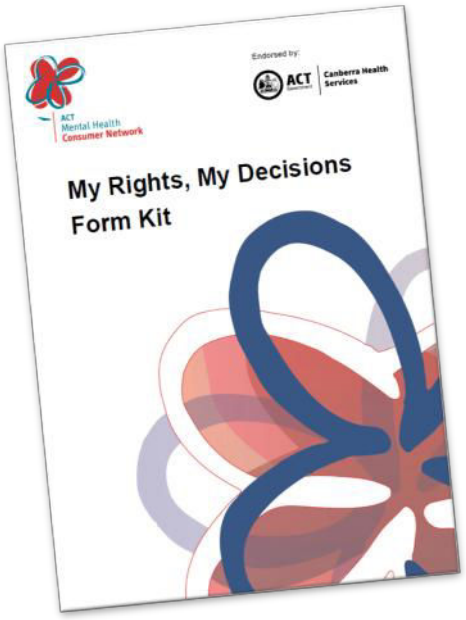
ACT Mental Health Consumer Network

About the *My Rights, My Decisions* Form Kit

Under the *Mental Health Act 2015* (ACT), consumers have the right to put in place legally recognised decision-making tools to support them to participate in decisions about their treatment and support if they become unwell.

The *My Rights, My Decisions* Form Kit:

- meets the requirements of the *Mental Health Act 2015* (ACT) for provisions for Nominated Person, Advance Agreement and Advance Consent Direction.
- supports consumers to express their views and preferences about their mental health treatment, care and support, which in turn helps treating teams achieve better outcomes for people they are working with.
- has been developed in consultation with mental health consumers, ACT Government Health Directorate, ACT Disability, Aged and Carer Advocacy Service (ADACAS), Mental Health Carers Voice ACT, Legal Aid ACT, and the ACT Human Rights Commission.



Nominated Person Form: Identifies whom the consumer has chosen to express their decisions if they become unwell.

Advance Agreement: Includes a person's decisions about 'everyday' matters, including who will look after their house or pets. Consumers can also provide any relevant information such as languages they speak or other illnesses they have.

Advance Consent Direction: Sets out directions relating to a consumer's mental health treatment. Consumers can also say who they do or don't want to receive information about them when they have reduced decision-making capacity.

Clinicians have responsibilities under the Act related to these provisions. Consumers rely on clinicians for support to put them into place, and make sure that they are followed.

These three tools are available for free as a Form Kit. Visit actmhcn.org.au/my-rights-my-decisions or use the QR code to download a copy.

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Using the *My Rights, My Decisions* Form Kit in treatment and care

Under the *Mental Health Act 2015* (ACT), consumers have the right to put in place legally recognised decision-making tools to support them to participate in decisions about their treatment and support if they become unwell.

Important:

- Under the Act consumers are assumed to have decision-making capacity. If you are concerned that a consumer does not have decision-making capacity, you will need to assess that within your scope of practice.
- A person who has been assessed as not having decision-making capacity must always be supported to make decisions about their treatment, care or support.
- A person must not be treated as not having decision-making capacity unless all practicable steps to assist the person to make decisions have been taken.
- A clinician should, before giving treatment, care or support to a person with a mental disorder or mental illness, take reasonable steps to find out whether an **advance agreement** or **advance consent direction** is in force in relation to the person.
- A clinician must, before giving treatment, care or support to a person with a mental disorder or mental illness, take reasonable steps to find out if they have a **nominated person**. A nominated person is not the same as a guardian, or someone with enduring power of attorney, but they may also have those powers.

How to support a consumer with a Form Kit:

- The **Nominated Person** should be consulted about decisions in relation to treatment, care and support, and should receive relevant information set out in the Act.
- If an **advance agreement** is in force and the person does not have decision-making capacity, a clinician must, if reasonably practicable, give treatment, care or support to the person in accordance with the preferences expressed in the agreement. You can't compel someone to accept treatment according to their advance agreement.
- If an **advance consent direction** is in force and the person does not have decision-making capacity, a clinician may may give the person the treatment, care or support or a particular medication or procedure if the direction gives consent for that. You can't compel someone to accept treatment according to their advance consent direction.
- If an **advance consent direction** is in force and the person contradicts the direction, or the clinical believes the treatment described is unsafe or inappropriate, they may give the person treatment, care and support only if the ACAT in application orders that the treatment, care and support may be given.

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