

Mental health laws and involuntary patients

If you are an involuntary patient under the Mental Health Act, you have rights. You should be aware of these rights and know who to contact if you need help.

Your basic rights

You have the right to:

- Appeal to the Mental Health Review Board
- A second opinion
- Legal advice
- Contact people by letter or telephone
- Complain about your treatment.

Involuntary patients

If you have been admitted as an involuntary patient to a mental health service, it is because a doctor believes that:

- You appear to be mentally ill
- Your mental illness requires immediate treatment
- It is necessary for your health or safety or for the protection of other people
- You have refused or are unable to consent to necessary treatment
- There is no less restrictive way for you to receive adequate treatment.

Within 24 hours of admission, a psychiatrist from the mental health service will examine you to decide if all these reasons apply to you. If they do, you must remain an involuntary patient.

Community treatment orders

Your psychiatrist may decide that you can receive the treatment you need in the community and place you on a community treatment order. However, you are still an involuntary patient.

Mental Health Review Board

The Mental Health Review Board is an independent tribunal that:

- Hears appeals from patients who want to be discharged.
- Reviews all patients periodically to decide if they can be discharged.

Your right to appeal to the Board

It is your right to appeal to the Board at any time. Whether or not you appeal, the Board will review you within eight weeks of your admission and then at least every 12 months.

If you want to appeal to the Board, ask a member of the treating team for an appeal form. The team member can send it to the Board for you.

You can contact the Board on Tel. (03) 8601 5270 or toll free on 1800 242 703.

Your right to get a second opinion

It is your right to get a second opinion about your psychiatric condition or treatment. You can ask your case manager to arrange this.

Your right to legal advice

It is your right to obtain legal advice and have a lawyer to represent you. Call:

- The Mental Health Legal Centre (03) 9629 4422 or toll free on 1800 555 887.
- Victorian Legal Aid Tel. (03) 9269 0234 or toll free 1800 677 402.

Your right to communicate with family and friends

You can have people visit you at the mental health service and you can contact people by letter or phone. You can have someone of your choice with you when you discuss your treatment with your doctor.

Your right to complain

If you are unhappy about anything that happens when you are an involuntary patient, you have the right to complain. A good place to start is with your case manager or the complaints officer at the mental health service.

You can also complain directly to:

- The Health Services Commissioner Tel. (03) 8601 5200
- The Chief Psychiatrist , Department of Health, Tel. (03) 9096 7571 or 1300 767 299

Where to get help

- Your case manager or another member of the treating team can tell you about other helpful organisations and groups.
- Community Visitors/Public Advocate Tel. 1300 309 337.

Things to remember

- Every involuntary patient has rights.
- There are independent organisations that can help you.

This page has been produced in consultation with, and approved by:

Department of Health - Victoria's Mental Health Services

Content on this website is provided for education and information purposes only. Information about a therapy, service, product or treatment does not imply endorsement and is not intended to replace advice from your doctor or other registered health professional. Content has been prepared for Victorian residents and wider Australian audiences, and was accurate at the time of publication. Readers should note that, over time, currency and completeness of the information may change. All users are urged to always seek advice from a registered health care professional for diagnosis and answers to their medical questions.

For the latest updates and more information, visit www.betterhealth.vic.gov.au

Copyright © 1999/2012 State of Victoria. Reproduced from the Better Health Channel (www.betterhealth.vic.gov.au) at no cost with permission of the Victorian Minister for Health. Unauthorised reproduction and other uses comprised in the copyright are prohibited without permission.

