

Mental Health and Wellbeing Act 2022

Information for families and carers of people who need mental health and wellbeing support

An Easy Read guide

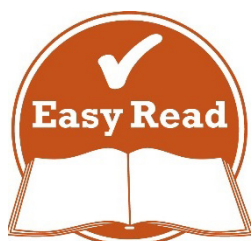


How to use this guide



The Victorian Government Department of Health wrote this guide.

When you see the word 'we', it means the Victorian Government Department of Health.



We wrote this guide in an easy to read way.

We use pictures to explain some ideas.

Bold

We wrote some important words in **bold**.

Not bold

This means the letters are thicker and darker.



We explain what these bold words mean.

There is a list of these words on page 28.



This is an Easy Read summary of a fact sheet.

This means it only includes the most important ideas.



You can find the fact sheet on our website.

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



You can ask for help to read this guide.

A friend, family member or support person may be able to help you.



In this guide, we talk about some things that might upset you.

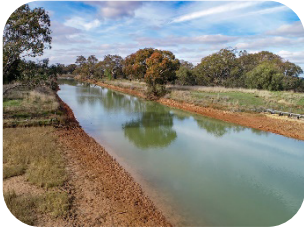


If you need support you can talk to someone you trust.



There are also services you can contact.

Their contact details are on page 33.

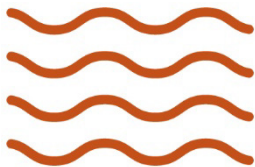


We recognise First Nations peoples as the traditional owners of the land we live on – Victoria.

They were the first peoples to live on and use the:



- lands



- waters.

What's in this guide?

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What is this guide about?



The *Mental Health and Wellbeing Act 2022* is a law.

In this guide, we call it the Act.

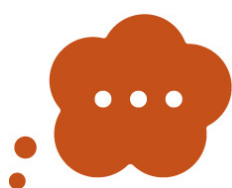


It will replace the *Mental Health Act 2014*.



The Act aims to support all Victorians to have good **mental health and wellbeing**.

Your mental health and wellbeing is about how you:



- think and feel about yourself



- deal with things in your life



- manage your feelings.

The Act also aims to support:



- people with mental illness



- their families and carers.



It explains how we will improve Victoria's **mental health and wellbeing system.**



The mental health and wellbeing system is made up of different parts that work together to support people's mental health and wellbeing.



This includes mental health and wellbeing service **providers**.



Providers support people by delivering a service.

Our principles



The Act includes some important ideas we should always think about.

We call these our **principles**.

Our principles aim to:



- support the community's mental health and wellbeing



- make mental health and wellbeing services safe.



We want the mental health and wellbeing system to be **accessible**.



When something is accessible, it is easy to:

- find and use services
- understand.



We also want the mental health and wellbeing system to be **inclusive**.



When something is inclusive, everyone:

- can take part
- feels like they belong.



Our principles say that mental health and wellbeing service providers need to respect everyone in the community.

This includes people:



- of all ages



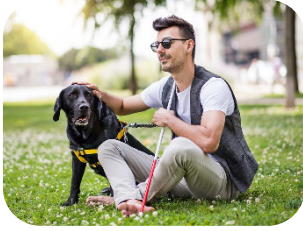
- from different **cultures**.

Your culture is:



- your way of life
- how you think or act now because of how you grew up
- your beliefs
- what is important to you.

Providers also need to respect:



- people with disability



- people who live far away from cities and towns



- **LGBTIQA+** people.

The letters LGBTIQA stand for lesbian, gay, bisexual, transgender, intersex, queer or questioning and asexual.



The '+' is for people who are part of the LGBTIQA+ community but don't talk about themselves using a word from this list.

Statement of rights



Our principles support everyone's **rights**.

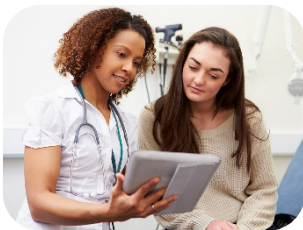
Rights are rules about how people must treat you:

- fairly
- equally.



A person will get a document explaining their rights when they get mental health and wellbeing services at a hospital.

We call this document a 'statement of rights'.



Hospital staff need to:

- give the person a statement of rights
- explain their rights
- answer their questions.



