

Understanding My Healthcare Rights

A guide for consumers



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The Charter

The Australian Charter of Healthcare Rights (the Charter) explains what you or someone you care for can expect when receiving health care.

These rights apply to everyone receiving health care in Australia, and in all places. This includes:

- Public and private hospitals
- Day procedure facilities (such as day hospitals)
- General practices
- Community health centres
- Dental clinics
- Specialist clinics.

These rights also apply to the health services that allied health professionals provide, such as physiotherapists, psychologists and social workers.

Your healthcare rights

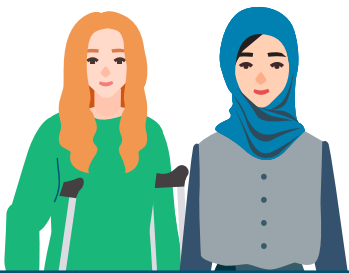
You have a right to:

- Access
- Safety
- Respect
- Partnership
- Information
- Privacy
- Give feedback.



Healthcare rights are human rights

Australia takes part in international agreements about human rights.* These agreements recognise that everyone has a right to enjoy the best possible standard of physical and mental health.



People who work in health service organisations, including clinicians and non-clinicians, are responsible for upholding the rights described in the Charter.

Clinicians have an ethical responsibility to uphold your healthcare rights, and this responsibility is included in many clinicians' codes of conduct.

Health service organisations are expected to recognise the rights described in the Charter (or a similar set of healthcare rights) and provide information about these rights to consumers. This is a requirement of the National Safety and Quality Health Service (NSQHS) Standards.† The NSQHS Standards set out the standard of care that all health service organisations must provide in Australia.

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* humanrights.gov.au/about/what-are-human-rights

† www.safetyandquality.gov.au/standards/nsqhs-standards

About this guide

This guide describes each of the seven rights described in the Charter. There are links to more information and helpful resources at the end of each section. Information on who you can contact about your rights is in **Key contacts**.

Box 1 describes some common terms used in this guide.



Box 1: Common terms used in this guide

A **consumer** is a person who uses (or may use) a health service, or someone who provides support for a person using a health service. Consumers can be patients, carers, family members or other support people.

A **carer** is a person who provides personal care, support and assistance to another person due to a disability, medical condition, mental illness, or who is frail or aged. A person is not considered a carer if they are paid, a volunteer for an organisation or caring as a part of a training or education program.

A **health service organisation** is a place that provides consumers with information, care and treatment for health-related issues.

Clinicians are healthcare professionals (such as general practitioners, specialists, nurses, midwives, Aboriginal and Torres Strait Islander health workers and allied health professionals) who provide health services. Non-clinicians (such as cleaners and receptionists) do not provide healthcare services, but are also responsible for upholding the rights described in the Charter.

Allied health professionals include physiotherapists, psychologists and social workers.

My Health Record is an online summary of a person's health information.



Access

You have the right to access healthcare services and treatment that meets your needs.



Access to health care is a basic right for everyone in Australia. This means that you have the right to use healthcare services and receive treatment when you need it.

Costs

Medicare gives Australian residents (and some overseas visitors) access to many types of health and hospital services and treatments at little or no cost. It helps with the costs of:

- Medical services provided by many clinicians, such as general practitioners, specialists, psychologists and optometrists
- Hospital treatments and most types of surgery and procedures performed by doctors
- Prescription medicines
- Medical tests and scans, such as blood tests and X-rays.

You can ask your clinician or health service organisation if your consultation or tests can be bulk-billed directly to Medicare so there is no cost to you. People who have an eligible concession card can use this to pay a lower cost for health services and prescription medicines (see **Find out more** at the end of this section).

Medicare does not cover the cost of an ambulance. The cost of an ambulance is different in each state and territory. If you have private health insurance, it might cover some ambulance costs. Concession card holders can get free ambulance services in some states and territories (see **Find out more** at the end of this section).

If you are unable to go to see your clinician you may be able to have a 'telehealth' appointment (by telephone or videoconference). Contact your clinician to ask if they will bulk-bill an appointment.



Public and private treatment

If you are admitted to a public hospital, you have the right to choose to be treated as either a public or private patient.



As a public patient, you may receive treatment at no cost to you, depending on your eligibility.

If you decide to be treated as a private patient, you may be able to choose which hospital you go to and which clinician treats you. You or your health insurer (if you have private health insurance) will be charged for some services.

