

Know your rights: I want to feel safe while I am receiving treatment

May 2025

Receiving compulsory mental health treatment can be lonely and distressing. Sometimes it feels like you have no say in what happens to you.

Independent Mental Health Advocacy (IMHA) is a non-legal advocacy service that supports you to understand and exercise your rights. This factsheet helps you understand your rights and options under the Victorian *Mental Health and Wellbeing Act 2022* (the law).

Do I have a right to feel safe?

Yes. Under the law you have the right to:

- have your individual needs (including your culture, language, communication needs, age, disability, religion, gender, sexuality) respected and responded to
- receive the least restrictive assessment and treatment possible.

What about human rights?

Services must comply with the *Charter of Human Rights and Responsibilities Act 2006* when treating you. These rights include the right to:

- liberty and security
- equality before the law
- not be treated in a cruel, inhuman or degrading way
- have your humanity and inherent dignity respected, even where your liberties are restricted.

What is causing me to feel unsafe?

Safety issues may be caused by:

- the behaviour of others towards you
- concerns, such as about your treatment, that are not being addressed
- the layout or hospital environment.

What does safety mean to you?

People have different things they need to feel safe. These can include:

- physical safety
- emotional safety
- cultural safety
- sexual safety
- spiritual safety
- financial safety.

What actions can I take?

If you feel unsafe, you may want to try the following:

- **letting a trusted person know** – you may want to tell a family member, friend or peer, staff member, nominated support person, advocate or other person about your concerns
- **know your rights** – if you feel like you have no power to make decisions about your safety, learning about your rights can allow you to have more say in what happens to you
- **use strategies that have worked in the past** – you may have had similar experiences in the past, and know what you need to feel safe
- **communicate what you need** – you may want to talk to the mental health service staff about what is causing you to feel unsafe, and what you want them to do to help.

If these strategies don't help you can contact IMHA, a support service or legal organisation.

Who can help?

Sometimes you may want help. IMHA can assist by providing information and advocacy about your rights. Other services that may help are:

- **Mental Health and Wellbeing Commission (1800 246 054 / www.mhwc.vic.gov.au/)** – the MHWC deals with complaints about mental health services. See IMHA's *Know your rights: I want to make a complaint* factsheet for more information.
- **Office of the Chief Psychiatrist (03 9096 7571)** – the OCP provides clinical guidance to mental health services, and has specific guidelines on treatment plans, family violence and sexual safety. You can ask the OCP or the mental health service for copies of these guidelines.
- **Legal services** – the Mental Health Legal Rights Service (1800 849 806) and the Victorian Aboriginal Legal Service (03 9418 5920) can provide legal advice about how the law relates to mental health.
- **1800RESPECT (1800 737 732)** – 1800RESPECT is a national sexual assault, domestic family violence counselling service.

How to contact IMHA and find out more

You can:

- visit the website www.imha.vic.gov.au
- send an email to contact@imha.vic.gov.au.
- call the IMHA phone line **1300 947 820**, which is staffed by IMHA advocates 9:30am – 4:30pm seven days a week (except public holidays).
- call the IMHA rights line on **1800 959 353** to hear a recording about your rights.



imha.vic.gov.au

- ask a mental health service provider, carer, kin or other support person to assist contacting IMHA.