If you're supporting someone who is getting these services, hospital staff also need to give you a statement of rights.

Compulsory treatment



Most of the time people can choose if they want to get mental health and wellbeing services.

Unless they get **compulsory treatment**.



Compulsory treatment is when someone has to get treatment because a doctor says they need it.

But they haven't said they want it.



The Act explains when this can happen.

A person might get compulsory treatment at:



- home



- a hospital.



We want it to happen:

- less
- for the shortest time possible.

Mental health and wellbeing service providers can only give someone compulsory treatment if:



- the person is at risk of becoming very unwell



- it will stop them from hurting themselves or others



- there are no other ways to help them the way they need.



A doctor will ask a **psychiatrist** to check whether the person really needs compulsory treatment.

We call this an 'assessment order'.



A psychiatrist is a doctor who is an expert in mental illnesses.



The psychiatrist will decide if the person needs compulsory treatment.



The psychiatrist will also decide:

- what the compulsory treatment will be like
- how long it will go for.



The psychiatrist will write these things down.

We call this a 'temporary treatment order'.



They will tell the person what they decide.



A temporary treatment order can last for up to 4 weeks.

Mental Health Tribunal



The **Mental Health Tribunal** aims to protect people's rights when they get compulsory treatment.

In this guide, we call them the Tribunal.

The Tribunal is like a court.

They:

- hold hearings – formal meetings
- make decisions about compulsory treatment
- make treatment orders.



After someone gets a temporary treatment order, the Tribunal will hold a hearing.



At the hearing the Tribunal will decide if the person needs compulsory treatment.

They will tell the person what they decide.



The Tribunal might decide to cancel the temporary treatment order.



Or they might agree that the person needs compulsory treatment.

The Tribunal will make a new treatment order.



A treatment order by the Tribunal can last for up to 6 months.



A psychiatrist can also ask the Tribunal to make a new treatment order.

Making decisions



The Act says that mental health and wellbeing workers need to support people to make their own decisions.

People can say what mental health and wellbeing care they want.



This includes:

- what treatment they want
- how they get support.



They can also say what they don't want.

For example, that they don't like some medicines.



People can write these things down in a document.

We call this an 'advance statement of preferences'.



They will need to sign the document.

And someone else will need to sign it to show that it's true.



A person's advance statement of preferences explains how mental health and wellbeing workers need to try to support them.



This includes if they get compulsory treatment.



People can write this document any time.



Mental health and wellbeing workers might not be able to follow a person's advance statement of preferences.

If this happens, the workers need to write down why.



People who get compulsory treatment can choose someone to support them.

We call this person their 'nominated support person'.



A person needs to write down who they want to be their nominated support person.



If they choose you to be their nominated support person, you will need to decide whether you agree to support them.

You can support them to make decisions about their mental health and wellbeing care.



This includes:

- what treatment they want
- how they get support.



You can also support them to tell their doctors what they want.



If you're a nominated support person, mental health and wellbeing workers need to give you the same documents they give the person you're supporting.

For example, a statement of rights.

Advocacy services



The Act explains how people can get support from **advocacy services**.



Advocacy services can:

- speak up for people
- help people have their say
- give information and advice.



If a person gets compulsory treatment, the mental health and wellbeing service provider needs to ask if they want support from an advocacy service.



The person can say if they don't want this support.

The Mental Health and Wellbeing Commission



We created the **Mental Health and Wellbeing Commission**.

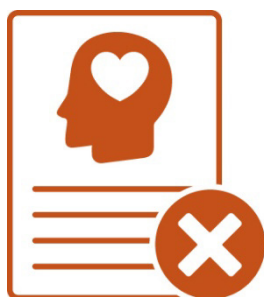
In this guide, we call them the Commission.



The Commission makes sure mental health and wellbeing services are:

- safe for everyone
- good quality.

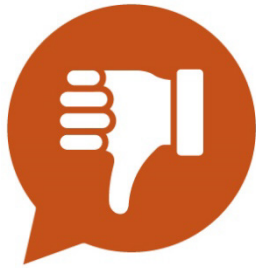
People can contact the Commission if they:



- think a provider isn't following the principles in the Act



- want to make a **complaint** about a mental health and wellbeing service.



