.au

Ombudsman Health Complaints
Commission
Phone: 1800 00 1 170
Website:
www.healthcomplaints.tas.gov.au/

Chief Psychiatrist
Phone: 6166 0778
Email:
chief.psychiatrist@health.tas.gov.au

Statewide Mental Health Services
Feedback Line
South/Forensic Health Services
1800 811 911
South.feedback@ths.tas.gov.au
North
1800 008 001
north.feedback@ths.tas.gov.au
North West
1800 062 322
northwest.feedback@ths.tas.gov.au