

# Your Rights and Responsibilities

A Charter for Consumers of the  
South Australian Public Health System



Government  
of South Australia

SA Health

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If you or your carer need help in talking to the health professionals who are responsible for your care you can ask for a staff member to arrange an interpreter. This service will be provided to you free of charge.

This book has been translated and is available on the SA Health website [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

### Americ

ከርስዎ ወይም ተንከባካቢዎ ከስተርጓሚ ካስፈለግዎት ከባክዎን ለርስዎ የጤና ጥበቃ ክፍራቢ ይጠቁጡ። የዚህ ትንሽ መጽሔት ትርጉም ከኤስኤ ሔልዝ ድረ-ገጽ ክድራሻ ከ [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au) ይገኛል።

### Arabic

ان كنت انت او من يرعاك بحاجة لمترجم يرجى ابلاغ مقدم الرعاية الصحية خاصتك . ترجمة هذا الكتيب متوفرة في موقع صحة جنوب استراليا (SA Health) على شبكة الانترنت [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

### Chinese simplified

如果您或者您的护理者需要传译员，请通知您的医疗服务提供机构。本手册的翻译本可以从南澳健康网 [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au) 取得。

### Chinese traditional

如果您或者您的護理者需要傳譯員，請通知您的醫療服務提供機構。本手冊的翻譯本可以從南澳健康網 [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au) 取得。

### Dari

هرگاه شما ومراقبت كننده شما به حضور يك ترجمان ضرورتى داشته باشيد لطفاً موضوع را به آگاهى فراهم كننده مراقبت صحى تان برسانيد. ترجمه اين جزوه يا نشریه در SA Health Website وبسایت صحت استرالياى جنوبى [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au) ميسر ميشاشد.

### Dinka

Na koor athok kuɔ raan ye yin kuɔny koor athok yin laŋ lëkë diktordu. wël cë ke waaric de yee athorë ka t̩u nê web thait de Pial nê Junub Atheryla [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

### Greek

Αν εσείς ή ο φροντιστής σας χρειάζεστε διευκρίνηση, ειδοποιήστε την υπηρεσία που σας παρέχει υγειονομική φροντίδα. Μπορείτε να βρείτε ελληνική έκδοση αυτού του φυλλαδίου στην ιστοσελίδα της SA Health [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

### Italian

Se voi o il vostro/vostra badante avete bisogno di un interprete informate il vostro fornitore di servizi sanitari. La traduzione di questo libretto è disponibile su SA Health Website [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

## Khmer

បើសិនជាអ្នករើអ្នកមើលថែរបស់អ្នកត្រូវការអ្នកបកប្រែភាសាផ្ទាល់មាត់ សូមអោយដំណឹងទៅអ្នកផ្តល់ការមើលថែផ្នែក សុខភាពរបស់អ្នក។ ការបកប្រែភាសានៃកូនសៀវភៅនេះមាននៅលើវិបសាយ SA Health [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

## Russian

Если вам или ухаживающему за вами нужен переводчик, пожалуйста, уведомите своего медицинского работника. Перевод данной брошюры имеется на веб-сайте по здравоохранению в Южной Австралии [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

## Spanish

Si usted o su cuidador necesitan un intérprete favor de avisar a su profesional de salud. La traducción de este folleto se encuentra disponible en el sitio Web de SA Health [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

## Somali

Haddii adiga ama qofka aad xanaanaysaa aad u baahataan turjubaan fadlan u sheeg shaqaalahaaga caafimaadka. Buugan oo turjuman waxaad ka helaysaa shabakada caafimaadka koonfurta ustaraaliya [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au).

## Swahili

Ikiwa wewe au mlezi wako mnahitaji mkalimani tafadhali mfahamishe mtoaji huduma wako wa afya. Tafsiri ya kijitabu hiki kinapatikana katika tovuti ya SA Health [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

## Tagalog

Kung kailangan mo o ang iyong tagapag-alaga ng isang interprete, makipag-ugnayan sa tagabigay ng kalusugang pangangalaga. Isang libritong nakasalin-wika ay makukuha sa websayt ng Kalusugang SA (SA Health) [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

## Tamil

உங்களது கவனிப்பிற்குப் பொறுப்பாக இருக்கும் உடல்நலத் தொழிலர்களுடன் கதைப்பதில் உங்களுக்கோ அல்லது உங்களது கவனிப்பாளருக்கோ உதவி தேவைப்பட்டால் மொழிபெயர்ப்பாளர் ஒருவரை ஏற்பாடு செய்யுமாறு பணியாளர் ஒருவரை நீங்கள் கேட்கலாம். இச் சேவை உங்களுக்குக் கட்டணம் ஏதுமின்றி வழங்கப்படும். மொழிபெயர்க்கப்பட்டுள்ள இந்த நூலை [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au) எனும் வலைத்தளத்தில் நீங்கள் காணலாம்.

