

## 6: Advance Agreement

### What is an Advance Agreement?

An Advance Agreement is a document in which you can state information you consider relevant to your mental health treatment, care, and support, and is used if you do not have decision-making capacity.

An Advance Agreement can include:

- your preferences for treatment
- your preferences for practical arrangements (e.g., for looking after your property or pets) when you need treatment, care, and support, and
- contact details for people such as carers, guardians, legal representatives, or your Nominated Person.

The wishes expressed in your Advance Agreement will assist your treating team to make decisions about your treatment, care, and support.

If your wishes cannot be followed at the time, the treating team will work with you to identify and agree on another option.

### How do I make an Advance Agreement?

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

The preferences stated in your Advance Agreement are discussed and agreed between you and your support team. This team includes the people who will provide practical help, your treating team, and other important individuals in your life. A close family member, Nominated Person, carer, or significant other may be able to help you develop your Advance Agreement.

The Advance Agreement needs to be written down and signed by you, a representative of your treating team (e.g., your doctor) and your Nominated Person if you have one. It can also be signed by the person who is going to provide practical help to you.

### Who do I give my Advance Agreement to?

You should keep a copy of your Advance Agreement for your own records and provide a copy to:

- 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).

You can choose to share your Advance Agreement with others, but only if you are comfortable doing so. You may also choose to give only selected parts of your Advance Agreement to those who might need it, e.g., you can leave out information about medication choices in the copy you give to the person who will take care of your pets while you are in hospital.

It is important that your Advance Agreement is easily accessible to the health professionals and support people who are listed on it. Someone who is providing treatment, care, and support for you (e.g., a doctor) will take reasonable steps to find out if you have an Advance Agreement. Mental health service clinicians will also keep a copy of the Advance Agreement on your clinical record, which can be accessed when needed.

### Reviewing and ending an Advance Agreement

It is important to review your Advance Agreement regularly to ensure the information stays up to date. It might be

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helpful to do this after any changes to your treatment, care or support, or times when you were unwell, and the Advance Agreement was used. Any update will need to be completed with your treating team and will need to be signed by you, a representative of your treating team, and your Nominated Person (if you have one).

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

Advance Agreements do not expire unless they are cancelled. If you have decision-making capacity, you can end your Advance Agreement 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 Agreement on the day you make that decision or at a future specified date. If you end your Advance Agreement, this will be entered into your clinical record.

## Limitations of an Advance Agreement

Advance Agreements made in the ACT are only valid in the ACT and are not recognised in other states or territories.

The preferences outlined in your Advance Agreement will be used, where possible, to guide treatment if the treating team consider they are in your best interest at the time. If you have treatment preferences that you want to be binding, then you need to include these in an Advance Consent Direction.