

17: Important terms used in the Guides to the *Mental Health Act 2015*

ACT Civil and Administrative Tribunal (ACAT)	An independent entity which has the legal authority to make decisions about whether to allow involuntary treatment, care, and support under the <i>Mental Health Act 2015</i> . ACAT usually includes a lawyer, psychiatrist, and a community member.
Aboriginal Liaison Officer (ALO)	Aboriginal and Torres Strait Islander Liaison Officers (ALOs) are available to Aboriginal and Torres Strait Islander peoples from the ACT that are accessing or needing to access mental health, justice health, or alcohol and drug services within Canberra Health Services. ALOs work closely with health professionals within these services, as well as staff in community organisations.
Affected person	Someone who has suffered harm because of a crime committed, or alleged to have been committed, by a person on (or who could be on) a Forensic Mental Health Order. An affected person may require some support or protection and may also be entitled to information and assistance as a victim of crime under the <i>Victims of Crime Act 1994</i> .
Apprehension	The legal holding and transportation of a person to an approved mental health facility by a police officer, authorised ambulance officer, doctor, or Mental Health Officer if certain criteria are met.
Approved mental health facility	A place approved by the Minister for Mental Health for the treatment, care or support, rehabilitation, or accommodation of people with a mental illness or mental disorder. In the ACT this includes Canberra Hospital, Brian Gawanggal Mental Health Unit, Dhulwa Mental Health Unit, Calvary Public Hospital Bruce (excluding the Emergency Department) and the University of Canberra Hospital (excluding correctional patients or people brought in under an Apprehension)
Attorney	A person appointed under the <i>Powers of Attorney Act 2006</i> . You can give someone power of attorney to make decisions for you when you do not have capacity to make those decisions yourself.
Carer	A person who provides personal care, support, or assistance to you. According to the Act, people can be carers if they are a partner, parent, child, relative, guardian of the person, or if they live with a person who experiences mental illnesses or disorders. However, a person is not automatically a carer simply because they hold such a position.
Chief Psychiatrist	A senior psychiatrist who has been appointed by the Minister for Mental Health and who is employed by the ACT Health Directorate.
Care Coordinator	A public servant appointed by the Minister and who has the training experience and personal qualities necessary to exercise the Care Coordinator's functions. The Care Coordinator is responsible for coordinating the treatment, care or support for a person living with a mental disorder who is subject to a Community Care Order. The Care Coordinator may delegate some of their responsibilities who is subject to a Community Care or Forensic Community Care Order.

Community care facility	A place approved by the Minister for Mental Health for the treatment, care or support, protection, rehabilitation, or accommodation of people with a mental illness or disorder. It does not include a correctional centre or detention place.
Decision-making capacity	<p>When you can make decisions for yourself about treatment, care, and support, for your mental illness or mental disorder, with help if needed. A person is considered to have decision making capacity to make a decision in relation to their treatment, care or support for a mental disorder or mental illness if they can, with reasonable assistance if needed:</p> <ul style="list-style-type: none"> • understand when a decision needs to be made about their treatment, care, and support, and • understand the facts of the decision, and • understand the main choices available to them in relation to the decision, and • weigh up the consequences of the main choices, and • understand how the consequences affect them, and • make the decision based on the above information and communicate the decision in whatever way they can.
Delegate	A person that has been given the responsibility of the person they are the delegate for. e.g. the delegate for the Chief Psychiatrist could be a psychiatrist at the hospital. The delegate of the Care Coordinator could be anyone with the training, experience and personal qualities necessary to exercise the functions of the role.
Electroconvulsive therapy (ECT)	<p>A therapeutic medical procedure that can be used for the treatment of severe psychiatric disorders.</p> <p>This therapy involves passing small, and carefully controlled electric currents through the brain while you are under anaesthetic. The electrical current helps balance electrical activity in the brain to reduce symptoms.</p>
Guardian	A person who has the power to make decisions on your behalf if you are unable to make decisions for yourself. All guardians, including public guardians and health attorneys, are appointed by ACAT under the <i>Guardianship and Management of Property Act 1991 (ACT)</i> . Your guardian's decision is not enforceable against your disagreement. Guardians are required to be consulted about decisions made by ACAT, the Chief Psychiatrist or the Care Coordinator (or their delegates).
Health attorney	Someone that is closely connected to you, who can consent to medical treatment on your behalf at the request of a doctor. This is for immediate or short-term treatment only. In the ACT, a health attorney may be a domestic partner, carer or close relative or friend. Defined under the <i>Guardianship and Management of Property Act 1991 (ACT)</i> .
Involuntary	Your legal status if you are apprehended, involuntarily detained, on a Mental Health Order, Emergency Detention, or are otherwise treated without your consent under the Act.
Mental impairment	A legal defence against a criminal charge. It can be used if you are charged with a crime, where you have a mental illness or mental disorder and did not understand the nature of your actions, did not know that your conduct was wrong or could not control your conduct. Where a court finds you mentally impaired in relation to a criminal charge, you will not be held criminally responsible.

Nominated person	Someone you can choose to ensure your rights and interests are respected if you need mental health treatment, care, or support. They are to be informed and consulted about your treatment, care and support and ensure that the person's interests and rights are respected. They do not have the power to make decisions on your behalf but are able to support and advocate for you.
Person in charge (of an approved mental health facility)	The senior member of staff in charge of an approved mental health facility at any given time. This may be the Clinical Director, Assistant Director of Nursing, Clinical Nurse Consultant (CNC) or a delegate (after hours). <i>The Mental Health Act 2015</i> gives certain powers and responsibilities to this person.
Psychiatrist	A doctor who is registered under the <i>Health Practitioner Regulation National Law (ACT)</i> to practice the specialty of psychiatry, or who meets requirements by law.
Public Advocate	An independent statutory position that is appointed under the <i>Human Rights Commission Act 2015</i> , whose role is to protect and promote the rights and interests of vulnerable people in the ACT. <i>The Mental Health Act 2015</i> says the Public Advocate must receive certain information and be consulted about decisions that are being made about your treatment, care, or support if you are unable to make decisions for yourself and if there is no-one else suitable or available to act as your guardian.
Restraint	This is a process in which your physical movements are restricted. Physical restraint involves applying bodily force or mechanical restraint to your body to restrict your movement.
Seclusion	Confinement at any time of the day or night, alone in a room or area from which free exit is prevented. <i>Note:</i> Confinement is 'any restriction of movement or liberty of a person that does not include placing the person in a room on their own and preventing them from leaving (for example, telling a person that they must stay in a room and having a security officer or other staff member observe them to ensure that they do not leave.)'
Treating team	The group of people who work together in your home or supported accommodation to provide you with treatment, care, or support. This includes allied health staff, doctors (including psychiatrists), nurses and professional carers who are employed to work in a person's home or supported accommodation.
Treatment, care and support	Things done or services provided by health professionals to promote your recovery, remedy a mental disorder or mental illness, or lessen the effects or the pain or suffering it causes. This may include the giving of medication, counselling, training, therapeutic and rehabilitation programs, care, or support.
Unfit to plead	Your legal status if you are charged with a criminal offence but your mental process is disordered or impaired, affecting your ability to understand important court processes.