

# Patient rights

## Fact sheet 7

The *Mental Health Act 2000* (the Act) contains provisions for patient rights by:

- ⊙ providing safeguards for the use of involuntary provisions
- ⊙ involving patients in decisions affecting them
- ⊙ ensuring regular independent reviews of a patient's involuntary treatment.

### Where are patient rights established?

The Act conforms to the United Nations Principles for the Protection of Persons with a Mental Illness and for the Improvement of Mental Health Care. These principles provide for the protection of the rights of people with a mental illness.

The Act is also consistent with the National Standards for Mental Health Services.

### Where are patient rights set out in the Act?

Patient rights are set out at important stages throughout the Act, in particular:

- ⊙ Chapter 1 – which sets out the principles that underpin the Act
- ⊙ Chapters 6 and 12 – which set out the processes for patient reviews by the Mental Health Review Tribunal (the Tribunal)
- ⊙ Chapter 9 – which sets out specific patient rights.

### What is the statement of rights?

The Act requires the Director of Mental Health to provide a written statement about the rights of involuntary patients. This must be displayed prominently in all mental health services and must include information on:

- ⊙ the rights of patients and allied persons
- ⊙ the right to make a complaint and details of how to make a complaint.

A copy of the statement of rights must be given to the person on admission to the mental health service. The statement of rights must also be explained to the person in the language and in a way that enables the information to be understood by the person.

### What are the key patient rights?

#### ⊙ Right to information

Wherever possible, a person must be informed of the following:

- that assessment documents are in force and what this means for the person
- that an involuntary treatment order has been made and the category of the order
- the doctor's reasons for deciding to make the involuntary treatment order
- the details of the treatment plan and proposed treatment, and any changes to the treatment plan.

The Act also has provision for patients to have access to information relating to decisions made by the Mental Health Review Tribunal and the Mental Health Court, including the reasons for decisions. This is only limited where the Tribunal

or the Court makes a confidentiality order that prohibits or restricts the disclosure of information to the patient (ie. for health or safety reasons).

#### ⊙ Right to choose an allied person

An involuntary patient has the right to choose a person to be their allied person. The role of the allied person is to help the patient represent their views, wishes and interests about assessment, detention and treatment under the Act.

The patient may choose their own allied person (for example, a trusted relative or friend) or may choose not to have an allied person. If the patient is not able to make this decision (for example, due to their illness), the hospital administrator will choose an allied person for the patient.

The allied person is:

- notified of the patient's involuntary admission
- notified of reviews and treatment applications for the patient
- able to attend hearings of the Tribunal to assist the patient
- able to apply to the Tribunal on behalf of a person under an involuntary treatment order.

A patient's guardian or attorney must also be notified at key times in the assessment, treatment and review process.

#### ⊙ Right of access to health practitioners and legal advisors

An involuntary patient can receive visits from their own health practitioner or legal advisor at any reasonable time.

#### ⊙ Right to raise concerns with a community visitor

All patients have the right to raise any concerns with a community visitor. The Office of the Adult Guardian administers this program for adults under the *Guardianship and Administration Act 2000*. The Office of the Commission for Children and Young People and Child Guardian administers the program for children and young people under the *Commission for Children and Young People Act 2000*.

#### ⊙ Right to regular review of involuntary treatment

Patients who receive involuntary treatment must be regularly reviewed by an authorised psychiatrist.

The Act also requires that involuntary patients are reviewed by an independent body, the Mental Health Review Tribunal (see *Fact sheet 6 – Mental Health Review Tribunal*). Appeals against Tribunal decisions can be made to the Mental Health Court.

### Further information

**Mental Health Act Liaison Officer**  
Mental Health Branch  
Queensland Health  
GPO Box 48, BRISBANE Q 4001

Phone: 1800 989 451 or 07 3234 0417  
Email: [mha2000@health.qld.gov.au](mailto:mha2000@health.qld.gov.au)  
Web: [www.health.qld.gov.au/mha2000](http://www.health.qld.gov.au/mha2000)