

2: Objects and Principles of the *Mental Health Act 2015*

Objects (s 2 of the Act)

- a) promote the recovery of people with a mental disorder or mental illness, and
- b) promote the capacity of people with a mental disorder or mental illness to determine, and participate in, their assessment and treatment, care, or support, taking into account their rights in relation to mental health under territory law, and
- c) ensure that people with a mental disorder or mental illness receive assessment and treatment, care, or support in a way that is least restrictive or intrusive to them, and
- d) facilitate access by people with a mental disorder or mental illness to services provided in a way that recognises and respects their rights, inherent dignity, and needs, and
- e) promote the inclusion of, and participation by, people with a mental disorder or mental illness in communities of their choice, and
- f) facilitate access by people with a mental disorder or mental illness to assessment and treatment, care, or support as far as practicable in communities of their choice, and
- g) support improvements in mental health through mental health promotion, illness prevention and early intervention.

Principles (s 3 of the Act)

A person with mental disorder or mental illness has:

- a) the same rights and responsibilities as other members of the community and is to be supported to exercise those rights and responsibilities
- b) the right to
 - i. consent to, refuse or stop treatment, care, or support,
 - ii. be told about the consequences of consenting to, refusing, or stopping treatment, care, or support
- c) the right to determine the person's own recovery
- d) the right to have the person's will and preferences, to the extent that they are known or able to be known, taken into account in decisions made about treatment, care, or support
- e) the right to access the best available treatment, care or support relating to the person's individual needs
- f) the right to be able to access services that:
 - i. are sensitive and responsive to the person's individual needs, including in relation to age, gender, culture, language, religion, sexuality, trauma, and other life experiences, and
 - ii. observe, respect, and promote the person's rights, liberty, dignity, autonomy, and self-respect

g) the right to be given timely information, in a way that the person is most likely to understand, to allow the person to make decisions or maximise the person's contribution to decision-making about the person's assessment and treatment, care or support

h) the right to communicate, and be supported in communicating, in a way appropriate to the person

i) the right to be assumed to have decision-making capacity, unless it is established that the person does not have decision-making capacity

Services provided to a person with a mental disorder or mental illness should:

(i) respect the informed consent of the person to the person's assessment and treatment, care or support including consent as expressed in an advance consent direction, and

(ii) support and allow the person to make the person's own decisions, and

(iii) be provided in a way that considers and respects the preferences of the person, including those expressed in an advance agreement, and

(iv) promote a person's capacity to determine the person's recovery from mental disorder or mental illness, and

(v) seek to bring about the best therapeutic outcomes for the person and promote the person's recovery,; and

(vi) be therapeutic or diagnostic in nature for the benefit of the person, and never administered as punishment or for the benefit of someone other than the person,; and

(vii) be delivered in a way that takes account of, and continues to build on, evidence of effective assessment and treatment, care, and support, and

(viii) be provided in a way that ensures a person is aware of a person's rights

(ix) facilitate appropriate involvement of close relatives, close friends and carers in treatment, care, and support decisions in partnership with medical professionals, and

(x) acknowledge the impact of mental disorder and mental illness on the close relatives, close friends, and carers of people with a mental disorder or mental illness,; and

(xi) recognise the experience and knowledge of close relatives, close friends and carers about a person's mental disorder or mental illness,; and

(xii) friends and carers about a person's mental disorder or mental illness,; and

(xiii) promote inclusive practices in treatment, care, and support to engage families and carers in responding to a person's mental disorder or mental illness,; and

(xiv) promote a high standard of skill and training for the people providing treatment, care, and support.

Important Concepts

Decision-making capacity is an important concept in the Act and refers to your ability to make decisions for yourself about the treatment, care and support you receive, including for your mental illness or mental disorder. Decision-making capacity is situational, may change over time and can involve help from others if needed.

For further information on understanding how you can ensure your preferences, choices and decisions are communicated both when you have decision-making capacity and in situations when you may not, please see below.

- Decision-making capacity
- Appointing a nominated person
- Advance Consent Directions
- Advance Agreements