

# ACT CHARTER OF RIGHTS

## for people experiencing mental ill health and/or mental disorder

View the full charter here:



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

<https://www.canberrahealthservices.act.gov.au/before-during-and-after-your-care/mental-health-inpatient/before-you-arrive/the-act-charter-of-rights-for-people-who-experience-mental-health-issues>

### You have the right to:

#### Respect

- » 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 (see [actmhc.org.au](http://actmhc.org.au))
- » Ask for a staff member of your own gender to be present when receiving treatment
- » Be treated with respect
- » Have your individual human dignity valued
- » Be free from unlawful discrimination
- » Informed consent about your assessment, treatment, care or support
- » Have your individual needs respected and access appropriate supports in relation to your age, culture, language, disability, gender and sexuality

#### Safety

- » 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 understand
- » Obtain a second opinion about your treatment and care
- » Be safe when receiving treatment, care and support

#### Communication

- » Be heard, listened to, and have your decisions taken into account
- » 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
- » 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
- » Have a safe environment created that supports information exchange between you and your health care providers
- » Communicate, and be supported in communicating, in a way that you choose

#### Access

- » 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 in advance 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

- » Be assumed to have decision-making capacity, unless it is established that you do not have decision-making capacity
- » Live, work and participate in your community with equitable access to human services
- » Participate in mental health legal proceedings about you
- » Access independent advocacy and legal advice regarding your treatment, care and social needs
- » Participate in decisions and choices about your care during all stages of your care and recovery
- » Receive information in a form and language that you understand
- » Make decisions with your healthcare team
- » Have your will and preferences about treatment, care or support, to the extent that they are known, taken into account during decision-making

#### Privacy

- » 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

- » Comment on your care and 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.