## Vietnamese

Nếu qui vị hoặc người chăm sóc cho qui vị cần thông dịch viên xin hãy báo cho nhân viên cung cấp dịch vụ chăm sóc sức khỏe biết. Bản phiên dịch của tài liệu này được phổ biến trên Địa Chỉ Liên Mạng của Bộ Y Tế Tiểu Bang Nam Úc [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

## Contents

Commitment to Service	6
Aboriginal Health Teams	6
Deciding What Type of Care Or Treatment	7
How You Can Help	9
Fees and Financial Assistance	10
Public or Private	12
Confidentiality	13
Accessing Your Personal Health Record	14
Ensuring Your Future Health Care Wishes Are Met	15
Compliments and Complaints	17



## Commitment to Service

The purpose of this booklet is to explain your rights and responsibilities when using any public health service provided by the South Australian Government.

It lets you know what you can expect when you attend a public hospital or health centre or if you receive a home visit from one of our services.

It also lets you know how you can help us make sure we provide health services that are safe, efficient, effective and respectful of your rights.

Please read the information in this booklet carefully.

If you have difficulty understanding any part of this booklet or if you require an interpreter please ask a health service staff member for help.

## Aboriginal Health Teams

Some hospitals and health units have Aboriginal Health Teams.

The Aboriginal Health Team will be able to give you information about how the hospital works, what is going on and help you to arrange transport or accommodation. When you leave the hospital they may be able to put you in touch with community health care workers, Aboriginal and Torres Strait Islander communities and Aboriginal Community Controlled Health Services, depending on what you need.

The Aboriginal Health Teams aim to assist all Aboriginal clients who require assistance, however there is a higher priority for Aboriginal and Torres Strait Islander people from rural and remote areas and interstate.

If you have any queries about being in hospital or getting someone into hospital please ask if there is an Aboriginal Health Team or Aboriginal Health Liaison Officer who can help you.

## Deciding What Type of Care Or Treatment

When you receive a service from the public health system you have the right to be treated with respect, dignity and courtesy regardless of your age, gender, sexuality, religion or culture and you have the right to have your beliefs and practices respected.

You have the right to be involved in all decisions about your care and the right to ask questions so you understand what is happening. Health service staff will give you time to think and discuss your health care and treatment options with your family, friends or carers before you make any decisions.

You may be asked to sign a consent form acknowledging that you have consented to the treatment and that the treatment has been explained to you.

If emergency treatment is necessary to meet imminent risk to life or health, and you are not able to consent (for example, because you are unconscious) a medical practitioner can administer treatment without your consent, unless you have previously indicated that you refused consent to treatment.

If you are a patient with a mental illness who is subject to an inpatient treatment order under the *Mental Health Act*, you can be given treatment without your consent.

As a patient of a health service, generally you have the right:

- > to have all information given to you in a language/format you can understand
- > to have your illness and health care options - including having no treatment - discussed with you
- > to be told of any risks that you or a reasonable person in the same position would consider to be significant and to have these risks explained to you
- > to be told which treatment your health professional recommends so that you can make an informed decision about your health care
- > to know if the treatment is experimental or being used in research
- > to refuse to participate in medical research or experiments
- > to change your decision or refuse treatment at any time and to be given an explanation of the possible consequences of not taking the advice of the health professional



- > to be given information about diagnostic tests and to have the results and the implications of those results explained to you
- > to know the purpose, benefits and possible side effects of the medications you are given
- > to be given information about the health care system including local services, special associations, aids, appliances and facilities, which may help you
- > to have an explanation of the chances of success, the need for any further treatment, the likelihood of return to good health, convalescence and rehabilitation requirements
- > to refuse life prolonging treatment and receive palliative care instead
- > to discharge yourself from the health service at any time at your own risk except if you are subject to an inpatient treatment order under the *Mental Health Act 2009*
- > to have a clear explanation of what happens when things go wrong or not as you expected
- > to appoint another person or persons who you trust to make decisions for you (a Medical Agent/Enduring Guardian – see page 13, *Ensuring Your Future Health Care Wishes Are Met*)
- > to be the medical agent for your child and to stay with your child in hospital, except where separation is necessary for medical emergencies or other medical reasons. Children also have the right to have their parents or guardians present.

