

Understanding My Healthcare Rights

A summary booklet for consumers



AUSTRALIAN COMMISSION
ON SAFETY AND QUALITY IN HEALTH CARE

**Australian Charter
of Healthcare Rights
(second edition)**

Published by the Australian Commission on Safety and Quality in Health Care

Level 5, 255 Elizabeth Street, Sydney NSW 2000

www.safetyandquality.gov.au

ISBN (print): 978-1-925948-91-2

ISBN (online): 978-1-925948-92-9



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Australian Commission on Safety and Quality in Health Care (2020)
(Understanding my healthcare rights: a summary booklet for consumers).
Sydney: ACSQHC; 2020.

Enquiries about the use of this publication are welcome and can be sent to communications@safetyandquality.gov.au.

This document is published for general information purposes and is not intended to provide specific healthcare advice.

About this booklet

This booklet provides an overview of the seven healthcare rights described in the Charter and what they mean for you. For further information about your healthcare rights and who you can contact, visit the Australian Commission on Safety and Quality in Health Care's website.* A detailed guide, called *Understanding My Healthcare Rights: a guide for consumers*, is also available if you want more information.

Acknowledgements

The Commission would like to thank the many individuals and organisations who have shared their time, experience and expertise to support the development of this booklet.

* www.safetyandquality.gov.au/consumers/working-your-healthcare-provider/australian-charter-healthcare-rights

The Charter

What is the Australian Charter of Healthcare Rights?

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, as well as specialist and allied health provider (e.g. physiotherapist, psychologist) clinics.

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. Health service organisations are expected to recognise the rights 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, which describe the standard of care that all health service organisations must provide.

Access

What the Charter says

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

What this means for you

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. This includes services provided by clinicians (such as doctors, psychologists and optometrists), hospital treatments, most types of surgery, prescription medicines, and medical tests and scans (such as blood tests and X-rays). Medicare does not cover the cost of an ambulance.
- You can ask your clinician or health service organisation if the fee for your visit, tests or procedures can be bulk-billed directly to Medicare so there is no cost to you. If you have an eligible concession card, you can use it to pay less for health services and prescription medicines.
- If you cannot go and see your clinician, you may be able to have a 'telehealth' appointment (by telephone or videoconference). Ask your clinician if they can bulk-bill this type of 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 should be given information about all of the expected costs before you decide if you want to have a certain test, treatment or procedure (including surgery). This is called informed financial consent. Your clinician, hospital and private health insurer should provide this information to you. The information should include 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.

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

Travel and waiting

- You have a 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 and you may need to travel or wait. If this happens, you should be kept up to date about the waiting times. If you live in a rural or remote part of Australia and need to travel to access treatment, you may be eligible for help with travel and accommodation costs through the Patient Assisted Travel Scheme in your state or territory.

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, bathrooms and parking.

Safety

What the Charter says

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.



What this means for you

- Receiving safe and high-quality health care means that you get the right care, in the right place, at the right time. Health service organisations must provide health care that meets national standards for safety and quality. Suitably qualified clinicians with skill and confidence should provide your health care.



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

- Health service organisations should be culturally safe, respectful and welcoming. They should be free from threatening, violent or abusive behaviour for everyone, including people who work at these organisations. If you feel unsafe at any time or for any reason, talk to your clinician or someone who is in charge at the organisation. You could also contact the police.
- 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.
- 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 organisation and ask for a clinical review. This means that your condition and the treatment you are receiving is checked.

Respect

What the Charter says

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.





What this means for you

- 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 or carer.
- Your human rights should be respected, you should be treated fairly and not be discriminated against. You should be cared for in a way that recognises and respects your culture, identity, beliefs and choices.
- 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 other consumers is an important way of ensuring that all people feel safe and respected.

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.

Partnership

What the Charter says

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.



What this means for you

Communication

- You have the right to be treated as an equal partner in your health care. Communication with your clinician is important and your clinician should talk to you in an open and honest way. To help your clinician understand your needs, 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. Ask questions or request more information if there is something that you do not understand or are worried about.

