

Understanding the *Mental Health Act 2015 (ACT)*

The *Mental Health Act 2015 (ACT)* is the law that explains when and how you can be assessed, treated, and supported if you're experiencing a mental illness or mental disorder.

It's usually used when:

- You're unable to make decisions about your treatment, or
- You need treatment, care, or support—even if you don't want it at the time.

This law applies in the ACT, but some parts may still apply if you go interstate. Each state and territory has its own mental health laws.

What is the Act for? (The 'Objects' of the Act)

These goals guide how the law is used—to support your wellbeing and respect your choices. The Act is designed to:

- Support your **recovery**
- Help you make your **own decisions**
- Protect your **rights**, privacy, and dignity
- Involve you in decisions about your care
- Provide care in the **least restrictive** way
- Ensure access to **high-quality, timely, and culturally appropriate** services
- Reduce stigma and promote understanding

Your Rights Under the Act

You have the right to:

- **Consent to, refuse, or stop** treatment, care, or support
- Be **presumed to have decision-making capacity** unless proven otherwise
- Make decisions about your own **recovery journey**
- Have your **will and preferences** considered
- Access the **best available care**
- Receive services that **respect your individual needs**
- Get **timely information** in a way that works for you
- **Communicate** in your preferred way, including using interpreters or tools



Planning Ahead

The Act also gives you the right to put in place decision-making tools—like **Advance Agreements** and **Advance Consent**

Directions—to help make sure your voice is heard, even if you're unwell and can't make decisions at the time.

Can My Rights Be Limited?

Yes, but only in specific situations. Your rights can be limited **only if** your treating team, with agreement from the ACT Civil and Administrative Tribunal (ACAT), believes it's **reasonable and necessary**.



Your Rights, Your Care— under the *Mental Health Act* 2015 (ACT)

What Mental Health Services Must Do

Mental health services have a responsibility to support you and respect your rights. This means they must:

- **Respect** your choices—including those in Advance Agreements or Consent Directions
- Help you make your own **decisions**—not make them for you
- Support your recovery in a way that works for **you**
- Make sure you **understand** your rights
- **Involve** people you trust—like your Nominated Person, family, or carers
- Provide care from **qualified professionals**

If You're in a Mental Health Facility or Receiving Community Care

You still have rights. These include:

- Asking for a **second opinion**
- Getting **legal advice** (e.g. from Legal Aid ACT)
- Contacting or receiving visits from the **Public Advocate** or a **Mental Health Official Visitor**

If you have decision-making capacity, you can:

- Choose a **Nominated Person** to support you
- Create an **Advance Agreement**
- Make an **Advance Consent Direction**

You also have the right to:

- Learn about the role of a **Nominated Person**
- Access copies of relevant **laws** (like the *Mental Health Act* and *Guardianship and Management of Property Act*)
- Use easy-to-read **guides** that explain your rights
- Get contact details for **services** that support your mental health and recovery

Your rights around the My Rights, My Decisions Form Kit

Under section 25 of the *Mental Health Act 2015* (ACT), treating teams have a **legal duty** to actively support you in using these tools. They must **as soon as practicable**:

- **Inform** you that you may make an **Advance Agreement** and an **Advance Consent Direction**.
- **Provide** the opportunity to complete them
- **Inform** you that you may have someone with you to **assist** in completing these (like a Nominated Person or support person)

These responsibilities are **essential actions** that ensure you are aware of and supported in exercising your rights. GPs and other health professionals play a key role in starting these conversations and helping you access the *My Rights, My Decisions* Form Kit.