

MENTAL HEALTH LAW

KNOW YOUR RIGHTS

WHERE CAN I GET SUPPORT?

VALS **(03) 9418 5920**

Yarning safe'n'strong **1800 959 563**

Your local Aboriginal Community Controlled Health Service

Aboriginal Liaison officer or Social and Emotional Wellbeing Officer
at your Hospital

Independent Mental Health Advocacy **1300 947 820**

Victoria Legal Aid **1300 792 387**

Mental Health Legal Centre **(03) 9629 4422**

Mental Health and Wellbeing Commission **1300 650 172**

Mental Health Tribunal **1800 242 703**

Second Psychiatric Opinion Service **1300 503 426**

Victorian Mental Illness Awareness Council Inc **(03) 9380 3900**

Tandem Carers (for family and friends) **1800 314 325**

Office of the Public Advocate **1300 309 337**



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RIGHT TO SUPPORT

- Get support from a mental health **advocate**.
- Talk to a **lawyer** for legal advice and representation.
- Choose a **nominated support person** to help you make decisions. This might be a family member or friend who you trust.
- Ask for your Aboriginal Health Liaison Officer, Social Worker or Social and Emotional Well Being (SEWB) Officer.
- **Mental health services** can help you recover and be part of your community.
- You can talk to a **community visitor** from the Office of the Public Advocate (OPA) about problems with your mental health service.

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RIGHT TO INFORMATION

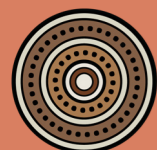
- Receive information about your **rights** in a way you understand.
- Receive information about your **treatment** in a way you understand. This includes what your treatment options are, why, and any risks or side effects.
- Access **documents** in connection with your hearing at least two business days beforehand, unless the Mental Health Tribunal (MHT) thinks this will cause serious harm to you or another person.
- After your hearing, you can ask for **written reasons** about why an order was made. This request must be made within 20 business days of your hearing.

RIGHT TO LEAST RESTRICTIVE TREATMENT

- You have a right to receive the **least restrictive treatment**.
- **Seclusion and restraint** can only be used after all reasonable less restrictive options have been tried or considered. Seclusion means being kept by yourself away from other people. Restraint means using physical or mechanical force or medication to control your behaviour.

RIGHT TO RESPECT

- You have a right to have your **dignity and autonomy** respected and promoted.
- You have a right to have your **cultural safety** needs recognised and responded to.
- You have a right to have your **language, disability, gender, religion, sexuality and health needs** recognised and responded to.



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RIGHT TO HAVE YOUR VOICE HEARD AND BE INVOLVED IN DECISIONS

- Have your **views, preferences and recovery goals** heard and respected in a Culturally Safe way.
- Make an **advanced statement of preferences** that the Tribunal must consider about how you wish to be treated.
- You have a right to the **support** you need to make decisions including a reasonable time to make those decisions without pressure and having an opportunity to talk about your treatment with your treating team.
- You can **refuse** electroconvulsive therapy (ECT) when you have capacity to make this decision. You have capacity if you can understand, remember, weigh, and communicate information to make a decision.

UNHAPPY WITH YOUR TREATMENT?

- You have a right to seek a **second psychiatric opinion** (from the free Second Psychiatric Opinion Service or any psychiatrist you like).
- You can apply to **revoke** (get rid of) your Treatment order at any time and as many times as you like.
- In some circumstances, if the MHT make a mistake about the law, you can **appeal** a decision to the Victorian Civil and Administrative Tribunal (VCAT) within 20 business days. If you think this might have happened to you, we recommend that you talk to a lawyer.
- If VCAT make a mistake, there are some situations where you can appeal again to the Victorian Supreme Court.
- You can also make a **complaint** to the Mental Health and Wellbeing Commission about your treatment provider.

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