Making decisions

- Clinicians must get informed consent (see Information section) from you before you undergo a particular treatment, test or procedure. If you need support to understand or communicate your wishes, would like a support person to help you, or an interpreter, 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.
- 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.

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- 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.
- States and territories have 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.
- You can record your wishes for future care in an advance care plan. An advance care plan tells others what you want and what you do not want, in situations when 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 (someone who stands up for your rights) such as a social worker. Many health services employ liaison officers, such as Aboriginal and/or Torres Strait Islander liaison officers, who can provide advocacy, information and support.

Information

What the Charter says

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.**

What this means for you

- 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. 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
 - 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.



- Once you are ready, your clinician should ask you if you agree to proceed with the treatment and give your informed consent. After you have provided your informed consent, you still have the right to change your mind or withdraw your consent at any time.
- You have the right to ask for advice from another clinician. This is called a second opinion.

You have the right to receive information about all aspects of your health care.

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.
- You should receive help to understand information if you need it. This could include information translated into another language or in different formats.

Interpreters

- You have the right to use a health interpreter if you have difficulty speaking or understanding English. 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. The National Relay Service provides a free service to support people who are deaf or have a hearing or speech impairment.

Accessing your information

- You have the right to access your own health information (or the information of another person, if you have legal authority to do so). Speak to your health service organisation about the options available.
- If you use your online My Health Record (see **Privacy**), you can view the information that is stored in your record. You can choose to give permission to your clinician to upload and share documents in your My Health Record.

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 is known as open disclosure. Your clinician should:
 - start an open disclosure process
 - treat you with empathy and respect
 - apologise or acknowledge to you that something went wrong
 - help you understand what happened and how you may be affected
 - let you know what they are doing to make care safer in the future.

Privacy

What the Charter says

You have the right to:

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



What this means for you

- 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, including shared areas like hospital wards and waiting rooms. You should also respect the privacy of others when using shared areas.



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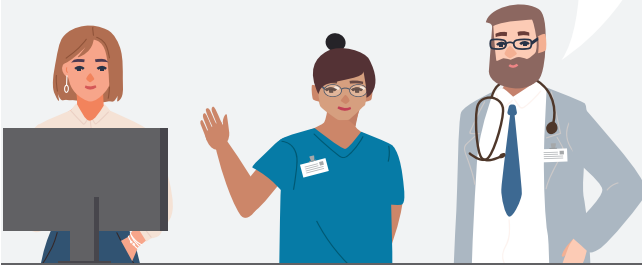
- Information about your health and health care can be added to your My Health Record, if you decide to use one. You can choose to share this information with the clinicians who are involved in your care. You can manage your privacy and security settings to restrict who can see your health information.
- Your personal and health information should 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 with your clinician, the health service, with My Health Record or with the Office of the Australian Commissioner.

Give feedback

What the Charter says

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.



What this means for you

Giving feedback means sharing your views and experiences. Feedback can be positive (such as a compliment) or negative (such as a concern or complaint).

- Giving feedback means sharing your views and experiences. 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, or if you think your rights have not been met. Anyone can provide feedback.
- You can provide feedback by talking to someone, writing a letter or email, or by responding to a consumer survey. You can provide feedback yourself or you can have someone help you do this. Sharing feedback with your clinician or health service organisation should not negatively affect how you are treated.
- Often, the easiest way to have your concerns addressed is to contact the organisation or the clinician directly to discuss the issues or ask for help. You should receive a response to your concerns, be told if something has gone wrong or has not gone to plan and have your concerns addressed as fast as reasonably possible.
- 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 or health department in your state or territory. If your concern is about a clinician, you can contact the Australian Health Professional Regulation Agency.
- 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.

How to get further information

For further information about your healthcare rights and the organisations referred to in this booklet, visit the Australian Commission on Safety and Quality in Health Care's website.* A list of the Key Contacts is provided below.

