Your Rights

Under the Substance Addiction (Compulsory Assessment and Treatment) Act 2017[[1]](#footnote-1)

### You have the right to be treated with respect.

* You have the right to be fully informed about your legal status, rights and all aspects of your assessment, treatment and review.
* You have the right to nominate any person (over 18 years old) to protect your interests under the Act and can change or cancel that nomination at any time.
* You have the right to be cared for in a way that is consistent with the objectives of compulsory treatment and principles in the Act, which means:
* your care is provided in the least restrictive manner possible
* your views and the views of the person you have nominated to support you are sought and taken into account wherever possible
* there is the least possible interference in your rights; and your interests remain at the centre of any decision-making
* your cultural and ethnic identity, language and personal beliefs are recognised and respected as are your ties with your family, whānau, hapū, iwi and extended family
* the aim of your treatment under the Act is to restore your capacity to make your own informed decisions about treatment.
* You have the right to receive health and medical care that is appropriate for your condition and to be told of the benefits and side-effects of any treatment.
* You have the right to have your compulsory status urgently reviewed by a judge if you think you do not meet the criteria for compulsory treatment in the Act.
* You have the right to be heard in Court.
* You have the right to refuse any images or video and audio recording of your treatment to be made or used.
* You have the right to ask for an independent medical opinion from a specialist who is approved under the Act.
* You have the right to ask for a lawyer to advise you on your status and rights under the Act.
* You have the right to the company of others.
* You have the right to have visitors and use the telephone, at reasonable times. You can send and receive letters, unopened and emails. (These rights can be limited by your responsible clinician, but only for a specific reason.)

## If you are a child or young person

* Your wishes will be considered.
* You have the right to have an adult that you choose present during any examination by a clinician or an interview by a judge.
* You should be told about any decisions or actions regarding you.

## How long compulsory assessment and treatment can be applied

* The Act can be applied for up to 56 days, and may be extended for a further 56 days, if you meet the criteria for compulsory treatment in the Act.

## Your right to refuse medication or treatment

* You must accept medication or treatment given to you even if your consent has not been given.
* You do have the right to ask for independent advice about medication or treatment from an approved specialist of your choice.

## Who you can talk to about your rights

* You have the right to assistance if you are not happy with the way you are treated, or if you have any questions about your rights.

Ask the staff to help you make contact with:

* a district inspector (these are lawyers who can investigate complaints and advise you about your rights, at no cost to you)
* your own lawyer (if you do not have a lawyer, staff or the district inspector may be able to recommend a lawyer for you. If you cannot afford a lawyer, legal aid may be able to provide funding for the cost of a lawyer)
* the Office of the Health and Disability Commissioner (they can advise you about your rights and investigate any complaints about your assessment, treatment or review)
* a patient advocate (these are people with a special interest in the rights of patients).

This guideline is issued by the Director-General of Health



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1. The rights set out in the Health and Disability Services Consumers’ Code of Rights will also apply to you, except where they are inconsistent with the Act. [↑](#footnote-ref-1)