You have a right to ask for all information about costs from your clinician, hospital and private health insurer before you decide if you want to have a certain test, treatment or procedure (including surgery). This is known as informed financial consent. You should be given information about all expected costs for your treatment, including any extra costs that Medicare or your private health insurer do not cover. These costs are known as out-of-pocket costs or 'gaps', which you may have to pay yourself.

Travel and waiting

You have the right to access the health services and treatment that you need, regardless of where you live in Australia. However, some health services may not be available in all places. You may need to travel or wait to receive health services. Sometimes, you may be placed on a waiting list before you can access a certain health service. If this happens, you have a right to be kept up to date about when you are likely to get that health service or treatment.

If you live in a rural or remote part of Australia and need to travel to access treatment at a hospital or specialist clinic, you may be eligible to receive assistance with travel and accommodation costs through the Patient Assisted Travel Scheme in your state or territory (see **Find out more** at the end of this section).

Physical environment

The physical environment of a health service organisation should be accessible to people with different needs, including people with disabilities. This includes building entries and exits, equipment, signage, bathroom and parking.

If you need information about physical access to your health service, you could check their website or contact them to discuss your needs.

Find out more about your right to health care access

Information about Medicare eligibility and the types of services covered: www.servicesaustralia.gov.au/individuals/medicare

Information about concession cards and eligibility: www.servicesaustralia.gov.au/individuals/subjects/concession-and-health-care-cards

Information about bulk-billing: www.servicesaustralia.gov.au/individuals/subjects/how-claim-medicare-benefit/bulk-billing

Find a healthcare service or a doctor who offers bulk-billing; use the 'Find a health service' tool at: www.healthdirect.gov.au/australian-health-services

Information about ambulance services and costs in your state or territory: www.healthdirect.gov.au/what-is-an-ambulance

Information about Medicare services for rural and remote Australians: www.servicesaustralia.gov.au/individuals/subjects/whos-covered-medicare/medicare-services-rural-and-remote-australians

Information about the Patient Assisted Travel Scheme provided in your state or territory: www.healthdirect.gov.au/travelling-to-your-healthcare-appointment



Safety

You have the right to:

- Receive safe and high-quality health care that meets national standards
- Be cared for in an environment that makes you feel safe.

Receiving safe and high-quality health care means that you get the right care, in the right place, at the right time. Your health care and treatment should be based on the best available evidence (including your symptoms and any test results), your needs and your personal preferences.



Suitably qualified clinicians with skill and competence should provide your health care.

Health service organisations must meet national standards for safety and quality, which the Australian Government sets out (see **Find out more** at the end of this section).

You have the right to be cared for in a place that feels safe and is safe. This means that health service organisations should be culturally safe, respectful and welcoming places (see **Find out more** at the end of this section).

Health service organisations should be free from threatening, violent or abusive behaviour for everyone. The healthcare workforce has a right to work in a safe environment. If you feel unsafe at any time or for any reason, talk to your clinician or someone who is in charge at the health service. You could also contact the police. More information about raising a concern is in **Give feedback**.

If you are concerned about your condition, notice a worrying change or think that something has been missed in your care (or the care of someone else), you have a right to speak up about your concerns. Talk to your clinician or someone who is in charge at the health service, and ask for a clinical review. This means that your condition and the treatment you are receiving is checked.

Find out more about your right to safety

Aboriginal Community Controlled Health Organisations deliver comprehensive and culturally appropriate health care to the communities that control it. Contact the National Aboriginal Community Controlled Health Care Organisation (NACCHO) at: www.naccho.org.au or 02 6246 9300.

Several national standards have been developed to ensure you receive safe and high-quality health care:

National Safety and Quality Health Service Standards, which describe the level of care that health service organisations should provide, and the systems that are needed to deliver this care. Health service organisations are accredited against these standards: www.safetyandquality.gov.au/standards/nsqhs-standards

Clinical Care Standards, which describe the care that patients should receive for a particular condition, such as a stroke: www.safetyandquality.gov.au/standards/clinical-care-standards

Aged Care Quality Standards, which describe the standard of care that government-funded aged care services should provide: www.agedcarequality.gov.au/consumers/standards/resources



Respect

You have the right to:

- Be treated as an individual, and with dignity and respect
- Have your culture, identity, beliefs and choices recognised and respected.



Everyone has the right to be treated with dignity, respect and compassion. This includes you and the people who support you, such as your family, carers and advocates.