As children get older they have the right to be consulted and to make decisions on their own behalf. A medical practitioner can even administer medical treatment to a child if that child consents, if the practitioner is satisfied that the child is capable of understanding the treatment and another practitioner supports that opinion.

## Second Opinion

You have the right:

- > to seek a second opinion and/or information from other sources about your diagnosis and treatment options.

## How You Can Help

Good health care is best achieved in partnership between you and the health professionals providing your care.

There are a number of things that you can do to help your health service provide you with better care.

It is important that you tell staff if you require more information, or if there is anything you do not understand or are worried about.

It is also important that you follow your health care plan or let your health care provider know if you are unwilling or unable to do so.

### **Information you should tell health service staff**

- > your medical history and that of your family. This includes any problems, complications or bad reactions you have previously experienced
- > any treatment or any medication you are (or should be) taking including any complementary, natural or alternative medicine
- > any change in your condition, including any problems you may have with any medication or treatment you are receiving
- > any special needs you have, including those of a cultural or religious significance.

### **Please be considerate of staff and other patients**

- > acts of violence, swearing, threats or verbal abuse towards another patient, relative or staff member are not acceptable
- > keep appointments or if you are unable to keep an appointment, advise the health service as soon as possible to allow the appointment to be rescheduled
- > be aware of needs of other patients and their privacy.

Health services play an important role in training health professionals. Such training is essential to the continuation and improvement of the South Australian health system. Your health care requirements may provide an opportunity for such training, however you do have the right to decide who will be present while you are discussing or receiving your health care.

If your treating doctor is of the opinion that your condition no longer warrants hospitalisation you may be discharged and if your treating doctor is of the opinion that more appropriate care is available at another hospital or facility, you may be transferred to that hospital or facility.

Suggestions on how to make the most of your appointment with your health professional and questions you might want to ask are included in the fact sheet: *Make the Most of Your Visit to Your Doctor or Health Provider* at the following website [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

## Fees and Financial Assistance

All Australian residents with a Medicare card are eligible to be treated free of charge as a public patient in a public hospital.

In most cases, services throughout the South Australian public health system are provided free of charge to public patients. However if you do have to pay any fees you will be told in advance and receive an itemised account.

You will not be charged for medical, diagnostic services, hospital accommodation, prosthetics or dental services provided to you, however you may need to pay a medication or pharmaceutical co-payment on discharge and you may incur some charges when you attend a public hospital as an outpatient or stay in hospital for over 35 days.

Patients who elect to be private are charged fees for hospital accommodation, for all medical services including diagnostic services performed and/or ordered by the doctor of choice or by other medical practitioners to whom you are referred. This includes dental services, aids and appliances and surgically implanted prostheses and devices.

If you are in Australia as an overseas visitor or on a temporary visa and are a resident of a country that has entered into a Reciprocal Health Care Agreement with Australia you may be eligible to receive public hospital services free of charge, provided you have elected to be treated as a public patient. Reciprocal Health Care Agreement provisions only cover immediately necessary treatment.

If you are not eligible for Medicare or are involved in a compensation claim, alternative charging arrangements apply.

If you are unsure whether you are eligible for Medicare, or whether you are from a country that has entered into a Reciprocal Health Care Agreement with Australia, you can check with Medicare by telephoning – 13 20 11.

To discuss any potential fees that may be charged for services in the South Australian public health system, please ask relevant health service staff.

### Patient Assistance Transport Scheme (PATS)

The Patient Assistance Transport Scheme (PATS) is a subsidy program that provides money to pay for some travel, escort and accommodation costs when rural and remote South Australians travel over 100 kilometres to see a specialist.

To receive a PATS subsidy you need to comply with the eligibility requirements, and then seek authorisation for PATS from your local doctor in the first instance, visit your specialist, and then after your medical appointments, complete and send the relevant sections of the application forms to your nearest PATS office.

