

PRIMARY CARER

INFORMATION SHEET 32
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Mental Health Line

24 hours a day

7 days a week

1800 011 511

This information sheet is one of a series of information sheets.

Introduction

Most people have relationships with others that are close and continuing and where they would want someone close to them to be included in some aspects of their care and treatment. The Mental Health Act 2007 allows for a person who is being treated under the provisions of the Act to nominate a Primary Carer and for the Mental Health Service to involve that Primary Carer in important aspects of a person's care and treatment.

This information sheet aims to give some information about the process for nominating a Primary Carer and the roles of a Primary Carer. For further information please contact one of the Treating Team.

Who can be a Primary Carer?

A Primary Carer may be a family member, partner, carer or friend who knows the patient/consumer well and is an ongoing support.

For example:

- The adult patient/consumer's spouse or partner where the relationship is close and continuing (this includes de facto and same sex partners), or
- Someone who is primarily responsible for providing support and care (though not on a commercial basis)*, or
- A close friend or relative who maintains frequent personal contact and interest in the patient/consumer's welfare.

**A person in receipt of a Carer's Pension may be a primary carer.*

Which patients/consumers have a Primary Carer?

It is a requirement of the Mental Health Act that patients/consumers treated under the Mental Health Act should have a Primary Carer. This means those who are admitted to hospital and those on a Community Treatment Order.

How is a Primary Carer nominated?

The Primary Carer is usually nominated by the patient/consumer. The Treating Team can nominate a Primary Carer if the patient/consumer refuses or is unable to do so. A copy of the Primary Carer nomination is kept in the medical records; Primary Carers and patient/consumers can request a copy.

How long does a Primary Carer nomination last?

The nomination lasts for 12 months unless it is revoked in writing.

Can a nominated Primary Carer refuse the nomination?

Yes. The Primary Carer can decline the nomination except if they are the custodial parent of a patient/consumer who is under 14 years old.

How might a Primary Carer be involved?

A nominated Primary Carer can be involved in a patient/consumer's care in a range of ways, including by:

- Giving the Treating Team information about the patient/consumer, which may assist in planning mental health care
- Receiving information about aspects of the patient/consumer's treatment, including admission to hospital, type and dose of medication, planned formal hearings and inquiries, leave arrangements and discharge planning
- Attending Mental Health Review Tribunal Hearings or Mental Health Inquiries
- Request that a patient/consumer be discharged, or that they be admitted to hospital



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Will Primary Carers know all about patients/consumers, or be able to make decisions for them?

No. The purpose of the Primary Carer provisions is to ensure that the Primary Carer has enough information about the patient/consumer's mental illness and treatment to support them in their recovery.

Primary Carers are not able to find out other personal information about the patient/consumer without their permission, and the Primary Carer does not have authority or decision making power over the patient/consumer.

Special circumstances:

1. A Primary Carer nomination or revocation may not be put into force when it is determined that:
 - it may put the patient/consumer or nominated Primary Carer at risk of harm
 - there are child protection concerns
 - the patient/consumer is considered to be incapable of making the nomination or revocation
2. If the patient/consumer is under 14 years old the parent or guardian is the Primary Carer.
3. If a patient/consumer is between the ages of 14 and 18 years they can nominate someone other than a parent as their Primary Carer, but the parent cannot be excluded from receiving information. When the patient/consumer is 18 years old they have the same rights and responsibilities as an adult.

For more information on Primary Carers please contact:

1. A member of the patient/consumer's Treating Team
2. Mental Health Line **1800 011 511**
3. Carer Assist **9750 9744**
4. LawAccess NSW free legal helpline **1300 888 529**

The Mental Health Act NSW 2007 can be accessed at:

http://corrigan.austlii.edu.au/au/legis/nsw/consol_act/mha2007128/