You have the right to have your human rights respected and to be treated fairly. You have the right to not be discriminated against because of your age, disability, race, sex, intersex status, gender identity, sexual orientation, religious beliefs or other personal characteristics.

The health service organisation should care for you in a way that recognises and respects your culture, identity, beliefs and choices (see **Find out more** at the end of this section).

You have the right to be treated as an individual. This means that clinicians should ask about your needs, listen to what is important to you and provide care that respects your preferences.

People who work in health care also have the right to work in a safe environment and be treated with dignity and respect. Being respectful to workers and to other consumers is an important way of ensuring that everyone in a health service organisation feels safe.

Find out more about your right to respect

If you are concerned that you have experienced discrimination, you can contact the Human Rights Commission on 1300 656 419 or www.humanrights.gov.au.

You can also contact the antidiscrimination department in your state or territory.

The Australian Human Rights Commission has factsheets about your human rights: www.humanrights.gov.au/education/human-rights-explained-fact-sheets



Partnership

You have the right to:

- Ask questions and be involved in open and honest communication
- Make decisions with your healthcare provider, to the extent that you choose and are able to
- Include the people that you want in planning and decision-making.

Communication

You have the right to be treated as an equal partner in your health care. Communication with your clinician is important, and you should share information with each other. This will help ensure that you receive care that is right for you.



Your clinician should discuss your health and treatment options with you in an open and honest way.

To help your clinicians understand your needs, it is important to share information about yourself with them, such as your health history, any medicines you are taking, what you expect from your treatment and what matters to you.

You have the right to ask questions and ask for more information if there is something that you do not understand or are worried about.

You should let your clinician know if you need:

- Someone with you when talking about your care
- Help communicating
- An interpreter.

You have the right to make your own decisions about your health care and treatment, and your clinicians should respect the decisions you make. You also have the right to not be involved in decision-making, if that is what you prefer.

Capacity and decision-making

Clinicians must get informed consent from you before you undergo a particular treatment, test or procedure (see **Information**). To provide your informed consent, you need to have the legal capacity to make the decision. This means that you must be able to:

- Understand and remember information and choices given to you
- Think about the possible risks and benefits of the options and how they may affect you
- Explain your decision about having a treatment or not having it.

If you need support to understand or communicate your wishes, let your clinician know. This may include if you have difficulty with your hearing, speech or language, if you are from a culturally or linguistically diverse background or are living with a cognitive impairment (see **Find out more** at the end of this section). You have the right to have support people involved in your care to help you (see **Involving support people**).

In some situations, you might not be able to provide your consent – for example, in an emergency or for some mental health treatments. If you lack capacity to give consent, a substitute decision-maker must be asked to give consent on your behalf, except in an emergency. This person could be chosen by you, appointed by a tribunal or assigned under the law.

Each state and territory has different laws about medical treatment, mental health and substitute decision-making. For minors (people under the age of 18), this includes if they can make decisions for themselves, or if a parent or guardian decides for them. Your clinician must follow the law that applies in their state or territory (see **Find out more** at the end of this section).

You can record your wishes for future care in an advance care plan (see **Find out more** at the end of this section).



An advance care plan tells others what you want and what you do not want, in situations where you cannot communicate this information yourself.

Involving support people

You have the right to involve the people you want in planning and making decisions about your care and treatment. This could be a family member, carer, friend, or a consumer advocate such as a social worker.

An advocate is someone who can stand up for your rights.



Many health services employ different types of liaison officers, such as Aboriginal and/or Torres Strait Islander liaison officers, who can provide consumers with advocacy, information and support (see **Find out more** at the end of this section).

Including the people who are important to you in these decisions can help you to feel more confident and supported.

Find out more about your right to partnership

Information and resources about cognitive impairment: cognitivecare.gov.au

My Healthcare Rights, a guide for people with cognitive impairment: <https://www.safetyandquality.gov.au/our-work/cognitive-impairment/cognitive-impairment-resources>

Children and young people have specific healthcare needs and rights: children.wcha.asn.au/sites/default/files/australian_version_final_210911web.pdf [PDF, 781KB]

People who receive government-subsidised aged care services have specific rights under the Charter of Aged Care Rights: www.agedcarequality.gov.au/consumers/consumer-rights

Carer Gateway provides information and support to carers: www.carergateway.gov.au or call 1800 422 737

