

MENTAL HEALTH ACT 2007

Section 77

YOUR RIGHTS AFTER THE MENTAL HEALTH INQUIRY

On you attended the Mental Health Inquiry at
(date)

.....and the Mental Health Review Tribunal ordered that:
(Name of Hospital)

- * You be detained as an Involuntary Patient for further observation and/or treatment until
(date)
- * You be discharged subject to a Community Treatment Order.
- * Your estate be managed, on your behalf, by the NSW Trustee.

* *delete where inapplicable*

YOU HAVE THE FOLLOWING RIGHTS OF APPEAL AGAINST THESE ORDERS

If you are ordered to remain in the declared mental health facility (hospital) as an Involuntary Patient:

- You may ask an authorised medical officer to discharge you.
- You may ask an authorised medical officer to reclassify you as a Voluntary Patient. The authorised medical officer would only do this if satisfied that you would benefit from treatment as a Voluntary Patient.
- Your primary carer may apply in writing asking the authorised medical officer to discharge you. The application must satisfy the authorised medical officer that you will be properly taken care of and be prevented from causing harm to yourself or other people.
- If the authorised medical officer refuses an application for your discharge, or fails to decide within three working days, you or your primary carer may appeal to the Mental Health Review Tribunal.
- If the Mental Health Review Tribunal disallows your appeal, you may further appeal to the Supreme Court. This is expensive and may take some time. Some free legal advice may be available from the Mental Health Advocacy Service.
- Any person may take a case to the Supreme Court to seek the discharge of a person, where there is evidence the person is not a mentally ill or mentally disordered person or where other care of a less restrictive kind is appropriate and reasonably available.

If an order is made that your estate be managed by the NSW Trustee:

- You may appeal to the Supreme Court or to the Administrative Decisions Tribunal. To do this you may need legal advice. Some free legal advice may be available from the Mental Health Advocacy Service.
- Once you have ceased to be a patient in the declared mental health facility (hospital), you may be able to apply to the Mental Health Review Tribunal to have the Financial Management Order revoked if you are able to show that you are capable of managing your affairs. Some free legal advice may be available from the Mental Health Advocacy Service.

If you are discharged by the Mental Health Review Tribunal on a Community Treatment Order you may appeal to the Supreme Court. This is expensive and may take some time. Some free legal advice may be available from the Mental Health Advocacy Service.

You can also talk to an Official Visitor if you have any concerns about the mental health care being provided to you.

WHILST YOU ARE AWAITING CONSIDERATION OF AN APPEAL YOU MUST COMPLY WITH ALL LEGAL ORDERS WHICH HAVE BEEN MADE.

These telephone numbers may be of some assistance to you:

- Mental Health Advocacy Service 9745 4277
- Mental Health Review Tribunal 9816 5955
- NSW Trustee and Guardian 1300 364 103
- Official Visitors' Program free call line 1800 208 218

Member of treating team's declaration

A member of the affected person's treating team at the mental health facility is required to provide this form to the affected person.

I,, a member of staff of
(member of the affected person's treating team name & position – e.g. psychiatric registrar)

....., declare that I provided this form to the
(name of declared mental health facility)

affected person, on
(affected person's full name) (date that form was provided to affected person)

Signature:.....

Date:.....