For more information, including copies of the application form see [www.countryhealthsa.sa.gov.au/pats](http://www.countryhealthsa.sa.gov.au/pats) or phone PATS on (08) 8226 7215.

## Public or Private

When attending a public hospital, even if you have private health insurance, you have the right to elect to be treated as a public or private patient. Staff will ask you to nominate your preference.

If you choose public or private patient care, you have the right to know what that decision means and the financial effects of your choice.

As a public patient you will be treated by the doctor(s) assigned by the hospital. In most cases, services throughout the South Australian public health system are provided free of charge to public patients.

You cannot choose to be a public patient if you elect to be treated by a doctor of your own choice.

As a private patient you will be treated by your nominated doctor(s), provided that the doctor has the clinical privilege to practise at the hospital.

Private patients are responsible for the payment of all fees.

If you are not eligible for Medicare or are involved in a compensation claim alternative patient election and charging arrangements apply.

For more information, please discuss with your hospital, health fund and treating doctor.

## Elective surgery and waiting lists

If your condition is not life threatening, you may be put on a waiting list for elective treatment/surgery.

You have the right:

- > to know your expected waiting time
- > to know if there is another health service where the wait would be shorter, or if there are other options for earlier treatment
- > if your condition worsens, to ask through your GP to be seen sooner.

More information with respect to elective surgery and current waiting times at each of Adelaide's seven metropolitan public hospitals can be found at "Our Hospital Dashboards", at the following website [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

## Confidentiality

Unless authorised or required by law to disclose information, health services are required to keep your personal information confidential.

Confidentiality is binding on all health service workers, paid and voluntary.

Individuals involved in your care should always try to make sure that conversations about your health or other personal matters are held privately or in quiet areas.

Health services have to ensure that paper and electronic information about you is stored securely. Only authorised personnel involved in your care have access to information about you and your care.

Your personal health information will only be shared with other health service providers on a 'need to know' basis. This will happen when they are asked to become involved in your health care. For example, it is standard practice for public hospitals to provide a discharge summary to your general practitioner (GP) when you leave the hospital and if appropriate district nursing and community based services. Also, some health information stored electronically by one health service is made available through computer systems to other health service providers within the public health system. This exchange of information ensures that, wherever you are treated, health professionals will have immediate access to your personal health records especially in an emergency.

Information may also be disclosed to other government and non-government service providers (such as housing, education, health and welfare service providers) when coordinated services are required to address immediate or anticipated serious threats to the safety and/or wellbeing of children, young people or their families. Unless it is not safe to do so, your consent will be sought before information is shared for this purpose.

Some information about your health may be used to help health services improve their services. Wherever possible, any information used for these purposes will not identify you.

If you are being treated in a public hospital, information about you may be shared with your private health insurance fund (if you have one) or with a third party, but only if you have given written authority to do so.

A third party could include: WorkCover, the Motor Accident Commission (or another approved insurer under the *Motor Vehicles Act 1959*) or your employer.

## Accessing Your Personal Health Record

Your personal health record, or sometimes called a medical record, is the basis for planning your care and treatment.

Your personal health record is one way that health professionals communicate with each other about the care you are receiving and it is essential that they have access to your personal health information to provide the best care for you.

Every time you attend a health service, new information will be added to your record, for example: information about the problem you have sought treatment and care for, details of the treatment and care you received and any medication you have been given.

Whenever possible, you will be permitted to see your personal health record.

If a health service does not respond to your request for access to your personal health record, you can make an application under the *Freedom of Information Act 1991* (FOI Act).

The FOI Act generally gives you the right to access your personal health record. Many health services will allow you to see your personal health record without going through the formal FOI application process.

If you believe that information in your personal health record is incorrect, out-of-date or misleading, you can ask for the record to be amended. If a health service refuses to amend a record, you may apply under the FOI Act for an amendment.

An application fee will be charged if you are working but will be free if you are a concession cardholder. You can nominate another person to make the application on your behalf.

If you would like any further information, please ask to speak to the Freedom of Information Officer at your health service.

Information and forms are also available through public libraries, community centres or at the following website [www.archives.sa.gov.au](http://www.archives.sa.gov.au)

## Ensuring Your Future Health Care Wishes Are Met

There are a number of ways you can make your health care and end-of-life care wishes known.