Find out more about advocacy services: www.healthdirect.gov.au/your-healthcare-rights#advocacy

Find an Aboriginal and/or Torres Strait Islander liaison officer by contacting your health service organisation or state/territory health department (see **Key contacts** at the end of this guide)

Advance Care Planning Australia provides information about advance care directives and the legislation that applies in each state and territory: www.advancecareplanning.org.au/resources/advance-care-planning-for-your-state-territory#/

Information

You have the right to:

- Clear information about your condition, the possible benefits and risks of different tests and treatments, so you can give your informed consent
- Receive information about services, waiting times and costs
- Be given assistance, when you need it, to help you to understand and use health information
- Access your health information
- Be told if something has gone wrong during your health care, how it happened, how it may affect you and what is being done to make care safe.



You have the right to receive information about all aspects of your health care. This information should be clear and easy to understand, so that you can make the best decisions for yourself.

Informed consent



Informed consent is when you decide to agree to a healthcare treatment, which may include tests and surgery.

Informed consent must be given voluntarily, which means it is your free choice and you do not feel pressured (see **Find out more** at the end of this section).

Before you provide informed consent, your clinician must:

- Discuss your condition in a way that is easy for you to understand
- Give you information about the different options available to you. This may include information about waiting times and costs
- Provide you with information about the costs of the treatment, test or procedure, and ask if you agree. This is called informed financial consent
- Explain to you the possible benefits and risks of the different options. This could include what may happen if you decide to wait before having treatment, or if you decide not to have the treatment at all.

Your clinician may tell you which option they think would be best for you, but you have the right to accept or refuse the treatment offered.

It is important that you feel comfortable about making a decision that is right for you. Before you give your informed consent, ask yourself:

- Do I need an interpreter, communication aid or support person with me?
- Do I have any questions or need more information?
- Have I had enough time to think about the information and to talk to a support person (if I want to)?
- Do I understand the information that I have been given?
- Do I have enough information to make a decision?

Once you are ready, your clinician should ask you if you agree to proceed with the treatment and give your informed consent (see **Find out more** at the end of this section). After you have provided your informed consent, you still have the right to change your mind or withdraw your consent at any time.

Second opinion

You have the right to ask for advice from another clinician. This is called a second opinion.

Health information

You have the right to receive information about different kinds of health services (including public and private services, if available), how long you may have to wait for treatment and the likely costs.

If you need help understanding the information about your health care, it is your right to be offered this help. This could include being provided with information translated into another language (see **Find out more** at the end of this section), or provided in different formats (such as written, electronic or video information) to make it easier to understand.

Interpreters

You have the right to use a health interpreter if you have difficulty speaking or understanding English.

If you do not understand any information, you can ask for an interpreter. This is especially important during the most crucial times in your health care, such as when talking about your health history, diagnosis, treatment options and test results, and when you provide informed consent for treatment.

If you need an interpreter, the health service organisation should book one for you (and pay any charges so there is no cost to you). You can also contact the Telephone Interpreters Service to request a booking (see **Find out more** at the end of this section).

The National Relay Service provides a free service to support people who are deaf or have a hearing or speech impairment (see **Find out more** at the end of this section).

Accessing your information

You have the right to access your own health information (or the information of another person over whom you have legal authority). Speak to your health service organisation about the options available for accessing your information.

If you use your online My Health Record (see **Privacy**), you can view the information that is stored in your record at any time. You can choose to give permission to your clinician to upload and share documents in your My Health Record, if you want. When clinicians have access to the most important information about you (such as your allergies and the medicines you are taking), it can help them provide you with the best care.

Open disclosure

If something goes wrong or does not go to plan with your health care and you experience harm, you have the right to be told and discuss what went wrong. This process is known as open disclosure (see **Find out more** at the end of this section). Your clinician should:

- Start an open disclosure process
- Treat you with empathy and respect
- Apologise or acknowledge to you that something went wrong
- Explain and help you understand what happened
- Explain how you may be affected
- Help you with any support you might need, and let you know what they are doing to make care safer in the future.

