



Mandatory Rehab Fact Sheet

What is mandatory rehab?

The NT Government has made a law that says some people can be made to go to rehab and stay there for up to three months. This is often called mandatory rehab. 'Mandatory' means that a person does not have a choice. So if a person is in mandatory rehab it means they have to be there, they cannot leave. The NT Government says it sends people to mandatory rehab to try to help them to stop drinking alcohol.

Who can be sent to mandatory rehab?

The police will take a person to mandatory rehab if the person has been taken into protective custody three times in two months. Protective custody is when the police pick a person up for being drunk and take them to the Watch House to sober up. If the police pick a person up three times in two months for being drunk, they will take them to the mandatory rehab facility instead of the Watch House.

If a person is sent to mandatory rehab, have they committed a crime?

No. If a person is sent to mandatory rehab they are not in trouble with the police and they will not have to go to court.

What happens after the police take a person to the mandatory rehab facility?

After the police take a person to rehab, that person is 'assessed' by the doctors and nurses at the mandatory rehab facility. 'Assessed' means that the staff will ask the person questions about their health and drinking. The doctors and nurses then write a report about the person. This can take up to four days. The doctors give the report to a group of people called the Alcohol Mandatory Treatment Tribunal. The Tribunal people talk about the assessment with the person and decide whether to make an 'order' that will say they are to go into a Rehab program or not.

You have a right to ask for a lawyer to help tell your story to the Tribunal. NAAJA will try to provide you with a lawyer but we might not be able to.

The Tribunal can decide:

- That the person does not need to be in rehab and that they can leave Mandatory Rehab immediately; or

- That the person has to stay in Mandatory Rehab for up to three months (mandatory residential treatment order); or
- That the person has to go to rehab with a community treatment provider, like CAAPS or FORWAARD. This is called a Mandatory Community Treatment Order. This order might also ban a person from seeing or living with certain people or going to certain places.

If the person thinks that the Tribunal made a bad decision they might be able appeal that decision. If you want to appeal you can talk to the community visitor to arrange for NAAJA to give you advice.

Rights for people in mandatory rehab

If you are sent to mandatory rehab you have the right:

- To ask for an interpreter through the Aboriginal Interpreter Service (AIS) to help you understand what is happening;
- To call family on the phone or have them visit you. The staff at the Rehab facility have to help you organise this;
- To ask to be allowed to leave the mandatory rehab facility for a short time for a special reason, for example to attend a funeral.
- To have a treatment plan prepared for you and to be told about what is in that plan. The plan might include the types of programs you need to attend while you are in mandatory rehab.
- To be told about the types of medicines or tests that are given to you and how they will make you feel;
- To complain about the staff at the mandatory rehab facility if you think they are not treating you well.
- To be visited by a person from the community visitor program

Community Visitors

Community visitors are people whose job it is to visit mandatory rehab facilities and help make sure that people are being treated fairly. Community visitors can talk with people in mandatory rehab and, if necessary, help them to make complaints about the way they are being treated. Community visitors can also help people at the Tribunal. You can tell the staff that you want to talk to a community visitor. The staff have to help you contact a community visitor.

What happens if a person runs away from mandatory rehab?

If a person runs away from mandatory rehab then the staff at the mandatory rehab will tell the police and ask the police to look for the person. The police can pick the person up and return them to the rehab facility. If a person runs away from mandatory rehab three times then it is a crime and they may have to go to court. The Magistrate in court might send them to prison or give them a fine.