You can complete one of the legal documents as described below or you can complete an advance care plan.

- > Under the *Guardianship and Administration Act 1993*, you can appoint another person to act on your behalf when you are unable to make health care and life-management decisions. This person is called your Enduring Guardian, appointed under an Enduring Power of Guardianship. You can also write down instructions and set conditions for your Enduring Guardian to follow. You can also record what you would constitute as quality of life or what conditions or circumstance you would find burdensome or intolerable. Forms can be purchased or downloaded from the following websites.

Legal Services Commission

[www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

Service SA

Tel 13 23 24

[www.service.sa.gov.au](http://www.service.sa.gov.au)

Office of the Public Advocate

Tel (08) 8342 8200 or toll free in regional South Australia 1800 066 969

[www.opa.sa.gov.au](http://www.opa.sa.gov.au)

- > Under the *Consent to Medical Treatment and Palliative Care Act 1995*, you can record your medical and end-of-life decisions (including whether to consent to or refuse certain treatments) should you become unable to make such decisions for yourself at some future time.



This means that you can:

- > appoint another person to make medical decisions on your behalf when you are unable to speak for yourself e.g. due to a stroke or being unconscious. This person is called your *Medical Agent* or *Medical Power of Attorney*.

or

- > fill out a form in which you record future end-of-life medical treatment, in case you are unable to make these decisions for yourself. This is called an *anticipatory direction* and **only** applies if you are in the terminal phase of a terminal illness or a persistent vegetative state.

The necessary forms and guidelines are available from:

Service SA

Tel 13 23 24

[www.service.sa.gov.au](http://www.service.sa.gov.au)

SA Health

[www.sahealth.sa.gov.au/consent](http://www.sahealth.sa.gov.au/consent)

For further information and advice on completing the forms contact:

Office of the Public Advocate

Tel (08) 8342 8200 or toll free in regional South Australia 1800 066 969

[www.opa.sa.gov.au](http://www.opa.sa.gov.au)

To make sure your wishes are known, please give copies of your completed forms to your health care professional, treating team, GP and keep them in a place which is easy to find in case of an emergency.

## Compliments and Complaints

South Australian public health services welcome both complaints and compliments about the care or service provided to you.

Your feedback assists us to continually improve our services and lets us know when we are doing things well.

You have the right to:

- > comment on and/or complain about your health care and to have the concern dealt with properly and promptly
- > be told about how to complain to the particular health service
- > be told how to complain to an independent complaints office
- > telephone, write to or personally discuss your concerns with a health care worker, Patient Adviser or Consumer Feedback Coordinator in the health service
- > contact the Director or General Manager of the health service if you are not satisfied with the response from the Patient Adviser or Consumer Feedback Coordinator
- > obtain your own legal or other advice, or advice on behalf of someone you care for such as a child, if you feel that your complaint has not been adequately dealt with or if you wish to seek redress for injury resulting from your health care.

The Health and Community Services Complaints Commissioner helps people – service users, carers and service providers – resolve complaints about health and community services, when a direct approach to the service provider is either unreasonable, or has not succeeded.

The Health and Community Services Complaints Commissioner operates a telephone enquiry service

- > Monday to Friday 09.00am to 5.00pm
- > Phone 08 8226 8666 or toll free in regional South Australia 1800 232 007

More information about the Health and Community Services Complaints Commissioner and complaints resolution can be found at website

[www.hcsc.sa.gov.au](http://www.hcsc.sa.gov.au)

Your Rights and Responsibilities incorporates the Public Patients' Hospitals Charter, which is required under the National Health Care Agreement between the South Australian and Commonwealth Governments.

Further copies of this booklet can be obtained from:

For Consumers and Carers

SA Health

Policy & Legislation

Tel: 08 8226 6717 Fax: 08 8226 7088

For Hospitals and Health Services

SA Health Warehouse

Tel: 08 8425 9204 Fax: 08 8124 4655

Or from website: [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

For more information

**SA Health**  
**Policy and Legislation**  
**PO Box 287, Rundle Mall**  
**Adelaide SA 5000**  
**Telephone: 08 8226 6717**  
**Fax: 08 8226 7088**  
**[www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)**



[www.ausgoal.gov.au/creative-commons](http://www.ausgoal.gov.au/creative-commons)

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