



Confidentiality & other legal issues

Odyssey House Victoria will ask your permission before they tell anyone close to you about your treatment and how you are. However, if you do not give your permission the law says that Odyssey House can tell your family about your treatment **ONLY IF** they think it is necessary to keep you safe.

- Services, such as Odyssey House Victoria, are not comfortable doing this, and will only do it in exceptional circumstances, for example if someone's life (including your own) is in immediate danger.
- Services will not break confidentiality about illegal drug use, which means you can say what you need to without being worried. This is because they are more concerned about helping you than dealing with legal issues.
- You do not need to say anything about any illegal activity

The Mental Health Act

Information about confidentiality is found in Section 120A of the Mental Health Act 1986. (Note: These are legal documents so they are hard to understand because of the language used): <http://www.health.vic.gov.au/mentalhealth/pmc/confidentiality.htm>

You can find the Mental Health Act at : <http://www.legislation.vic.gov.au/> (Click on "Victorian Law Today" then under "Search" select "Acts" and type in "Mental Health Act 1986".)

You can also find more useful information about the Mental Health Act on: <http://www.health.vic.gov.au/mentalhealth/mh-act/index.htm>

What the law says

"A relevant person (for example, a therapist or doctor) must not, except to the extent necessarygive to any other person, whether directly or indirectly, any information acquired by reason of being a relevant person, if a person who is or has been a patient of, or has received psychiatric services from, a relevant psychiatric service could be identified from that information." (Mental Health Act 1986, Section 120A)

- **In other words:** except if they think it is necessary, a therapist or doctor can only pass on information about their client if it does not identify that person.

If you WANT to let family know about your treatment

- If you want to keep your family up to date about your treatment, you can set up an agreement between yourself, the person(s) you want involved and your Odyssey therapist (or your GP or any other counsellor you have).
- Things that may be in the agreement include:
 - The name of the person(s) you are willing to share the information with,
 - What sorts of information you are willing to share and
 - When information can be shared.
- The agreement can also say how often Odyssey House (or any other service provider) can or should speak to the people you want to keep informed and under what circumstances.
- You can change the agreement whenever you want to – you're not stuck with it once it's made.

If you DON'T WANT family to know about your treatment

- It is your right not to share information about your treatment if that is what you want, unless you are underage or at serious risk. Just because family members want to know how you are going, does not mean you have to tell them or you have to let your worker talk to them or set up a contract.
- Your therapist may occasionally mention the idea of involving your family if they think it might be helpful, but this does not mean that you have to involve them if you don't want to.
- If you change your mind and do want your family involved you can discuss this with your therapist at any point during treatment.

Information about Involuntary (ITO) and Community Treatment Orders (CTO)

If you are on an ITO or a CTO you may want to know about your rights.

- Victorian Legal Aid has good information on their website about this
See <http://www.legalaid.vic.gov.au>
- You can also ask a Mental Health or Drug & Alcohol counsellor for more information.

(To find a counselor, call  Odyssey House Victoria on 03 9420 7600 or

 DirectLine (Drug & Alcohol) on 1800 888 236

 Mental Health Advice Line on 1300 280 737).