

Mental Health Matters

How can Legal Aid help you?

Legal Aid ACT can give you free information, advice and represent you in the tribunal with your mental health matter.

Legal Aid can:

- represent you in the tribunal if you have a hearing for a mental health order
- help you if you live in the community and have a mental health order
- help you review your mental health order
- represent you at a review hearing if the tribunal has decided to review your order
- give you legal advice every Wednesday at Canberra or Calvary Hospital

Legal Aid ACT
www.legalaidact.org.au
Phone: **1300 654 314**

If you need an interpreter let us know and we can arrange one for you. Or you can phone the Translating and Interpreter Service: **131 450**.

Your Rights

You have the right to:

- be informed about the treatment you receive
- have your views heard
- receive a second opinion from another psychiatrist
- contact a lawyer, such as a lawyer at Legal Aid

People who have been detained in hospital under the *Mental Health (Treatment and Care) Act 1994* can seek advice and help from Legal Aid ACT.

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Mental Health and the Law

The ACT Civil and Administrative Tribunal (ACAT) can make, review, change and revoke mental health orders.

Key terms:

A **mental illness** is any condition which seriously impairs a person's mental functioning. It is characterised by symptoms such as delusions or hallucinations.

A **mental disorder** is a substantially disabling disturbance or defect of perceptual interpretation, comprehension, reasoning, learning, judgment, memory, motivation or emotion.

Orders that can be made

Assessment orders

- Are made when a person appears to have a mental disorder or mental illness, and is likely to risk their own or others' health and safety.
- Results in a psychiatric assessment being conducted.

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Section 309 Orders

- Are made by the Magistrates Court when a person has been charged with a criminal offence.
- If the order is made, the person is required to be taken to a mental health facility for assessment.
- The mental health facility will then determine whether the person needs treatment or care.

Emergency Detention Orders

- Applies to specific crisis situations. They allow police officers, paramedics, doctors or mental health officers to apprehend a person with a mental disorder or mental illness.
- It forces a person receive psychiatric treatment and care, even when they do not consent, if there is an immediate risk to themselves or others due to their mental health.
- A person may be detained for 3 days, but ACAT can extend this to 11 days.

Psychiatric Treatment Orders

- Only made for a person with a **mental illness** to protect the person from serious harm to themselves or others.
- They authorise the psychiatrist to decide what treatment is provided, how it is administered, and whether the treatment is provided in or out of hospital.
- Orders are made by application to ACAT. They last for up to 6 months, and are reviewed by ACAT before they expire.

Community Care Orders

- Are made for a person who is diagnosed as having a **mental disorder**.
- It is used to protect the person from serious harm to themselves or others, or to prevent serious mental or physical deterioration.
- They authorise a care coordinator to oversee the person's treatment, care and support. This order also exists for a maximum of 6 months.

Complaints

If you have a complaint in relation to your treatment or care, you can contact the Health Services team at the ACT Human Rights Commission.

ACT Human Rights Commission

To make a complaint about your treatment
Phone: **(02) 6205 2222**