



FAMILY NAME

MRN

GIVEN NAME

MALE  FEMALE

Facility:

D.O.B. \_\_\_\_/\_\_\_\_/\_\_\_\_

M.O.

ADDRESS

# NOMINATION OF DESIGNATED CARER(S)

LOCATION

COMPLETE ALL DETAILS OR AFFIX PATIENT LABEL HERE

## MENTAL HEALTH ACT 2007

### Section 72

## NOMINATION OF DESIGNATED CARER(S)

I certify that I **am/am not** a person with a guardian appointed under the Guardianship Act 1987.

If you have a guardian, that person is your designated carer for the purposes of this Act. You cannot make another nomination of a designated carer but you may, if you wish, nominate persons to be excluded from receiving information about your treatment in the mental health facility.

I certify that I **am/am not** a person under the age of 18 years.

If you are over the age of 14 and under the age of 18, you can nominate someone other than your parents to be your designated care. However, if you do so, your parents will still have a right to receive information about your treatment.

\* Parent includes any person having parental responsibility as defined in the *Children and Young Persons (Care and Protection) Act 1998*.

### You may nominate up to two designated carers.

I would like to nominate as my designated carer/s the following:

1) ..... (provide full name) ..... (please provide address and/or telephone number)

2) ..... (provide full name) ..... (please provide address and/or telephone number)

You also have the right to nominate persons who are to be excluded from being provided with information and/or consulted about your treatment.

I wish to exclude ..... (provide full name/s)

I understand that my nominations above will be valid for a period of twelve months, unless varied or revoked by me.

Patient's full name .....

Patient's signature ..... Date ..... /..... /.....

### IMPORTANT INFORMATION

- Your nominations will not be accepted if, at the time they are made, you are considered incapable of making a nomination, or if it is considered that accepting your nomination would put you or any other person at risk of serious harm.
- If there is no nomination of designated carer in effect, your designated carer will be determined by reference to section 71 of the Mental Health Act 2007 (see over page).
- A nomination may be made or varied or revoked at any time.
- If the principal care provider is not your designated carer, information about your treatment can be shared with your principal care provider.



SMR025170

Holes Punched as per AS2828.1: 2012  
BINDING MARGIN - NO WRITING

NH608713A 141015

NOMINATION OF DESIGNATED CARER(S) SMR025.170

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## EXTRACTS FROM THE MENTAL HEALTH ACT 2007

### Section 71 Designated carer

(1) The “**designated carer**” of a patient is:

- (a) the guardian of the patient, or
- (b) the parent of a patient who is a child (subject to any nomination by a patient referred to in paragraph (c)), or
- (c) if the patient is over the age of 14 years and is not a person under guardianship, a person nominated by the patient as a designated carer under this Part under a nomination that is in force, or
- (d) if the patient is not a patient referred to in paragraph (a) or (b) or there is no nomination in force as referred to in paragraph (c):
  - (i) the spouse of the patient, if any, if the relationship between the patient and the spouse is close and continuing, or
  - (ii) any individual who is primarily responsible for providing support or care to the patient (other than wholly or substantially on a commercial basis), or
  - (iii) a close friend or relative of the patient.

(2) “Close friend or relative” of a patient means a friend or relative of the patient who maintains both a close personal relationship with the patient through frequent personal contact and a personal interest in the patient’s welfare and who does not provide support to the patient wholly or substantially on a commercial basis.

**Relative** of a patient who is an Aboriginal person or a Torres Strait Islander includes a person who is part of the extended family or kin of the patient according to the indigenous kinship system of the patient’s culture.

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## Section 72 Nomination of designated carer

- (1) A person may nominate up to 2 persons to be the person's designated carers for the purposes of this Act.
- (2) A person may nominate persons who are excluded from being given notice or information about the person under this Act and may revoke or vary any such nomination.
- (3) A person who is over the age of 14 years and under the age of 18 years may not exclude the person's parent by a nomination under subsection (2).
- (4) A nomination, variation or revocation is to be made in writing and may be given to an authorised medical officer at a mental health facility or a director of community treatment.
- (5) A nomination remains in force for the period prescribed by the regulations or until it is revoked in writing.
- (6) An authorised medical officer or a director of community treatment is, in carrying out his or her functions under this Act or the regulations, to give effect to a nomination or a variation or revocation of a nomination, if notified of the nomination, variation or revocation.
- (7) An authorised medical officer or a director of community treatment is not required to give effect to a nomination, or a variation or revocation of a nomination, if the officer or director reasonably believes:
  - (a) that to do so may put the patient or nominated person or any other person at risk of serious harm, or
  - (b) that the person who made the nomination, variation or revocation was incapable of making the nomination, variation or revocation.

## Section 72A Principal care providers

- (1) The principal care provider of a person for the purposes of this Act is the individual who is primarily responsible for providing support or care to the person (other than wholly or substantially on a commercial basis).
- (2) An authorised medical officer at a mental health facility or a director of community treatment may, for the purposes of complying with a provision of this Act or the regulations, determine who is the principal care provider of a person.
- (3) The authorised medical officer or the director of community treatment must not determine that a person is the principal care provider of another person if the person is excluded from being given notice or information about the other person under this Act.
- (4) An authorised medical officer or a director of community treatment is not required to give effect to a requirement relating to a principal care provider of a person under this Act or the regulations if the officer or director reasonably believes that to do so may put the person or the principal care provider at risk of serious harm.
- (5) A principal care provider of a person may also be a designated carer of the person.



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## Section 78 Notifications to designated carers and principal care providers of events affecting patients or detained persons

- (1) An authorised medical officer of a mental health facility must take all reasonably practicable steps to notify any designated carer and the principal care provider (if the principal care provider is not a designated carer) of a patient or person detained in the facility if any of the following events occurs:
  - (a) the patient or person is absent from the facility without permission or fails to return at the end of a period of leave,
  - (b) it is proposed to transfer the patient or person, or the patient or person is transferred, to another mental health facility or other facility,
  - (c) the patient or person is discharged from the mental health facility,
  - (d) the patient or person is re-classified as a voluntary patient,
  - (e) it is proposed to apply to the Tribunal for an ECT inquiry under Part 2 or to ascertain whether the patient or person is capable of giving informed consent to electro convulsive therapy,
  - (f) a surgical operation is performed on the patient or person under Part 3,
  - (g) it is proposed to apply to the Secretary or the Tribunal for consent to a surgical operation or special medical treatment under Part 3.
- (2) The authorised medical officer must give the notice as soon as practicable after becoming aware that the event has occurred.
- (3) In the case of a proposed transfer, the notice must be given before the relevant order or arrangement is made, except in an emergency.

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