Consumer organisations

Consumer organisations can provide advice about finding support networks or health services:

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

* www.safetyandquality.gov.au/consumers/working-your-healthcare-provider/australian-charter-healthcare-rights

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)

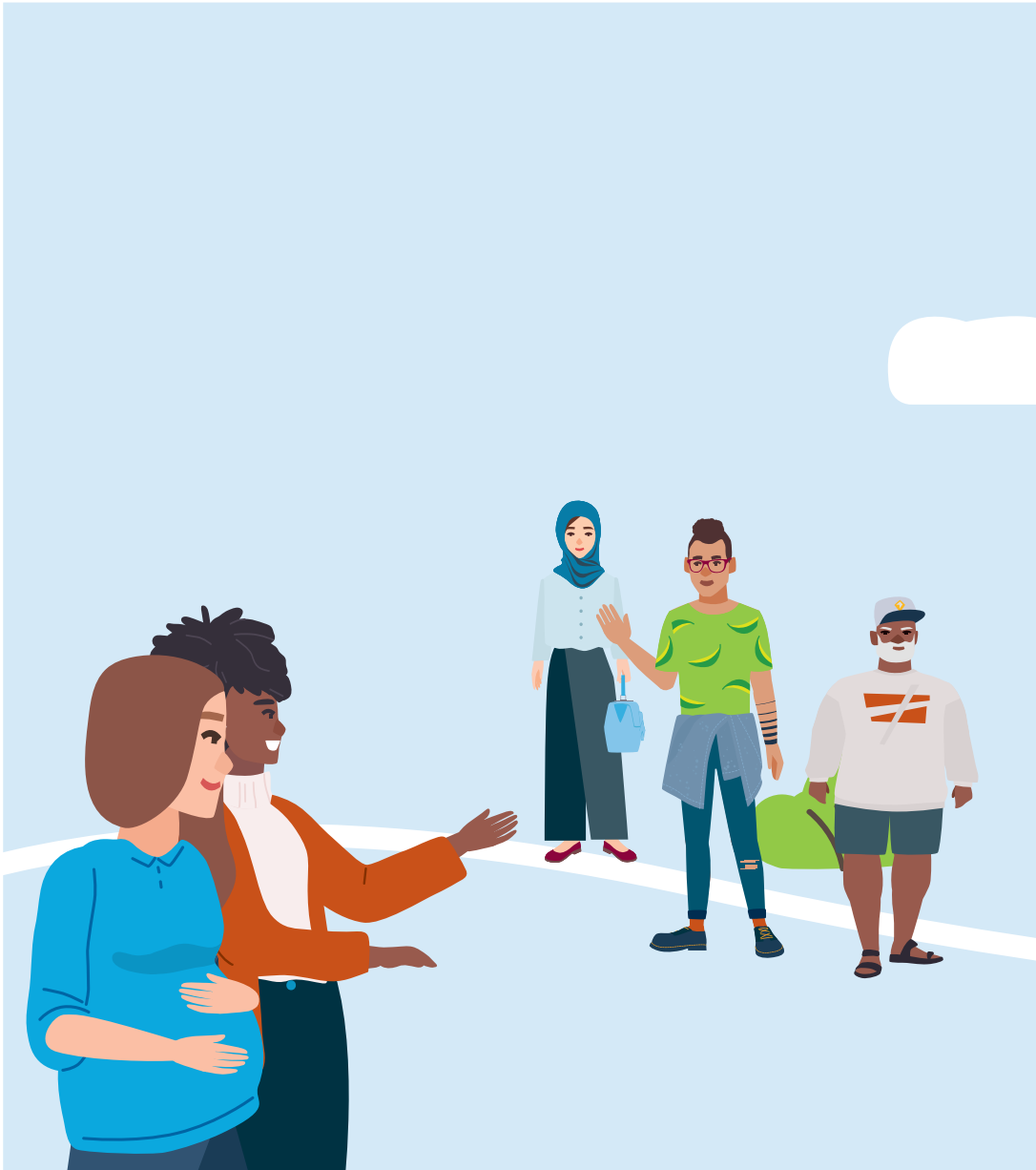
Web: www.hcc.vic.gov.au
Phone: 1300 582 113

Health and Disability Services Complaints Office (Western Australia)

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

Australian Health Practitioner Regulation Agency

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



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