

Information about Victoria's new Mental Health and Wellbeing Act

OFFICIAL

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This fact sheet has information about Victoria's new mental health and wellbeing law (*Mental Health and Wellbeing Act 2022*).

The new law is based on human rights. It aims to:

- help people have good mental health
- protect people who have mental illness
- help families and carers of people with mental illness.

The new law has principles to make sure mental health and wellbeing services are safe for everyone. This means they are inclusive and accessible.

These principles say mental health services must respect all people in the community, including people from different cultures, language groups and faith backgrounds.

Statement of rights

The new law says a person must be given a statement of rights if they are getting help for their mental health in a hospital.

A statement of rights is a document that explains a person's legal rights. Staff at the hospital must help a person understand the statement of rights.

The statement of rights is translated in community languages and is available on the [Department of Health website](https://www.health.vic.gov.au/mental-health-and-wellbeing-act). <<https://www.health.vic.gov.au/mental-health-and-wellbeing-act>>

Advance statement of preferences

An advance statement of preferences is when a person writes what they do and don't want in their mental health treatment and care.

An advance statement of preferences can say how a person wants help if they get compulsory treatment. For example, they can say they do not want some medicine.

The staff must try to do what is in the statement. If staff don't do what is the statement, they must write down why.

A person can make an advance statement of preferences at any time.

A nominated support person

A nominated support person is someone a person chooses to help them if they have compulsory treatment.

A nominated support person can help a person:

- make decisions about mental health treatment and care
- tell doctors what the person wants.

A person must write down who they want as a nominated support person, and they must agree to be the nominated support person.

Non-legal advocacy

There is a service called the non-legal mental health advocacy service.

Non-legal advocacy means you get help from someone who is not a lawyer. This person is called an advocate.

If a person gets compulsory treatment, they must be offered help from an advocate. The person can say no if they don't want an advocate.

The name of this service is Independent Mental Health Advocacy (IMHA).

Mental Health and Wellbeing Commission

A new Mental Health and Wellbeing Commission helps make sure mental health services are safe and available to all.

If a person is not happy with a mental health and wellbeing service, they can tell the Commission. The Commission will listen and try to find a solution.

How is information used and shared?

The new law says mental health and wellbeing services can share information with other people

- if a person says yes
- or sometimes to keep a person safe and well.

Under the new law, information can be shared with other services to give people the best possible support.

This may be

- housing services
- drug and alcohol services.

A person can choose if they want to share the information with other services.

Information can also be shared with the ambulance service in an emergency.

Where can I find more information?

For the most up to date information please visit the [Mental Health and Wellbeing Act](https://www.health.vic.gov.au/mental-health-and-wellbeing-act)

<<https://www.health.vic.gov.au/mental-health-and-wellbeing-act>> page on the Victorian Department of Health website.

To receive this document in another format email mhwa@health.vic.gov.au <mhwa@health.vic.gov.au>

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