Find out more about your right to information

Fact sheet on informed consent and substitute decision-making, including the contact details for the guardianship authority in each state and territory: <https://www.safetyandquality.gov.au/publications-and-resources/resource-library/informed-consent-fact-sheet-clinicians>

To book an interpreter, contact the Translating and Interpreting Service (TIS) on 131 450 (24 hours) or visit www.tisnational.gov.au

Health Translations has health resources translated to 100 different languages: www.healthtranslations.vic.gov.au

The National Relay Service helps people who are deaf, or have a hearing or speech impairment. Contact 1300 555 727 (24 hours) or visit www.communications.gov.au/what-we-do/phone/services-people-disability/accesshub

Top Tips for Safe Health Care: www.safetyandquality.gov.au/toptips

The Question Builder is an online tool to help you prepare questions to discuss with your doctor: www.healthdirect.gov.au/question-builder

Information about open disclosure: <https://www.safetyandquality.gov.au/our-work/clinical-governance/open-disclosure/implementing-open-disclosure-framework/open-disclosure-resources-consumers>

Privacy

You have the right to:

- Have your personal privacy respected
- Have information about you and your health kept secure and confidential.



You have the right to have your personal privacy respected in the healthcare system. This includes respect for the privacy of your body, your belongings, your information and your personal space.

Your privacy should be respected in all places in a health service organisation, including in shared areas like hospital wards or waiting rooms. You should also respect the privacy of others when using shared areas.

When you visit a clinician or health service organisation, they create a record of your visit. These records include information about your diagnosis, treatment and other personal information that is needed for your health care.

Some of this information can be added to your My Health Record, if you decide to use one. You can choose to share this information with the clinicians who are involved in your care. You can manage your privacy and security settings to restrict who can see your health information (see **Find out more** at the end of this section).

You have the right to expect that your personal and health information will be collected, recorded, used and discussed privately and securely. This information will be stored according to relevant privacy laws.

Your personal information must remain confidential unless the law allows it to be disclosed (for example, in an emergency) or you choose to share it with others.

If you are concerned about how your private information has been handled, you can raise your concern in several ways (see **Find out more** at the end of this section).



Find out more about your right to privacy

My Health Record: www.myhealthrecord.gov.au

For information about privacy, or how to raise a concern about how your private information has been handled, you can contact:

Your clinician or health service organisation

My Health Record helpline on 1800 723 471 or www.myhealthrecord.gov.au

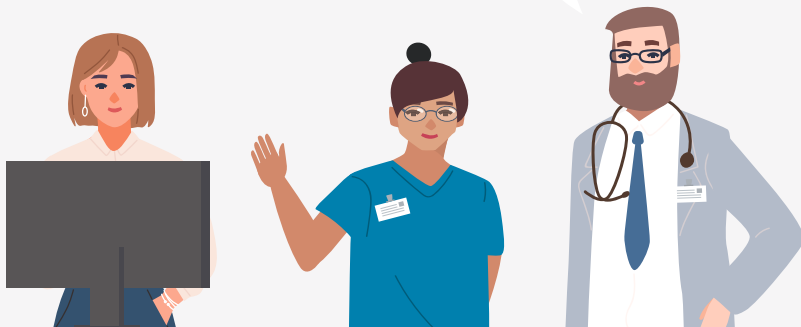
Office of the Australian Information Commissioner: www.oaic.gov.au/privacy/health-information

Give feedback

You have the right to:

- Provide feedback or make a complaint without it affecting the way that you are treated
- Have your concerns addressed in a transparent and timely way
- Share your experience and participate to improve the quality of care and health services.

You have the right to provide feedback or make a complaint about the health care you receive or the way it made you feel (your experience). It is important that health service organisations receive feedback, so they can improve care and services for you and others. Anyone can provide feedback, including consumers, family members, carers, people who work at the health service organisation or other members of the public.



Giving feedback means sharing your views and experiences with others. Feedback can be positive (such as a compliment) or negative (such as a concern or complaint). You can provide feedback about anything, such as:

- The care provided to you
- How services could be improved
- If you think your rights have not been met.

Sharing feedback with your clinician or health service organisation should not negatively affect how you are treated.

Feedback can be provided by talking to someone, writing a letter or email, or by responding to a consumer survey. You can provide feedback yourself or can have someone support you to do this such as a family member, carer or a consumer advocate (see **Partnership**).

How to provide feedback

You can provide feedback to your clinician or health service organisation directly, or to a different organisation that deals with consumer feedback.

Provide feedback to the clinician or health service organisation directly

Your health service organisation will have a process for managing feedback from consumers. Often, the simplest way to have your concerns addressed is to contact the organisation or clinician directly to discuss the issues or ask for help. You could also contact the department that manages feedback at the organisation.

