

Your rights: detention and treatment orders

Severe Substance Dependence Treatment Act 2010

Where you are and why you are here

You are at St Vincent's Hospital, Melbourne (41 Victoria Parade, Fitzroy 3065 Victoria).

This is a treatment centre to help you withdraw from alcohol and/or drugs.

You are here because a Magistrate has deemed that you require mandatory detention and treatment under the *Severe Substance Dependence Treatment Act 2010* (the Act).

After examination by a medical specialist the Magistrate has determined that without treatment under the Act you are likely to risk permanent disability or death.

You can be held in this treatment centre for a maximum of 14 days while you are given treatment to address your dependence.

This factsheet will explain these orders and your rights. Someone at the treatment centre will explain this information to you.

What are my rights?

You have the right to:

- name someone who will support you and protect your things and responsibilities (Nominated Person) (see below)
- get legal help
- apply to the court to have the order stopped
- get a second opinion about whether you need treatment
- be involved in decisions about your treatment and discharge planning
- information to help you be involved in decisions about your treatment
- a visit from the Public Advocate (see below)

- the best possible treatment in the least restrictive environment and in the least intrusive manner possible
- have your cultural, religious or other needs taken into consideration, and
- get medical help for other illnesses from another service.

If you have any questions, you can ask someone at the treatment centre, a friend, a family member, a lawyer, the Public Advocate or contact one of the organisations listed at the end of this factsheet.

Why am I in this treatment centre?

You are here because the Magistrates' Court made a detention and treatment order for you to be held in the treatment centre because you have severe substance dependence, and need urgent treatment to help you withdraw from alcohol and/or drugs.

The centre has staff to help you with alcohol and drug problems.

This brief period of detention and treatment can be beneficial in accessing the help you need.

Why did the Court make this order?

The doctor who examined you gave advice about your health to the Court. The Court then decided that it was necessary to admit you to the treatment centre because:

- you have severe substance dependence
- this is the last resort treatment option for you and without this intervention, you will probably become permanently disabled or die
- a treatment centre is the only place where you can get the treatment you need, and
- there is no other way to make sure you get the treatment you need.

What will happen to me next?

In the first 24 hours:

- you will be examined by a doctor from the treatment centre who works in the Addiction Medicine Team
- you will be given information about your rights and you can ask the staff any questions
- your Nominated Person and/or your guardian will be told where you are, and
- the Public Advocate will be told where you are.

What treatment will I get?

Staff at the treatment centre will make a Treatment Plan for you and with your input. Treatment may include medication that will make you comfortable when withdrawing from drugs and/or alcohol. The staff will explain the process to you and are there to help you along the way.

Your plan will be checked regularly and changed as needed. Remember that you have input into this plan.

The Plan will consider:

- your wishes and preferences
- other treatments available
- any risks in the treatment
- what would happen to you without treatment
- second opinions from other doctors, and
- your family's opinions if you want them included.

What if I don't agree with the treatment?

If you have been assessed as needing treatment under the Act, you can be treated and detained without your agreement.

Can I get a second opinion?

Yes. The staff at the treatment centre and the Public Advocate can help you get another qualified doctor's opinion.

Who will protect all my things?

While you are in treatment, you can choose someone to protect your interests called your Nominated Person. Staff at the treatment centre can help you fill out a form to nominate this person. If your Nominated Person agrees to act for you, they will do this until you no longer want or need them to, or until your treatment order expires.

If staff at the treatment centre do not reasonably believe the person you request to nominate will represent your best interests they must tell you why and will help you find a suitable Nominated Person.

If at any stage you want to change your Nominated Person, you have the right to do so. You just need to fill out a new form. Staff will assist you to do this if you ask.

Can I leave when I want?

While you are at the treatment centre, you are under the care of the staff there. You cannot leave the centre without approval of staff at the treatment centre.

There are reasons why you are allowed to leave (such as getting medical treatment) but you must get approval from staff.

If you leave without telling staff or without permission, the treatment centre can seek assistance to detain you and return you to the facility.

Can I stop the order?

You do have the option of applying to the Magistrate's Court for your treatment order to be stopped. You need to complete a form called *Application to revoke a detention and treatment order*. Your guardian, Victorian Legal Aid or the Public Advocate can help you do this.

However, you must show that:

- you no longer have severe substance dependence
- you no longer need immediate treatment to save your life or stop serious damage to your health
- you don't need to be detained to get the treatment you need, and
- there are other less restrictive ways you can get treatment for your alcohol and drug dependence.

If you get a second opinion that says you don't need treatment and detention, a doctor at the treatment centre must re-examine you and also agree that you don't need treatment. If they don't agree, you must stay.

How long do I have to stay in the treatment centre?

You must stay until:

- your order expires, or
- the order is stopped after a second opinion is confirmed (see above).

What happens when I get discharged from the treatment centre?

You will be given a Discharge Plan when you are ready to leave that outlines follow up treatment and what services will help you (e.g. Care and Recovery Coordination). You will have input into this Plan and you will also get a copy to keep. Others, such as your family or guardian can also get a copy if you want them to.

Care and Recovery Coordination is available to you once you are discharged. This is a service where you will be given a support worker who can support you to get back on your feet and assist with accessing such things as housing, health care, Centrelink and other services. The treatment centre staff will link you with Care and Recovery Coordination.

Complaints

If you have any complaints about the way you have been treated at the treatment centre, in the first instance talk to the staff. If you are not satisfied with the response, you, your Nominated Person, guardian, friend or family have the option to call the Health Complaints Commissioner on 1300 582 113.

Getting help

The services below are available to help you if you have been detained under the *Severe Substances Dependence Treatment Act*.

Victoria Legal Aid

Victorian Legal Aid can offer free legal information and advice about your treatment order, your rights and may be able to help in Court. There are 14 offices throughout Victoria. The service is available in English and a number of other languages.

Central office: 570 Bourke St Melbourne VIC 3000

Phone: 1300 792 387 (Monday to Friday, 8.45 am to 5.15 pm)

Website: www.legalaid.vic.gov.au

Office of the Public Advocate

The Office of the Public Advocate provide guardianship and advocacy services for people with a disability.

Office address: 1/204 Lygon Street Carlton VIC 3053

Phone: 1300 309 337

Website: www.publicadvocate.vic.gov.au

Email: opa_advice@justice.vic.gov.au

Health Complaints Commissioner

The Health Complaints Commissioner resolves complaints about healthcare and investigate matters to ensure services provided to clients are of high quality.

Central office: 26/570 Bourke St Melbourne VIC 3000

Phone: 1300 582 113 (Monday to Friday 9am to 5pm)

Website: <https://hcc.vic.gov.au>

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Where the term 'Aboriginal' is used it refers to both Aboriginal and Torres Strait Islander people. Indigenous is retained when it is part of the title of a report, program or quotation.

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