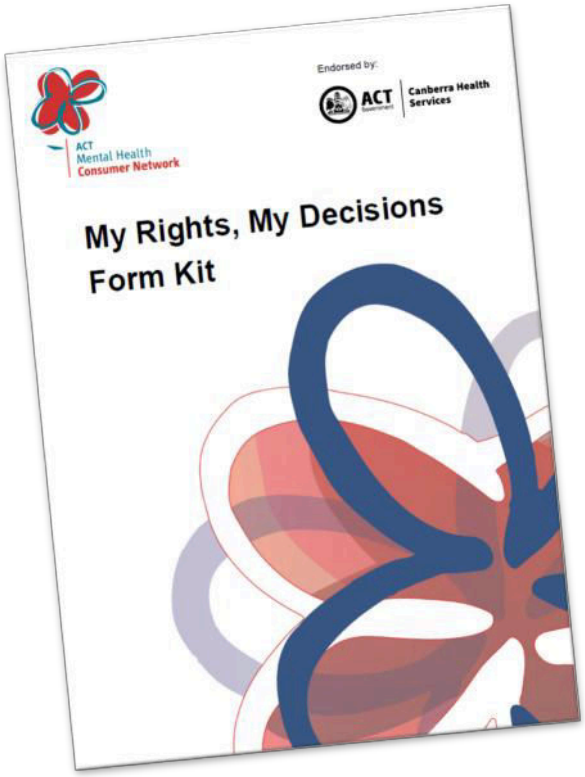
ACT Mental Health Consumer Network

My Rights, My Decisions Form Kit: A Fact Sheet for GPs

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) 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—helping treating teams achieve better outcomes.
- 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 such as who will look after their home or pets, and includes relevant personal information such as languages they speak or other illnesses they have.

Advance Consent Direction: Sets out directions about mental health treatment. Consumers can also say who can or cannot receive information about them when they have reduced decision-making capacity.

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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Supporting consumers with the *My Rights, My Decisions* Form Kit: A Guide for GPs

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

- **Inform** the person that they may enter into an **Advance Agreement** and make an **Advance Consent Direction**.
- **Provide** the opportunity to so
- **Inform** the person that they may have someone with them to **assist** in completing these documents (e.g., a Nominated Person or support person)

These responsibilities are **essential actions** that ensure consumers are aware of and supported in exercising their rights. GPs and other health professionals play a key role in initiating these conversations and facilitating access to the *My Rights, My Decisions* Form Kit.

Supporting consumer with the Form Kit:

- **Encourage** consumers to plan for future decisions using the Form Kit. They may choose to complete one, two or all three forms.
- Advise booking a **long appointment** when coming to finalise their Form Kit.
- When consumers present with a drafted Form Kit, **review** the draft and discuss any concerns.
- **Important: Assume** decision-making capacity. If you are concerned that a consumer does not have decision-making capacity when signing the form kit, consider suggesting they make a follow-up appointment with a trusted support person.
- Encourage **regular reviews** to ensure the information stays up to date.
- Consumers have the right to withdraw their forms at any time when they have decision-making capacity, either verbally or in writing.

Submitting the Form Kit:

Once a consumer's Form Kit is finalised:

- **Confirm** all required signatures (See signature checklist on page 16 of the Form Kit).
- **Keep** a copy in the person's clinical record.
- **Share** copies of the forms with relevant people (e.g. the consumer's psychiatrist).
- With consent, **send** a copy to Canberra Health Services at: TribunalLiaison@act.gov.au for uploading to their system.
- Follow the forms when providing mental health treatment, care and support in and include them with any hospital referrals.

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