

## Advocacy

You or your family may need help to understand the mental health system.

### Peer Worker or Carer Consultant

Your treatment centre or community service may have Peer Workers or Carer Consultants who can assist you. Please ask staff for more information.

### Community Visitor Scheme

Independent advocacy for people receiving inpatient and community care.

Tel: 08 7425 7802 / Toll free: 1800 606 302

### Disability Advocacy and Complaints Service of South Australia

Can assist with advocacy and complaints.

Tel: 08 7122 6030

### Disability Rights Advocacy Service Inc.

Individual and systemic advocacy.

Tel: 08 8351 9500

### Office of the Public Advocate

Independent information and advice.

Tel: 08 8342 8200 / Toll free: 1800 066 969

## Legal Assistance

### Your Personal or Family Lawyer

Can help with legal advice or assistance.

### Reviews (appeals)

#### South Australian Civil and Administrative Tribunal (SACAT)

Can review an order on request.

Tel: 1800 723 767

Internet: [www.sacat.sa.gov.au](http://www.sacat.sa.gov.au)

## Legal Representation Scheme

### Legal Services Commission

Can provide legal representation during a review or appeal.

Tel: 1300 366 424

## Language Assistance Interpreting and Translating Centre

Tel: 1800 280 203 (South Australia)

### Translating and Interpreting Service

Tel: 131 450 (National)

Automated (ATIS): 1800 131 450

### National Relay Service

For hearing and speaking difficulties

Voice/TTY: 133 677

Speak and listen: 1300 555 727

### Deaf Can Do - Auslan Interpreters

Tel: 0417 233 369

### Aboriginal Interpreter Service

Tel: (08) 8999 2062 / [ais@nt.gov.au](mailto:ais@nt.gov.au)

## Complaints

### Your Treatment Centre or Community Service

Your health service has officers who can assist with enquiries and complaints.

Please ask staff for more information.

### Office of the Chief Psychiatrist

Can assist with making a complaint and advise on the *Mental Health Act 2009*.

Tel: 08 8226 1091

### The Health and Community Services Complaints Commissioner

Can investigate complaints if a previous complaint process has failed.

Tel: 08 8226 8666

Toll free: 1800 232 007

## For more information

### Office of the Chief Psychiatrist

Telephone: 8226 1091

[www.chiefpsychiatrist.sa.gov.au](http://www.chiefpsychiatrist.sa.gov.au)



[www.ausgoal.gov.au/creative-commons](http://www.ausgoal.gov.au/creative-commons)

# Mental Health Act 2009 Statement of Rights #2

## Care and Control

## Patient Assistance Requests, and Patient Transport Requests

## Office of the Chief Psychiatrist



SA Health



SA Health

## Information about your rights when you are placed under

- > **Care and Control**
- > **Patient Assistance Request**
- > **Patient Transport Request**

If you need help to understand this pamphlet, or what is happening to you, please ask staff.

### What is Care and Control?

Care and control is the name given to the powers in section 56 of the *Mental Health Act 2009*, which are the legal way of temporarily keeping you safe and assessing you against your will if you appear to have a mental illness and to be at risk.

### What are Care and Control powers?

An authorised officer can use any or all of the following powers, depending on the situation:

- > Enter into a building to find you
- > Take you into care and control
- > Transport you between places
- > Restrain you (if reasonably required)
- > Give you medication (if reasonably required and only by a doctor, nurse or paramedic), and
- > Search you and temporarily remove items.

### Who can use Care and Control powers?

Authorised officers, who can be:

- > Mental health clinicians
- > Ambulance officers
- > Royal Flying Doctor Service (RFDS) doctors and nurses, and
- > Professionals approved as Authorised Officers by the Chief Psychiatrist, for example doctors and nurses in Emergency Departments.

Care and control can be used for as long as reasonably required for an assessment of your mental health and risk to be made.

### When can Care and Control be used?

Care and control powers can be used when:

- > You appear to have a mental illness and to be at risk,
- > A Patient Transport Request has been made for you,
- > A Patient Assistance Request has been made for you, or
- > You are on an Inpatient Treatment Order and absent without leave from a treatment centre.

### What are my rights when I am placed under Care and Control?

You will receive a copy of this Statement of Rights when care and control is used by authorised officers, as soon as possible and practical.

You can have someone support you during care and control if you wish, within limits set by authorised officers. The support person can be a guardian, substitute decision maker (medical agent), relative, carer, friend or a voluntary or professional advocate.

You may communicate with other people. You will have reasonable privacy in your communications.

If you are unhappy with your treatment while under care and control, you can speak with the authorised officers when possible. If you are not satisfied that your concerns have been addressed, you may make a formal complaint.

The other side of this pamphlet provides the contact details for services that can assist with advocacy, interpreting and complaints.

### Confidentiality

Information about you is confidential but may be disclosed with your permission, or if required by law, to provide services or to maintain safety. Information may also be shared with other services, or a relative, carer or friend, if it is

reasonably required for your treatment and care and is in your best interests.

### What is a Patient Assistance Request?

A Patient Assistance Request may be used by a doctor or mental health clinician if you are on a Community Treatment Order and refuse to take your medication. The Request will ask ambulance officers or police officers to help give you your medication in the place where you are. If it is not safe to do so, you can be transported to a health service or hospital to receive your medication.

If a Patient Assistance Request is made for you, ambulance officers or police officers can use care and control powers to help the mental health team give you medication. You will receive a copy of the Request as soon as possible and practical.

### What is a Patient Transport Request?

A Patient Transport Request can be used by a doctor or mental health clinician to request the help of ambulance officers, police officers or RFDS officers to transport you between places.

If a Patient Transport Request is made for you, authorised officers or police officers can use care and control powers to transport you. You will receive a copy of the Request as soon as possible and practical.

### What powers do Police Officers have?

Police officers have their own care and control powers in section 57 of the Act. Their powers are the same as those of authorised officers, except they cannot provide medication and they can break and enter into a place to find you.

Police officers do not need to provide a Statement of Rights when using their powers.