ACT Mental Health Consumer Network

Understanding the *Nominated Person* Role

Who is a Nominated Person?

A Nominated Person is a person the consumer chooses to help them make decisions and communicate their wishes if they become unwell and have reduced decision making capacity. They may be a friend, a relative, your carer or anyone else the consumer trusts. The Nominated Person will be consulted and receive information about the consumer and their treatment if they have reduced
decision-making capacity.

Roles of a Nominated Person:

- ensure the consumer's rights, interests, views and wishes are respected
- support them to make decisions
- help them to write an Advance Consent Direction and/or an Advance Agreement
- receive information about their treatment, care or support
- be consulted if their treatment is to change
- attend and give their opinion at ACAT hearings in relation to the consumer



The Nominated Person must be an adult and be able to perform the duties of a Nominated Person. They must agree to be the Nominated Person and be readily available to do so.

A nominated person is not legally responsible for anything they do or don't do, as long as they act honestly and with care while performing their duties.

Carer vs Nominated Person: A Carer is not automatically the Nominated Person. They may be the same person if the consumer wishes, but their definitions are different under the Act.

Nominated Person Form: The consumer can complete a Nominated Person Form to nominate someone to help them make decisions and to express them and to help safeguard their rights and interests. Both the consumer and the nominated person must sign the form while the consumer has decision making capacity.

Ending the nomination: The consumer can end their nomination while they have decision-making capacity by informing their regular doctor (e.g. GP or psychiatrist). The Nominated Person may also withdraw their consent by informing the consumer's doctor.

In very limited circumstances, the Chief Psychiatrist may also end the nomination if they believe it in the consumer's best interests.

Visit actmhcn.org.au/my-rights-my-decisions or use the QR code to download a copy of the form kit.

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About the *My Rights, My Decisions* Form Kit

The *My Rights, My Decisions Form Kit* is a tool that people with lived experience of mental health issues (referred to as 'consumers') can use to put in place legally recognised decisions about their mental health treatment and support in the ACT in case they become unwell in the future.

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, 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 HealthCarers 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.

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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