

## Want to Lodge a Complaint?

- 1) Make sure you have raised the issue with the health care provider or staff first before taking next steps.
- 2) If you would like to escalate the matter further, you can lodge a complaint online to the Health Care Complaints Commission at <https://ecomplaints.hccc.nsw.gov.au> or call 1800 043 159.

## Need Advocacy Support?

Visit the Official Visitors website <https://officialvisitorsmh.nsw.gov.au/> or call 1800 208 218 for more information.

## Need Legal Support

Contact the Mental Health Advocacy Service, Legal Aid on 1300 888 529. You can also visit their website <https://www.legalaid.nsw.gov.au/>

**BEING** \_ Mental Health Consumers is the independent, state-wide, peak organisation representing the views, perspectives and experiences of people who live with mental health issues in NSW. Our primary focus is to ensure the voices of people living with mental health issues are heard by decision makers, service providers, and the community, and recognised for the valuable expertise they bring to system and service reform.

Supported by NSW Health, BEING has developed this series of resources to help you learn about your rights as a mental health inpatient under the NSW Mental Health Act and the advocacy supports available to you.

For more information about BEING visit [being.org.au](http://being.org.au), contact [info@being.org.au](mailto:info@being.org.au) or call **1300 234 640**.



# Mental Health and Your Rights

Your Rights as a Person Admitted  
to a Mental Health Unit

There are two types of ways a person can be admitted to a mental health unit. One way is to admit yourself voluntarily and another to be admitted involuntarily.

# KNOW YOUR RIGHTS

## What is Voluntary Admission?

Generally, a person who voluntarily admits themselves to a mental health unit.

It can also refer to someone who was being involuntarily treated but was later changed to "voluntary" status by the mental health unit.

## What is Involuntary Admission?

Someone who has been admitted to a mental health unit against their will to undergo a mental health assessment.

It can also refer to someone who admitted themselves voluntarily, but was changed to 'involuntary' after a mental health assessment.

## Can I be reclassified from involuntary to voluntary status?

Yes, if it is beneficial for your care and treatment.

You can have your status changed by the authorised medical officer on duty or by the Mental Health Review Tribunal.

# EXERCISE YOUR RIGHTS

## What are my Rights as Someone who Voluntarily Admits Themselves to a Mental Health Unit?

- You can ask about and decline treatment at any time (unless your status changes to "involuntary")
- You can discharge yourself from the mental health unit any time once you have consulted the medical officer on duty (unless your status changes to "involuntary")

## What are my Rights as Someone who is Involuntarily Admitted to a Mental Health Unit?

- You can object to taking medication but do not have the right to refuse it
- You are not allowed to leave or discharge yourself from the mental health unit unless approved by the medical officer on duty
- You have a right to request for your status to be changed from "involuntary" to "voluntary" status
- You have a right to apply for discharge and appeal.

## What are my General Rights as Someone Admitted to a Mental Health Facility?

- You have a right to physical safety. Staff and other people admitted are not allowed to deliberately hit, wound, mistreat or neglect you
- You have a right to be treated with dignity and respect
- You have a right to the least restrictive care and treatment
- You have a right to ask about the medication given to you, including the dosage and side effects
- You can ask to speak to an Official Visitor at any time who can help explain and advocate for your rights.

## In Addition...

- You have a right to be involved in your discharge and treatment plans
- You have a right to legal representation at Mental Health Tribunal hearings
- You have a right to appeal decisions and a fair hearing
- You can ask staff to repeat and clarify the statement of rights to you
- You have a right to lodge a complaint.