You have the right to:

- Receive a response to your concerns
- Be told if something has gone wrong or has not gone to plan
- Have your concerns addressed within a reasonable time frame.

Provide feedback to a different organisation

If you feel you cannot raise your concerns with your health service organisation directly, or if you are not happy with their response, you can contact the:

- Health complaints agency in your state or territory
- Health department in your state or territory
- Australian Health Professional Regulation Agency (if your concern is about a clinician).

The contact details for these organisations are in **Key contacts**.

Health service organisations regularly involve consumers in activities to improve the quality of care and services they deliver. If you would like to get involved, speak to your health service organisation or the consumer organisation in your state or territory (see **Key contacts**).

Key contacts

Consumer organisations

Consumers Health Forum of Australia

Web: www.chf.org.au
Phone: 02 6273 5444

Health Care Consumers' Association (ACT)

Web: www.hcca.org.au
Phone: 02 6230 7800

Health Consumers NSW

Web: www.hcnsw.org.au
Phone: 02 9986 1082

Health Consumers Queensland

Web: www.hcq.org.au
Phone: 07 3012 9090

Health Consumers Tasmania

Web: www.healthconsumerstas.org.au
Phone: 0418 503 126

Health Issues Centre (Victoria)

Web: <https://hic.org.au>
Phone: 03 8676 9050

Health Consumers' Council (Western Australia)

Web: www.hconc.org.au
Phone: 1800 620 780

Other contacts for consumers

My Aged Care

Web: www.myagedcare.gov.au
Phone: 1800 200 422

Beyond Blue

Web: www.beyondblue.org.au
Phone: 1300 224 636

Carer Gateway

Web: www.carergateway.gov.au
Phone: 1800 422 737

Dementia Australia

Web: www.dementia.org.au
Phone: 1800 100 500 (national helpline)

Disability Gateway

Web: www.disabilitygateway.gov.au
Phone: 1800 643 787 (Disability Information Helpline)

Federation of Ethnic Communities' Councils of Australia

Web: www.fecca.org.au
Phone: 02 6282 5755

Healthdirect

Web: www.healthdirect.gov.au
Phone: 1800 022 222

Kids Helpline

Web: www.kidshelpline.com.au

Phone: 1800 551 800

Lifeline

Web: www.lifeline.org.au

Phone: 13 11 14

National Disability Insurance Scheme

Web: www.ndis.gov.au

Phone: 1800 800 110

QLife (LGBTI peer support and referral)

Web: www qlife.org.au

Phone: 1800 184 527

1800RESPECT (national sexual assault, domestic family violence counselling service)

Web: www.1800respect.org.au

Phone: 1800 757 732

State and territory health departments

ACT Health

Web: www.health.act.gov.au

Phone: 13 22 81

NSW Health

Web: www.health.nsw.gov.au

Phone: 02 9391 9000

Northern Territory Department of Health

Web: www.health.nt.gov.au

Phone: 08 8999 2400

Queensland Health

Web: www.health.qld.gov.au

Phone: 13 74 68

SA Health

Web: www.sahealth.sa.gov.au

Phone: 08 8226 6000

Tasmanian Department of Health

Web: www.health.tas.gov.au

Phone: 1300 135 513

Victorian Department of Health & Human Services

Web: www.health.vic.gov.au

Phone: 1300 650 172

Western Australia Department of Health

Web: <https://healthywa.wa.gov.au>
Phone: 08 9222 4222

Health complaints agencies

ACT Human Rights Commission

Web: www.hrc.act.gov.au/complaints
Phone: 02 6205 2222

Health Care Complaints Commission (NSW)

Web: www.hccc.nsw.gov.au
Phone: 1800 043 159

Health and Community Services Complaints Commission (Northern Territory)

Web: www.hcsc.nt.gov.au
Phone: 1800 004 474

Office of the Health Ombudsman (Queensland)

Web: www.oho.qld.gov.au
Phone: 133 646

Health and Community Services Complaints Commissioner (South Australia)

Web: www.hcsc.sa.gov.au
Phone: 1800 232 007

Health Complaints Commissioner (Tasmania)

Web: www.healthcomplaints.tas.gov.au
Phone: 1800 001 170

Health Complaints Commissioner (Victoria)

Web: www.hcc.vic.gov.au
Phone: 1300 582 113

Health and Disability Services Complaints Office (Western Australia)

