



ACT
Government
Health

Mental Health, Justice Health and Alcohol & Drug Services (MHJHADS)

Nominated Person



A person with a mental disorder or mental illness, who has *decision-making* capacity, may appoint someone else to be their nominated person.

The appointment of a nominated person must be made in writing.

A 'Nominated Person'

The role of a 'Nominated Person' is to help a person living with a mental illness or mental disorder by making sure that the person's interests are respected if they require treatment, care or support for their condition.

The Nominated Person can receive information, and being involved in (and consulted about) decisions in relation to a person's treatment, care or support. The nominated person is required to be notified and supplied with information when various things are done under the Act. A nominated person can be a close relative or close friend, a carer, neighbour or any other individual. A person may also nominate another individual as an 'alternate nominated person'.

Protection from liability

A Nominated Person is not civilly liable for anything that they do (or do not do) honestly (and without recklessness) in being a Nominated Person under the Act. This is designed to assist the Nominate Person to perform their role effectively and properly.

Nomination Criteria

- Only a person who is living with a mental illness or mental disorder can have a nominated person. They need to have the capacity to make that decision.
- The Nominated Person must be an adult (18 years or over), be able to undertake the functions of the role, be easily available, and agree to the nomination.

Situations in which a Nominated Person must be Consulted

If the person with a mental illness or mental disorder is receiving treatment, care or support at an approved mental health facility or community care facility, then the person in charge of the facility is required to 'take all reasonable steps' to:

- ask the person receiving treatment, care or support whether they have a nominated person;
- ensure that details and the written nomination of the nominated person are kept with the person's records;
- ensure that the currency of the nomination and nominated person's details are checked periodically; and
- ensure that ACAT is given the nominated person's name and contact information, if the ACT Civil and Administrative Tribunal (ACAT) is involved in decisions about the person.

Additionally, the person must be given the opportunity and access to facilities such as a telephone to contact their Nominated Person (along with other people).

There are a range of situations where the Nominated Person must be consulted by various parties, including:

- The ACAT before they make a mental health order.
- The Chief Psychiatrist (or their delegate) before deciding to treat the person with a mental illness or mental disorder under a psychiatric treatment order.

- The Chief Psychiatrist (or their delegate) if they form the belief that the person with a mental illness or mental disorder should no longer be subject to a psychiatric treatment order.
- The Care Coordinator (or their delegate) before making a decision when and where a person is required to attend to receive treatment, care or support under a community care order (or a restriction order).
- The Chief Psychiatrist (or their delegate) must, as soon as possible after authorising the involuntary detention of a person, take all reasonable steps to give required information about the detention to the nominated person.

A Nominated Person may appear and give evidence at the hearing or a proceeding in the ACAT or Supreme Court in regards to the person who nominated them.

Ending a Nomination

The Nomination can be ended in the following 3 ways:

- the person who made the nomination has decision-making capacity and tells a member of their treating team, orally or in writing, that they do not want the nominated person to perform the functions for them anymore;
- the nominated person tells a member of the person's treating team, orally or in writing, that they are unable to perform the functions of a nominated person; and
- the Chief Psychiatrist decides on reasonable grounds that the nominated person is unable to perform the functions of a nominated person.

The member of the person's treating team who is told about a nomination ending is obliged to ensure that:

- as soon as practicable, information about the end of the nomination is entered in the person's clinical record;
- the person is told that the information has been entered in their record; and
- the person is given a copy of the information entered in their record.

If the Chief Psychiatrist ends the person's nomination they must advise the person who made the nomination, the nominated person and a member of the person's treating team and make a record about their reasons for doing so. They must also advise the person about advocacy services and, if the person has decision-making capacity, ask if there is another person they wish to nominate.

Regardless of who ends the Nomination, it ceases effect on the day that they give the verbal or written notice or at a later date if specified in writing.






If a person makes an advance agreement or an advance consent direction the nominated person should be recorded in the agreement.

Feedback

Mental Health, Justice Health and Alcohol and Drug Services encourage and support consumer and carer participation and feedback. If you wish to provide comments your first point of contact should be the team leader of the Mental Health Team you are working with. This will allow you to confidentially discuss the matter, and in the case of a complaint seek a resolution at this point. If your complaint is not resolved to your satisfaction at this point, the

Team Leader will provide you with the Consumer Listening and Learning Feedback Form. The form should then be sent to the Consumer Engagement and Feedback Team.

If assistance is required to complete the form and ensuring the relevant information is provided, please contact the Consumer Engagement Feedback Team.

	Phone	6244 2740
	Fax	6244 4619
	Hours	8.30 am to 5.00 pm Monday to Friday
	Mail	Consumer Engagement Feedback Team, GPO Box 825 Canberra ACT 2601
	Email	HealthFeedback@act.gov.au

Translation Services: MHJHADS is committed to providing services that are culturally sensitive and which are easily accessible by consumers from diverse cultural and linguistic backgrounds. Access to interpreter facilities is available throughout the service with 24 hours notice. If an interpreter is required, or you have specific cultural care requirements, please contact your regional team.

Mental Health Justice Health Alcohol and Drug Services (MHJHADS) is a smoke free environment in line with the ACT Health's Smoke Free Workplace Policy.

For more information on the smoke-free environment initiative go to:

<http://www.health.act.gov.au/health-services/mental-health-act/smoke-free-environment>

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If you are Deaf, or have a speech or hearing impairment and need the teletypewriter service, please phone 13 36 77 and ask for 13 22 81.

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