

# ACT Charter of Rights for people experiencing mental ill health or mental disorder

*People who experience mental ill health or mental disorder have the same rights as everyone else, and some additional rights*

## Respect

You have the right to:

- Be treated with respect
- Have your individual human dignity valued
- Be free from unlawful discrimination
- Informed consent about your assessment, treatment, care or support
- Develop an Advance Agreement, Advance Consent Direction and/or Appointment of a Nominated Person when you are well, so they are in place if you become unwell. *My Rights, My Decisions* is one way of doing this
- Ask for a staff member of your own gender to be present when receiving treatment
- Have your individual needs respected and access appropriate supports in relation to your age, culture, language, disability, gender and sexuality.

## Safety

You have the right to:

- Be safe when receiving treatment, care and support
- Receive high quality health care that meets national standards
- Be cared for in an environment that is safe and helps you feel safe
- Be treated in the least restrictive environment appropriate to your individual needs
- Receive appropriate and comprehensive information about your treatment, including side effects, in a timely manner,

and communicated in a culturally appropriate way that you can understand

- Obtain a second opinion about your treatment and care.

## Communication

You have the right to:

- Be heard, listened to, and have your decisions taken into account
- 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 through an Advance Agreement, Advance Consent Direction and/or the Appointment of a Nominated Person.
- Communicate, and be supported in communicating, in a way that you choose
- Be supported to make decisions with your treating team, to the extent that you choose and are able, such as with the support of a nominated person
- Have your Advance Agreement, Advance Consent Direction and/or the Appointment of a Nominated Person communicated to all treating staff in a timely and confidential way
- Include the people that you want in planning and decision-making.

## Access

You have the right to:

- Timely access to health and human services
- Care that promotes independence and recovery
- Choose if a person is included in your care, (e.g. nominated person, carer or family member) that you can set out through an Advance Agreement, Advance Consent Direction and/or the Appointment of a Nominated Person.
- Access mental health care wherever you are (e.g. in the criminal justice system, secluded and restrained, affected by a treatment order) that is equivalent to care available in the community.

## Participation

You have the right to:

- Be assumed to have decision-making capacity, unless it is established that you do not have decision-making capacity
- Be supported to make decisions about your treatment, care and support
- 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 will and preferences about treatment, care or support, to the extent that they are known, e.g. through an Advance Agreement, Advance Consent Direction and/or the Appointment of a Nominated Person taken into account during decision making
- Include the people that you want in planning and decision-making, including as directed in your *My Rights, My Decisions* or similar document
- Participate in mental health legal proceeding

- Access independent advocacy and legal advice regarding your treatment, care and social needs
- Make decisions with your healthcare team.

## Privacy

You have the right to:

- Access all your health information in a culturally appropriate way and in a way that you can understand, e.g. plain language or in a language other than English
- Have your personal privacy respected
- Have information about you and your health kept secure and confidential
- Be told if something has gone wrong during your health care, how it happened, how it may affect you and what is being done to make your care safe

## Give feedback

You have the right to:

- Comment on your care and to have your concerns addressed
- Receive information on mechanisms of complaint and redress
- Share your experience and participate to improve the quality of care and health services
- Ask for and receive help to access these mechanisms

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. It reflects your rights under the *Mental Health Act 2015* (ACT) and other legislation. 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.

Doc Number	Issued	Review Date	Approved by	Page
CP21/020	Nov 2022	Nov 2024	Chief Psychiatrist	2 of 3

# ACT Charter of Rights for people experiencing mental ill health or mental disorder

## What is the Charter of Rights for people experiencing mental ill health or mental disorder?

This Charter of Rights states how people who experience mental ill health or mental disorder 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 it for?

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

## Related Legislation, Charters, Standards and Conventions

People who experience mental ill health or mental disorder always have the right to receive services and to be treated in a way that is consistent with the:

- *Human Rights Act 2004 (ACT)*
- *Mental Health Act 2015 (ACT)*
- *The Mental Health (Secure Facilities) Act 2016 (ACT)*
- *Health Records (Privacy and Access) Act 1997 (ACT)*
- *Carers Recognition Act 2021*
- *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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Services

CarersACT

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