Web: <https://www.hadsc.wa.gov.au>
Phone: 1800 813 583

Other Organisations

National Aboriginal Community Controlled Health Organisation (NACCHO)

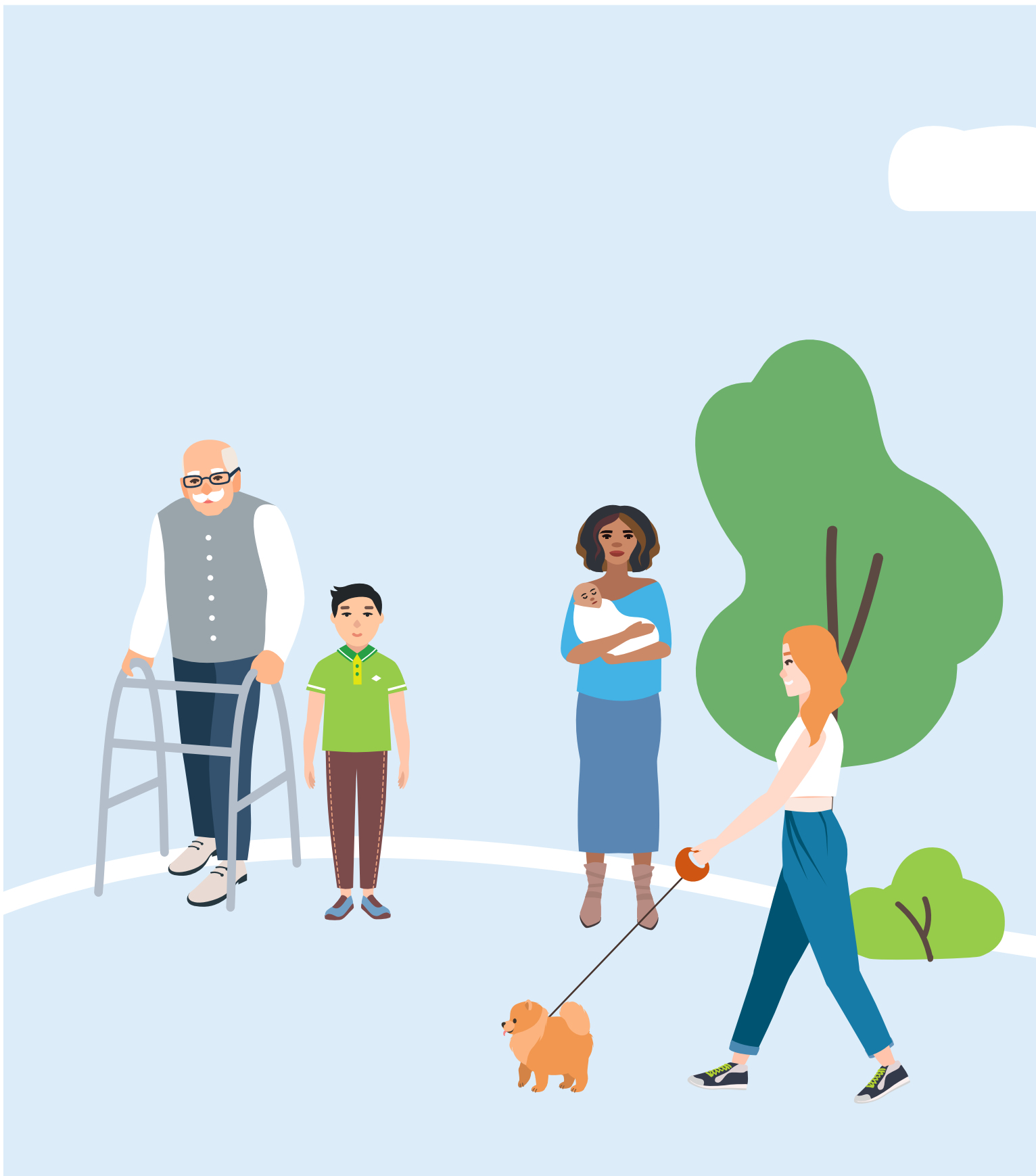
Web: www.naccho.org.au
Phone: 02 6246 9300

Australian Health Practitioner Regulation Agency

Web: www.ahpra.gov.au
Phone: 1300 419 495

Office of the Australian Information Commissioner

Web: www.oaic.gov.au/privacy/health-information
Phone: 1300 363 992



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