

You are not eligible for Medicare while in prison, but Justice Health contract with companies such as Pacific Shores Health and St Vincent's Hospital to provide medical services to prisoners. Justice Health is responsible for planning, coordinating and delivering health services in courts, police cells and the publicly and privately managed prisons in Victoria.

## **Your rights**

As required by Section 47 the Corrections Act, you have:

**(1)(f)** the right to have access to reasonable medical care and treatment necessary for the preservation of health including, with the approval of the principal medical officer but at the prisoner's own expense, a private registered medical practitioner physiotherapist or chiropractor chosen by the prisoner;

**(1)(g)** if intellectually disabled or mentally ill, the right to have reasonable access within the prison or, with the Governor's approval outside a prison to such special care and treatment as the medical officer considers necessary or desirable in the circumstances;

**(1)(h)** the right to have access to reasonable dental treatment necessary for the preservation of dental health.

What constitutes 'reasonable care and treatment necessary for the preservation of health' is a matter for the Governor or General Manager of the prison to manage.

## **Private practitioners**

You have the right to access a private medical practitioner, if approved by the Prison Governor and doctor. An 'Application to Consult a Private Practitioner' form should be obtained from the prison's Health Service. The Health Service Manager is required to sight and sign the form and can make comments on the application before it is sent to the Principal Medical Officer at Justice Health. The application requires you provide a date and time at which the practitioner will be seen. The full name and date of birth of the practitioner will be required for security clearance into the prison. If it is proposed that the doctor will be seen off-site, you must pay for the prison escort(s) for the visit. It is extremely rare that the prison allows a private doctor to see a prisoner. The circumstances under which they would allow it would need to be extraordinary.

## **Your medical records**

Your medical files are confidential and accessible only by health care workers, and follow you when you are transferred to another location. Justice Health has legal custody of all prisoner health files in Victoria and so all requests to obtain these files must be made through Justice Health. You are entitled to obtain your medical health file through Freedom of Information legislation (refer to fact sheet #19: Freedom of Information), or by subpoena or Summons for Production. You can also access your medical file under the Health Records Act. You need to write a letter to the medical centre saying what information you need access to and it's also best to say why you need access.

## **Mental Health Treatment**

Psychiatric care is available at each prison site. Specialist services are available at the Psycho-Social unit at Port Phillip Prison and the Acute Assessment Unit at MAP. Services are also available at the Dame Phyllis Frost Centre. An authorised psychiatrist may recommend a

'Mental Health Transfer' for a prisoner, and they may be admitted as a voluntary or involuntary patient to the Thomas Embling Hospital. Reviews against continued detention of a security or involuntary patient are heard by the Mental Health Review Board, and are conducted within 8 weeks of the order of transfer and at subsequent intervals not exceeding 12 months. The Mental Health Legal Centre can be contacted on 9629 4422, or write to 9th Floor, 10-16 Queen Street, Melbourne VIC 3000.

### **Complaints about medical treatment**

If you have an urgent complaint or need and you have not been able to have that taken care of by the prison staff or General Manager, you might be able to contact the Ombudsman to intervene in the issue (refer to fact sheet #22: The Ombudsman). For a non-urgent issue, you should in the first instance make a complaint about medical treatment to your unit manager or to the prison manager. Make the complaint in writing and keep any reply you receive (refer to fact sheet #20: Complaints). If no satisfactory resolution is reached, you can make a complaint to the Health Services Commissioner. They can be reached at:

**Health Services Commissioner ☎ ☎ ☎ ☎ ☎ 8601 5200**

570 Bourke Street  
Melbourne. 3000  
Victoria, Australia

DX 210182 – Melbourne  
(no stamp is required for DX mail)

***Further information***

This fact sheet contains general information only and is not a substitute for obtaining legal advice. If you would like advice regarding a specific problem please contact one of the legal services listed in [contacts](#) or contact the Law Institute of Victoria's Legal Referral Service on 9607 9311.