



HEALTH CONSUMERS'  
COUNCIL

## Voluntary Mental Health Patient Rights

### What is a voluntary patient?

You are a voluntary patient if you agree to go to hospital to get help for your mental health.

You, or someone who can decide for you (like a guardian), say yes to staying in hospital.

A psychiatrist (a doctor who helps with mental health) may ask you to stay if they believe hospital care will help you feel better and stay safe.

### What is informed consent?

You need to understand what the treatment is, what other options there are, what risks it might have and what will happen if you say yes or no.

If you don't understand, ask questions. Take your time. You have a right to say no.

### Looking for more resources?

- Mental Health Commission:  
[www.mhc.wa.gov.au/getting-help](http://www.mhc.wa.gov.au/getting-help)
- Health and Disability Services Complaints Office (HaDSCO)  
[www.hadSCO.wa.gov.au/For-Public](http://www.hadSCO.wa.gov.au/For-Public)  
1800 813 583
- Health Consumers' Council:  
(08) 9221 3422
- Mental Health Advocacy Service:  
(08) 6234 6300

### Who is the Health Consumers' Council WA?

We want everyone in WA to get fair and equitable healthcare. If you need more help, we're here for you.

On our website, you can find information and fact sheets to help you understand your health rights and speak up for yourself.

[help@hconc.org.au](mailto:help@hconc.org.au)  
(08) 9221 3422  
[www.hccwa.org.au](http://www.hccwa.org.au)

# Your Rights in a Mental Health Hospital (Voluntary Patients)

## What are your rights?

As a voluntary patient, you have rights that protect you and make sure you are treated fairly in hospital. You have the right to:

- Understand what's happening, ask questions and get clear information about your treatment.
- Say yes or no to treatment and only agree when you understand what the treatment is and what the risks are (called informed consent).
- A physical health check.
- To a meeting with a psychiatrist.
- Leave hospital, however if doctors are worried about your safety or others', they can ask for an emergency check-up and stop you from leaving for a short time.
- Have your belongings kept secure while you are in hospital.
- See and talk to people on the phone (unless there are special hospital rules).
- Nominate someone you trust to support you or speak for you. This is called a nominated person.
- Ask for help if you don't feel your rights are respected. Talk to hospital staff or advocacy services like the Health Consumers' Council WA.
- Privacy of your health and personal information.
- Access your medical records and requesting to see your medical notes (this right may be restricted if the hospital doesn't think this is safe for you or others).
- Respect and kindness and to be treated with dignity and care at all times.

## What happens if you want to leave?

You can leave hospital as a voluntary patient. If the psychiatrist thinks you need more help and can't decide safely, they might change your status to involuntary (this means you stay in hospital even if you don't want to).

A psychiatrist must follow certain rules to keep you in hospital if you don't agree to stay. You have the right to ask questions to understand what's happening.

Here are some you can ask:

- Do you think I am a danger to myself or others?
- Do you think I have the capacity to understand the decisions I am making about my treatment?
- Is it possible for me to get support and treatment outside the hospital?

## What if you leave against doctor's advice?

This is called Discharge Against Medical Advice (DAMA).

You can still leave, but you might not be able to get the same medicine outside the hospital, and you might not be allowed to come back straight away.

If you are too unwell to decide, doctors might stop you leaving under the Mental Health Act.

