

5: Advance Consent Directions

All people with a mental illness or mental disorder are encouraged to make an Advance Consent Direction when they are well and have decision-making capacity. This means you can make informed decisions and express your preferences for the treatment, care or support you wish to receive if you become unwell and are assessed as not having decision-making capacity.

What is an Advance Consent Direction?

An Advance Consent Direction is a document in which you can state your major decisions about what treatment you agree to have (or not have) if your mental illness or mental disorder means you do not have decision-making capacity.

An Advance Consent Direction can include:

- the treatment, care or support you consent and do not consent to receive
- the medications or procedures you consent, and do not consent, to receive
- the people who can or cannot be given information about your treatment, care, and support; and
- for electroconvulsive therapy (ECT): state the maximum number of times (not more than 9) that ECT may be administered to you.

Advance Consent Directions are only valid in the ACT and are not recognised in other states or territories.

How do I make an Advance Consent direction?

A form for making an Advance Consent Direction is available on request from your treating team or from the ACT Mental Health Consumer Network's *My Rights My Decisions Form Kit*.

To make an Advance Consent Direction you must have decision-making capacity and have talked with your treating team about options for treatment, care or support for your mental illness or mental disorder. A close family member, Nominated Person, carer, or

significant other may assist in developing your Advance Consent Direction.

The Advance Consent Direction needs to be written down and signed by you, a representative of your treating team (e.g., doctor), and two witnesses (a witness to you and a witness to the treating team). The witness cannot be someone providing treatment to you.

Who do I give my Advance Consent Direction to?

A copy of your Advance Consent Direction will be given to you, as well as:

- your Nominated Person (if you have one)
- any member of your treating team who does not have access to your clinical record (e.g., your GP)
- your guardian (if you have one)
- ACAT; and
- the person who holds power of attorney for you (if you have one).

If you want public mental health services to be able to access your Advance Consent Direction will need to email a copy to TribunalLiaison@act.gov.au for uploading to your clinical record.

Reviewing and ending an Advance Consent Direction

It is important to review your Advance Consent Direction regularly to ensure the information stays up to date. It might be helpful to do this after any changes to your treatment, care or support, or times when

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you were unwell, and the Advance Consent Direction was used.

Any update will need to be completed with your treating team. The updated Advance Consent Direction needs to be signed by you, a representative of your treating team, and your Nominated Person (if you have one) and two witnesses.

If no changes are made, the date of the review will be recorded in your clinical record.

Advance Consent Directions do not expire unless they are cancelled. If you have decision-making capacity, you can end your Advance Consent Direction at any time. You can do this by telling a member of your treating team verbally or in writing (e.g., by letter or email), or by making a new one.

You can choose to end your Advance Consent Direction on the day you make that decision or at a future specified date. If you end your Advance Consent Direction, this will be entered into your clinical record.

Limitations of an Advance Consent Direction

Your treating team can only give different treatment(s) if they believe that the treatment, care, and support for which you previously gave consent for is not safe or appropriate and:

- you agree
- your guardian, attorney or health attorney agrees, or
- ACAT orders it be given.

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