



|  |  |   |
|--|--|---|
| FAMILY NAME                                      |  | MRN   |
| GIVEN NAME                                       |  | <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE |
| D.O.B. ____/____/____                            |  | M.O.  |
| ADDRESS  |  |   |
| LOCATION / WARD                                  |  |   |
| COMPLETE ALL DETAILS OR AFFIX PATIENT LABEL HERE |  |   |

Facility:

**YOUR RIGHTS AFTER A MENTAL HEALTH INQUIRY OR FOLLOWING A TRIBUNAL HEARING AFTER BREACHING A COMMUNITY TREATMENT ORDER**

**MENTAL HEALTH ACT 2007**  
Section 77

**STATEMENT - Your Rights After a Mental Health Inquiry or Following a Tribunal Hearing After Breaching a Community Treatment Order**

Select relevant options and strike through any that are not applicable.

On ...../...../..... you attended a mental health inquiry at:  
 .....  
 (Name of declared mental health facility)

OR

On ...../...../..... the Mental Health Review Tribunal reviewed you after a breach of a Community Treatment Order (CTO).

**The Mental Health Review Tribunal (the Tribunal) ordered that:**

You be detained as an involuntary patient for further observation and/or treatment until ...../...../.....

Note: You must be released before this date if you no longer meet requirements for detention.

You be detained in the declared mental health facility until the end of your CTO (until ...../...../.....).

The NSW Trustee & Guardian manage your financial affairs.

**To be completed by staff member who completed the form:**

Print name ..... Signature .....

Date ...../...../..... Designation ..... Facility .....  
(Declared mental health facility)

**A copy of this form must be placed in the patient's health record.**

**Your rights when you are detained in a declared mental health facility**

If the Tribunal has ordered that you be detained in a declared mental health facility, you can:

**1. Ask to be released (discharged) from the facility**

- You can ask the medical practitioner at the facility who is an 'Authorised Medical Officer' (AMO) to release you from the facility.
- Your carer (designated carer and/or principal care provider) can ask an AMO to release you from the facility. Your carer will need to provide a written statement that they will take care of you once you are released.

**2. Appeal a decision not to release you from the facility**

If an AMO rejects your request to be released, or takes longer than three (3) working days to decide, you or your carer can appeal to the Tribunal.  
If the Tribunal rejects your appeal, you can appeal to the Supreme Court (see next point).



SMR025220

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

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YOUR RIGHTS AFTER A MENTAL HEALTH INQUIRY OR FOLLOWING A TRIBUNAL HEARING AFTER BREACHING A COMMUNITY TREATMENT ORDER

SMR025.220

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**YOUR RIGHTS AFTER A MENTAL HEALTH INQUIRY OR FOLLOWING A TRIBUNAL HEARING AFTER BREACHING A COMMUNITY TREATMENT ORDER**

**3. Ask the Supreme Court to release you from the facility**

You can apply to the Supreme Court to be released from the facility. The Mental Health Advocacy Service may be able to provide you with information on how to do this.

**4. Ask to be made a voluntary patient**

You can ask an AMO to make you a voluntary patient. This will only be done if they are satisfied that you would benefit from treatment as a voluntary patient.

**Your rights under a Financial Management Order**

If the Tribunal appoints the NSW Trustee & Guardian to manage your financial affairs under a Financial Management Order, you can:

- Apply to the Tribunal to remove the Financial Management Order

or

- Appeal to either the Supreme Court or the NSW Civil and Administrative Tribunal

The Mental Health Advocacy Service may be able to provide you with information on which of these options is most suitable for you, and how to do it.

**You must still comply with all legal orders while your appeal is being considered.**

**Useful Phone Numbers**

**Official Visitors Program - 1800 208 218**

Official Visitors support your rights when you are being treated under the *NSW Mental Health Act 2007*. You can speak with an Official Visitor if you have any concerns about the mental health care provided to you. They can visit you in hospital and can also help you if you are on a CTO.

**Mental Health Advocacy Service - 02 9745 4277**

This service is part of Legal Aid NSW and provides free legal information, advice and assistance about mental health law. Telephone information and advice is available.

**Mental Health Review Tribunal - 02 9816 5955**

The Tribunal conducts mental health inquiries, makes and reviews orders, and hears some appeals about the treatment and care of people with a mental illness.

**NSW Trustee & Guardian - 1300 364 103**

The NSW Trustee & Guardian acts as an independent Executor, Administrator, Attorney and Trustee. It also provides financial management services, and authorises and advises private financial managers.

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