

Sometimes it is hard for you to work out what is best for your own health and the Mental Health Act provides authority for your doctor or psychiatrist to make decisions for you. You can be admitted to hospital against your will, and in some circumstances treated without your agreement. However, if you are being treated under the Mental Health Act you also have a number of rights. This document tells you what they are and how you can get advice and assistance.

You have the right to appeal against the process

- You have the right to see an Official Visitor if you have any concerns at all.
- You have the right to ask the Mental Health Tribunal for a review of a Continuing Care Order or Community Treatment Order
- You have the right to have an automatic review of these Orders by the Mental Health Tribunal
- You have the right to complain about treatment

You have the right to information

- You have the right to have the effect of the Act explained to you
- You have the right to be informed in a way that you understand
- You have the right to have your diagnosis and proposed treatment plan explained to you.

You have rights about the way you are treated:

- You have the right to have your identity and your civil and political rights respected
- You have the right to have the best possible standard of care and treatment
- You have the right to have your personal and medical information kept confidential, except where the Act permits its release to others involved in your care and treatment
- You have the right to have a family member or close friend present when you talk to a doctor or psychiatrist.
- You have the right to refuse treatment if you are considered capable of understanding what that means, unless treatment is ordered by the Guardianship and Administration Board (this is explained over the page).
- You have the right to be protected from abuse and neglect.

Why you can be admitted or kept in hospital without your consent?

Under the Mental Health Act, you can be admitted to hospital or kept in hospital without giving consent if your doctor or psychiatrist believes that you have a mental illness causing a significant risk of harm to yourself or other people.

How does this happen?

An authorised officer (that is an experienced mental health professional or certain police officers) or person responsible (a guardian, spouse – provided there is a close and continuing relationship, unpaid carer or close friend or relative) may seek an Initial Order, which is signed by a doctor.

An Initial Order is the first sort of order that can be made to authorise your admission and treatment. This order lasts up to 72 hours.

They do this because they believe you are in an acute stage of mental illness but have not understood this and are not willing to seek help yourself.

Continuing Care and Community Treatment Orders

Once you are admitted to hospital, the Initial Order must be confirmed by an approved medical practitioner (usually a psychiatrist) within 24 hours.

That doctor may recommend a Continuing Care Order for further hospital treatment for up to six months, or a Community Treatment Order prescribing treatment outside of hospital for up to 12 months.

That doctor must also tell you about your diagnosis and treatment plan as soon as this is known.

Both Continuing Care and Community Treatment Orders are reviewed automatically by the Mental Health Tribunal within 28 days of the Order being made or renewed.

You or your person responsible may apply to the Tribunal at any other time to have the Order reviewed.

Mental Health Tribunal

Ph (03) 6233 3033

The Mental Health Tribunal has medical and legal expertise, and is independent of the public mental health services. The Tribunal has the power to change the involuntary status of a patient.

Guardianship and Administration Board

Ph (03) 6233 3085

If you refuse treatment, and the psychiatrist considers it in your best interest to have treatment, the psychiatrist may approach the Guardianship and Administration Board to give consent to treatment on your behalf.

Official Visitors

Ph (03) 6231 9885

freecall 1800 808 890

Official Visitors have the duty to visit and inspect mental health services, listen to and help resolve patient complaints, and help people apply to the Mental Health Tribunal.

Mental Health Advocate

Ph (03) 6224 2240

freecall 1800 005 131

The Mental Health Advocate will listen to any complaint you may have and negotiate on your behalf with staff and services.

Other useful contacts

Mental Health Community Resource Centre (Statewide)

Free call 1800 808 890

TasCAG – Tasmanian Community Advisory Group on Mental Health

Ph (03) 6332 7870

Translating and Interpreting Service (TIS)

Ph 131 450

Office of the Health Complaints Commissioner

Ph (03) 6233 6217

Legal Aid Commission of Tasmania

Free call 1300 366 611

State Manager, Mental Health Services

Ph (03) 6230 7710



DEPARTMENT of
HEALTH and
HUMAN SERVICES

Your Rights

under the

Mental Health Act 1996

Brochure produced by State Office Mental Health Services,
October 2004
State Office Mental Health Services
Level 4 Carruthers Building
St Johns Park
New Town TASMANIA 7008
Telephone (03) 6230 7707

