



# Mental Health Act 2016

## Information for consumers receiving care under the *Mental Health Act 2000*

### What is the Mental Health Act 2016?

The *Mental Health Act 2016* will replace the current *Mental Health Act 2000* on 5 March 2017.

The purpose of the Act is to provide mental health care in a way that:

- safeguards the rights of consumers,
- affects a person's rights and liberties only to the extent necessary,
- promotes consumer recovery.

### Young people and the new Act

The new Act includes the following special protections for young people:

- Young people may be treated voluntarily (that is, not under the Act), with consent from their parent/ guardian, when the young person's treatment needs can be met this way
- Young people will be treated under a 'Treatment Authority' (without their consent) only when they:
  - Are NOT able to make their own decisions (do not have capacity to consent), and
  - Do NOT have a parent/guardian who can consent for them, and
  - Are at serious risk of harm or at risk of their mental health getting worse.
- Young people may be treated in their own home, in their own community (community category) unless they need to be in hospital (inpatient category).
- Young people have the right to a second opinion by someone not connected to their care. A young person or someone on their behalf has the right to ask for an independent second opinion if there are ongoing concerns about the young person's treatment and care.
- Young people have the right for family, carers and other support people to be involved in their care decisions.

### What happens with a young person receiving care under the old Act?

- People receiving care under the *Mental Health Act 2000* now will continue to receive care under the new *Mental Health Act 2016* from 5 March 2017.
- The name of 'Involuntary Treatment Order' will change to a 'Treatment Authority'.

Everything else about the order stays the same. The current conditions and status (community or inpatient) will continue.

### Independent Patient Rights Advisor

People being treated under the *Mental Health Act 2016* will have the benefit of a new level of protection. An independent person will be employed by Children's Health Queensland to work with young people and their family/ guardians.

This person is called an Independent Patient Rights Advisor (IPRA). The IPRA makes sure your rights are upheld while you are involved with mental health services.

The new IPRA will start at Children's Health Queensland on 5 March 2017.

The IPRA will be employed separately from the Child and Youth Mental Health Service (CYMHS). That way, the IPRA can provide advice and support independent of CYMHS. The IPRA can support young people and their families/guardians:

- during a hospital admission, or
- by providing advice about the Mental Health Review Tribunal and its work.

Young people and families can contact the IPRA, and/ or they can ask to be referred through their treating CYMHS team (from 5 March 2017).

## What is informed consent for young people?

Informed consent means a person understands and agrees to treatment for their health condition. Minors (under 18 years) can consent to their own health treatment where there is evidence they have capacity to do so. An important factor in the assessment of capacity to consent is based on a young person's maturity and ability to understand the consequences of their decision. Capacity to consent can also be influenced by a person's mental health condition, among other things. Please speak with your team for further information.

## Further information

For more information speak with your CYMHS team or visit the Queensland Health website at [www.health.qld.gov.au](http://www.health.qld.gov.au) and search for 'Mental Health Act 2016'.

## Contact us

If you have any questions or concerns, contact your caseworker at your local Child and Youth Mental Health Service.

### North West CYMHS

Tel: 3335 8888

### Nundah CYMHS

Tel: 3146 2693

### Pine Rivers CYMHS

Tel: 3817 6380

### Inala CYMHS

Tel: 3372 5577

### Mt. Gravatt CYMHS

Tel: 3087 2260

### Yeronga CYMHS

Tel: 3848 8011

### Acute Response Team

Tel: 07 3068 2555

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 [www.facebook.com/childrenshealthqld](https://www.facebook.com/childrenshealthqld)

