ACT Government
Health

The ACT Charter of Rights for people who experience Mental Health Issues.

People who experience mental illness or mental health problems have the same rights as everyone.

What is the Charter of Rights?

This Charter of Rights states how people who experience mental illness or mental health problems can expect to be treated by people who care for and work with them. It sets out those rights that explicitly support people to be free from discrimination and to access high quality health and social care services. This Charter will help everyone better understand their rights and safeguard them in the ACT.

Who is the Charter of Rights for?

This Charter of Rights is for all people who experience mental illness or mental health problems, no matter who they are, regardless of their age, their gender identity, their sexual orientation, their religion, their culture, what language they speak, what their diagnosis is, what their level of ability and whether they are rich or poor.

Related Legislation, Charters, Standards and Conventions

People who experience mental illness or mental health problems have, at all times, the right to receive services and to be treated in a way that is consistent with the

- *Human Rights Act 2004*
- *Mental Health (Treatment and Care) Act 1994*
- *Health Records (Privacy and Access) Act 1997*
- Australian Charter of Healthcare Rights
- National Standards for Mental Health Services
- United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care
- United Nation Convention on the Rights of Persons with Disabilities

Children and young people have additional protections under the United Nations Convention on the Rights of the Child.

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Your Rights

Respect

You have the right to

- Be treated with respect.
- Have your individual human dignity valued.
- Be free from unlawful discrimination.
- Ask to have a staff member of your own gender when receiving treatment.
- Have your individual needs respected in relation to your age, culture, language, disability, gender and sexuality.

Safety

You have the right to

- Be safe when receiving treatment and care.
- Receive high quality treatment and care.
- Be treated in the least restrictive environment appropriate to your individual needs.
- Receive appropriate and comprehensive information about your treatment, including the side effects, in a timely manner.
- Obtain a second opinion about your treatment and care.

Communication

You have the right to

- Be heard.
- Have a safe environment created that supports information exchange between you and your health care providers.
- Be informed about services, treatments, options and costs throughout your care.
- Ask questions regarding your care and have them answered in a clear and understandable manner.
- Communicate your views and preferences about your treatment and care options by using an Advance Agreement.

Access

You have the right to

- Timely access to health and human services.
- Care that promotes independence and recovery.
- Choose if, and when, family, friends and other supports are included in your care.
- Access mental health care that is equivalent to care available in the community, if you are subject to the criminal justice system.

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Participation

You have the right to

- Live, work and participate in your community with equitable access to human services.
- Participate in decisions and choices about your care throughout all stages of your care and recovery.
- Receive information in a form and language that you understand.
- Have your Advance Agreement inform your care.
- Participate in mental health legal proceedings.
- Access independent advocacy and legal advice regarding your treatment, care and social needs.

Privacy

You have the right to

- Protection of your personal privacy.
- Privacy and confidentiality of your personal information.
- Access your own health records in accordance with the law.

Comment

You have the right to

- Comment on your care and to have your concerns addressed.
- Receive information on mechanisms of complaint and redress.

This Charter is not a law, and while it remains a commitment and statement of values it cannot be directly enforced in a court or tribunal. However, under the *Human Rights Act 2004* (ACT), public authorities providing health and human services have an obligation to act in a way that is consistent with human rights protected by that Act and to consider those human rights in decision making.