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| Statement of Rights  Voluntary Treatment |
| You were given this document because you are receiving voluntary treatment in a mental health and wellbeing hospital.  It explains your legal rights under the *Mental Health and Wellbeing Act 2022* (the Act). |
| Help with this document  * Your treating team must help you understand this information. * You can get help from a family member, friend, or advocate. * See the ‘Get Help’ section of this sheet for contact details of organisations that can help. * A blue sign with white figures    Description automatically generated with low confidenceThis document has been translated into community languages available at www.[health.vic.gov.au](https://www.health.vic.gov.au/mental-health-and-wellbeing-act) * For help in your language contact the Translating and Interpreting Service on 131 450.   *This document was informed by information provided by the Victorian Mental Illness Awareness Council.* What is voluntary treatment? Voluntary treatment is when you choose to receive treatment from a mental health service. You don’t have to have treatment if you don’t want it. Treatment can be medication such as tablets or injections. This can be in a hospital or in the community. You are free to leave the hospital or stop seeing staff in the community whenever you want. Can I be given treatment if I don’t want it? It is only possible for your psychiatrist to give you treatment when you don’t want it if they put you on a compulsory treatment order. A compulsory treatment order means you will be given treatment even if you don’t want it. There are laws about compulsory treatment and when it can be used.  You may be worried about your psychiatrist giving you treatment when you don’t want it or feel pressured to have treatment. If this happens, you can talk to staff, a support person or contact an advocate. Your rights People receiving voluntary treatment have rights. You have the right to least restrictive assessment and treatment Assessment and treatment should be given in a way that gives you as much freedom and choice as possible. This includes being treatment voluntarily. What you want, your recovery goals and available alternatives should be considered. What is restrictive for one person might not be restrictive for someone else. You have the right to give informed consent for treatment Your treating team must seek your informed consent for all treatment. You should not be pressured to decide, and you have the right to change your mind at any time.  Giving informed consent means that you have understood and considered the information you need to make a decision about receiving treatment.  You can only give informed consent if you have capacity to do so. Your psychiatrist should start by assuming that you do have capacity.  You will have capacity to give informed consent to a particular treatment if you can:   * understand the information you’re given about that treatment; * remember that information; * use or weigh that information; and * communicate your decision   Your psychiatrist cannot decide that you do not have capacity just because they don’t agree with your decision about treatment. You have the right to information Your treatment team must give you information about your:   * assessment; * proposed treatment; * alternatives; and * rights.   Information can be in writing or spoken, and in your preferred language. They must give clear answers to your questions. Information should be given at a time that’s right for you to consider it. You have the right to support You can choose someone to help you, including someone who speaks your language. Your team must help you contact a support person.  The psychiatrist can consider input from people if you want them to.   * nominated support person; * mental health advocate; * guardian; * carer; or * parent (if under 16).   You can tell your treating team if there’s somebody you don’t want them to contact. Sometimes your information might be legally shared when you don't want it to be. You have the right to help with making decisions You can choose someone to help you with decisions.  Your treating team must give you information about your options. They must give you enough information and time to make decisions and answer your questions in a way you understand. They should allow you to make decisions, even if they think there’s some risk. You have the right to feel safe and respected Mental health assessment and treatment should be provided in a way that respects and protects your individual needs and identity. This can include your culture, communication needs, age, disability, gender identity, religion, and sexual orientation. Your other health needs should be recognised and supported. Your dignity, autonomy, and rights should be upheld. You have rights if you are a First Nations person First Nations people should have their unique culture and identity respected.  You have the right to assessment and treatment that promotes your self-determination.  Your connection to family, kin, community, country, and water should be respected.  You can get help from the:   * Aboriginal Liaison Officer at your mental health service. * Victorian Aboriginal Legal Service.  You have the right to help with communication Your treating team must respect and support how you communicate. This includes:   * using an interpreter if you want one; * communicating in the best possible environment for you; and * providing spaces for you to speak with family, carers, support people, or advocates.   You have the right to communicate with anyone while in hospital. You will have to follow hospital rules about what time you are allowed to use public phones. You might have to wait for a phone to be available. You have rights if restrictive interventions are used Restrictive interventions that can be used if you are in hospital are:   * **Seclusion:** when kept by yourself in a room. * **Bodily restraint:** when physically prevented from moving your body. * **Chemical restraint**: when given a medication to stop you moving your body.   They can only be used if it’s the least restrictive option and are necessary to prevent serious and imminent harm, except:   * Bodily restraint can be used to give you treatment for mental illness or a medical condition; and * Chemical restraint can be used to transport you to hospital.   When restrictive interventions are used you must:   * have access to things you need to uphold your basic human rights. This can include things like food, water, bedding, clothing, and being able to use the toilet and wash; and * be checked on regularly by medical or nursing staff.   Restrictive interventions must be stopped when no longer necessary, and their use must be documented. The psychiatrist must offer you time to discuss what happened afterwards. You have the right to advocacy support You can contact the Victorian Mental Illness Awareness Council (VMIAC) for advocacy support if you are receiving voluntary treatment.  You can contact Independent Mental Health Advocacy (IMHA) for independent and free advocacy support at any time if you are worried about getting compulsory treatment. You have the right to legal advice You have the right to communicate with a lawyer to seek legal assistance about mental health or other legal issues. There are free legal services you can contact. You have the right to have leave You can discharge yourself or take leave from the hospital at any time. You cannot be denied leave. There may be rules or restrictions about leave that you can discuss with your psychiatrist.  If your psychiatrist says you will be put on a compulsory treatment order for wanting to leave the hospital, you can seek legal advice or advocacy support. You have the right to make an advance statement of preferences This is a document you can make that explains what you want to happen if you receive compulsory assessment or treatment. This is when you are assessed or treated even if you don’t want to be. It can include what kinds of treatment, support or care you want. You can make one at any time.  The mental health service must try to do what’s in your statement, but they are not legally bound to do so. If they don’t follow a preferred treatment, they must tell you why in writing within 10 business days. You have the right to choose a nominated support person This is a person you formally choose to support and advocate for you if you receive compulsory assessment or treatment. This is when you are assessed or treated even if you don’t want to be. They must advocate for what you say you want, not what they want. The mental health service must help them support you and inform them about your treatment. You have the right to make a complaint You can complain directly to your service or to the Mental Health and Wellbeing Commission (MHWC). You have the right to access your information and request changes You can submit a Freedom of Information request directly to the public mental health service.  You can ask for corrections to your health information. If the mental health service denies your request, you can create a health information statement that explains the changes you want. This must be included in your file. |

