

Your Rights as a Forensic Patient

Tasmania's *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 a forensic 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
- be given a varied diet that is adequate for your health and wellbeing
- be provided with adequate toilet and sanitary arrangements as well as adequate light and ventilation
- receive visitors and make contact with people by telephone or mail. You also have the right to refuse to see visitors or take calls and mail in most cases
- only be secluded or restrained, be given urgent treatment or have force applied to you only when the Act allows
- apply for leave from the Secure Mental Health Unit 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 Secure Mental health Unit to another Secure Mental Health Unit, or to another place such as a hospital, if this is directed by the Chief Forensic Psychiatrist (or his delegate)
- have access to legal advice
- 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 Secure Mental Health Unit
- be given information about your diagnosis and treatment
- be given copies of documents that are relevant to your treatment, diagnosis and care. This includes copies of documentation confirming that the Chief Forensic Psychiatrist or Tribunal has authorised treatment for you
- 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 the Secure Mental Health Unit to understand and exercise your rights
- receive general health care while in the Secure Mental Health Unit

If you are on an Assessment Order or Treatment Order when you are admitted to the Secure Mental Health Unit, you have the right to be given information about your admission to the Secure Mental Health Unit including why you have been admitted and how long your admission will be for.

If you are a prisoner or youth detainee and if you asked to be admitted to the Secure Mental Health Unit, you have the right to ask to go back to the prison or youth detention centre that you were in before being admitted to the Unit. If your request is refused you have the right to be told that your request has been refused and to be told why.

In most circumstances you have the following rights:

- to have access to current news
- 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 suitable basic, clean clothing
- to be given access to physical aids and communication aids if you need them
- to be given special dietary food if needed

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 Forensic Psychiatrist or the Mental Health Tribunal.

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

The logo for Tasmania's Mental Health Act features the text 'TASMANIA'S MENTAL HEALTH ACT' in a stylized font. 'TASMANIA'S' is in orange, 'MENTAL HEALTH' is in purple, and 'ACT' is in purple. The text is set against a background of a brain shape filled with various words related to mental health and human rights, such as 'HUMAN RIGHTS', 'JUSTICE', 'CONSENT', 'DIGNITY', 'RESPECT', 'RECOVERY', 'WELL-BEING', 'SUPPORT', 'CARE', 'PROTECTION', 'PARTICIPATION', 'CHOICE', 'DIGNITY', 'RESPECT', 'RECOVERY', 'WELL-BEING', 'SUPPORT', 'CARE', 'PROTECTION', 'PARTICIPATION', 'CHOICE'.

TASMANIA'S MENTAL HEALTH ACT

Rights, Respect, Recovery

How Can I Raise Concerns and Complaints?

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 Forensic 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 Mental Health 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.

Phone:

Hobart: 1800 005 131

Devonport: 6441 0201

Launceston: 6331 0740

Website: www.advocacytasmania.org.au

Chief Forensic Psychiatrist

Phone: 6166 0778

Email: chief.psychiatrist@health.tas.gov.au

Legal Aid Commission of Tasmania

Phone: 1300 366 611

Website: www.legalaid.tas.gov.au

Mental Health Tribunal

Email: mht@justice.tas.gov.au

Website: www.mentalhealthtribunal.tas.gov.au

Official Visitors

Phone: 1800 001 170

Website: officialvisitors.tas.gov.au

Ombudsman / Health Complaints Commission

Phone: 1800 001 170

Website: www.healthcomplaints.tas.gov.au/

Notes: