

# Your Rights

## Under the Mental Health (Compulsory Assessment and Treatment) Act 1992

August 2019

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You have the right to be treated with respect.

- You have the right to be fully informed about your legal status and all aspects of your assessment, treatment and review.
- You have the right to have your condition reviewed either by a Judge, or a Review Tribunal, depending on your legal status. You can also seek a judicial inquiry.
- You have the right to have your cultural identity and personal beliefs respected. You can have someone who speaks your language with you or someone from your family or whānau, a friend or advocate, at your assessment or review.
- You have the right to receive medical and health care that is appropriate for your condition. You must be told of the benefits and side-effects of your treatment before it commences.
- You have the right to refuse any video and audio recording of your treatment being made or used.
- You have the right to ask for the opinion of an independent psychiatrist.
- You have the right to ask a lawyer to advise on your rights and status as a patient, or on any other matter.
- You have the right to the company of others. Seclusion can only be used, where necessary, for your care or treatment or the protection of others.
- You have the right to have visitors and use the telephone, at reasonable times. You can send and receive letters, unopened. These rights can be limited by your responsible clinician, but only for a specific reason.

## How long does this Act apply to me for?

- The first period of assessment is up to five days.
- If you require further assessment and treatment, the second period of assessment is up to 14 days.
- If you are still not fit to be released, an application is made to the court for a compulsory treatment order.
- Compulsory treatment orders must be reviewed at least every 6 months.

## Can I refuse medication?

- During the first (five-day), second (14-day), and subsequent period of assessment, as well as up until one month following the making of a compulsory treatment order, you can be required to take treatment even if you do not consent to it.
- After that time, your consent to treatment is required. If you refuse to consent you can only be treated if a second approved psychiatrist believes the treatment is in your interests.

## Who can I discuss my rights with?

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 any of the following:

- a district inspector (lawyers who can investigate complaints and advise 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 make a recommendation to you. If you cannot afford a lawyer, legal aid may be able to provide funding.)
- the office of the Health and Disability Commissioner (the Commissioner's office can advise about your rights and can also inquire into complaints)
- a patient advocate (these are people with a special interest in the rights of patients).



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