# Get help

Services you can contact for help using your rights

| Service | Details | Contact details |
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| Independent Mental Health Advocacy | Independent advocacy service | 1300 947 820  [www.imha.vic.gov.au](http://www.imha.vic.gov.au) |
| Victoria Legal Aid | Free legal assistance | 1300 792 387  [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au) |
| Mental Health Legal Centre | Free legal assistance | 9629 4422  [www.mhlc.org.au](http://www.mhlc.org.au) |
| Victorian Aboriginal Legal Service | Free legal assistance for Aboriginal and Torres Strait Islander peoples | 9418 5920  [www.vals.org.au](http://www.vals.org.au) |
| Community Visitors | Visit mental health services | 1300 309 337  [www.publicadvocate.vic.gov.au/opa-volunteers/community-visitors](http://www.publicadvocate.vic.gov.au/opa-volunteers/community-visitors) |
| Mental Health and Wellbeing Commission | Independent complaints service | 1800 246 054  [www.mhwc.vic.gov.au](http://www.mhwc.vic.gov.au) |

# Find out more

* Mental Health and Wellbeing Act 2022

[www.legislation.vic.gov.au/as-made/acts/mental-health-and-wellbeing-act-2022](http://www.legislation.vic.gov.au/as-made/acts/mental-health-and-wellbeing-act-2022)

* Office of the Chief Psychiatrist guidelines   
  [www.health.vic.gov.au/chief-psychiatrist/chief-psychiatrist-guidelines](http://www.health.vic.gov.au/chief-psychiatrist/chief-psychiatrist-guidelines)
* Victoria Legal Aid website  
  [www.legalaid.vic.gov.au/mental-health-and-your-rights](http://www.legalaid.vic.gov.au/mental-health-and-your-rights)
* Mental Health and Wellbeing Act handbook

[www.health.vic.gov.au/mental-health-and-wellbeing-act-handbook](http://www.health.vic.gov.au/mental-health-and-wellbeing-act-handbook)

* Victorian Charter of Human Rights and Responsibilities   
  [www.legislation.vic.gov.au/in-force/acts/charter-human-rights-and-responsibilities-act-2006/015](http://www.legislation.vic.gov.au/in-force/acts/charter-human-rights-and-responsibilities-act-2006/015)
* Independent Mental health Advocacy know your rights information

[www.imha.vic.gov.au/know-your-rights](http://www.imha.vic.gov.au/know-your-rights)

* Victorian Department of Health Statement of Rights

<https://www.health.vic.gov.au/mental-health-and-wellbeing-act-handbook/statement-of-rights>



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