When you make a complaint, you tell someone that something:

- has gone wrong
- isn't working well.

You can also make a complaint:



- for the person you're supporting



- if providers don't treat you well when you're supporting someone.



The Commission can support you to make a complaint.



And they will try and fix any problems you have with the provider.



You can visit the Commission's website.

www.mhwc.vic.gov.au

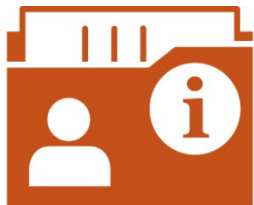


You can call them.

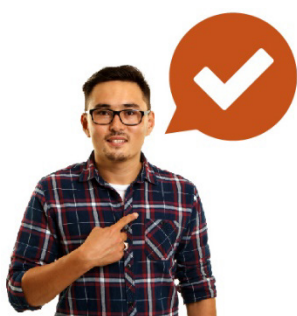
1800 246 054

Sharing personal information

Personal information could include:



- a person's name
- their contact details
- information about their mental health.



Mental health and wellbeing service providers can sometimes share personal information if the person says it's okay.

Providers can use information to connect people with other services like:



- housing services



- drug and alcohol services.



Providers can also sometimes share personal information if people don't say it's okay.

They can do this if they need to keep someone safe.



For example, if someone is in an emergency providers can share their information with the ambulance staff.



Providers must share information with you about the person you're supporting.



They must do this when the person:

- starts using their service
- stops using their service.

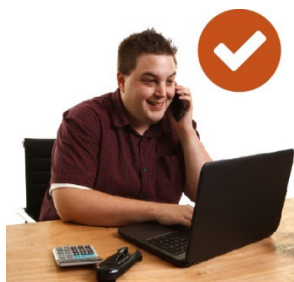
They can only share this information if:

- the person says it's okay
- or
- it will keep the person safe.



Word list

This list explains what the **bold** words in this document mean.



Accessible

When something is accessible, it is easy to:

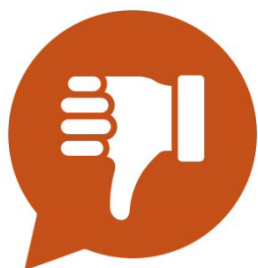
- find and use services
- understand.



Advocacy services

Advocacy services can:

- speak up for people
- help people have their say
- give information and advice.



Complaint

When you make a complaint, you tell someone that something:

- has gone wrong
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Compulsory treatment

Compulsory treatment is when someone has to get treatment because a doctor says they need it.

But they haven't said they want it.

Culture

Your culture is:



- your way of life
- how you think or act now because of how you grew up
- your beliefs
- what is important to you.

Inclusive

When something is inclusive, everyone:



- can take part
- feels like they belong.

LGBTIQA+



The letters LGBTIQA stand for lesbian, gay, bisexual, transgender, intersex, queer or questioning and asexual.

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Mental health and wellbeing

Your mental health and wellbeing is about how you:



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- deal with things in your life
- manage your feelings.

Mental Health and Wellbeing Commission



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- safe for everyone
- good quality.

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Mental health and wellbeing system



The mental health and wellbeing system is made up of different parts that work together to support people's mental health and wellbeing.

This includes mental health and wellbeing service providers.

Mental Health Tribunal

The Mental Health Tribunal is like a court.

They:

- hold hearings – formal meetings
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Principles

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We call these our principles.



Providers

Providers support people by delivering a service.



Psychiatrist

A psychiatrist is a doctor who is an expert in mental illnesses.



Rights

Rights are rules about how people must treat you:

- fairly
- equally.

Support for you



There are services you can contact if you need support because of your mental health and wellbeing.



If you're in an emergency now, call Triple Zero.

000



You can call Lifeline if you need support with your mental health and wellbeing.

13 11 14



Or you can visit their website.

www.lifeline.org.au



If you speak a language other than English, you can call the Translating and Interpreting Service (TIS).

131 450



You can call the National Relay Service if you:

- are deaf or hard of hearing
- find it hard to speak using the phone.

1800 555 660



Or you can visit their website.

www.accesshub.gov.au/about-the-nrs/nrs-helpdesk

Contact us



You can send us an email.

mhwa@health.vic.gov.au



You can visit our website.

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



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