

ADULT MENTAL HEALTH FACT SHEET

Who is a Primary Carer?

A guardian, or the parent of the patient who is a child. If the patient is over 14 and is **not** under the *Guardianship Act 1987*, then the 'primary carer' is the person nominated by the patient.

If the patient does **not** nominate a primary carer then the Primary Carer is:

- The **spouse** of the consumer, or
- Any person who is **primarily responsible** for providing support or care to the consumer, or
- A close **friend or relative** of the consumer

How is a Primary Carer nominated?

A patient may nominate a Primary Carer

A nomination remains in force for 12 months or until it is revoked by writing. A patient may also nominate people who are to be **excluded** from being given information including the primary carer. (A patient under the age of 18 **cannot** exclude their parents). The Primary Carer must **consent** to the nomination.

A nomination or revocation may **not** be put into force if:

- To do so may put the patient or nominated person **at risk of harm**
- The patient was **incapable** of making the nomination or revocation

A Primary Carer is not:

Not a legal guardian, unless the patient is under the Guardianship Act

Not able to **control** a patient's money, lifestyle choices, accommodation, or relationships

Not necessarily **living with the patient** and does not necessarily need to take on any extra caring duties once they have been nominated as a 'Primary Carer'.

A Primary Carer cannot be:

Given information that a patient discusses in a therapy session, unless there is a serious risk of harm that has been identified.

Rights of Primary Carers Mental Health Act 2007

A **Primary Carer** is a person who is a support to the patient and is involved in their care

A **Primary Carer** must be given a copy of the patient's discharge summary & consulted in relation to discharge planning and treatment planning.

ISSUED: January 2009

A Primary Carer must be:

Notified of hospitalisation **no later than 24 hours** after the person is admitted

Notified of a mental health inquiry

Notified of **events affecting the patient** when detained in a mental health facility such as:

- The patient **is absent** from the facility without permission or does not return from leave
- The patient is to be **transferred**
- The patient is **discharged**
- The patient is **reclassified** as a voluntary patient
- **ECT** is proposed
- A surgical **operation** is performed
- Any proposal to the Director General or Tribunal for **consent** to surgery or special medical treatment is made

Be **notified** of the **type and dose of medication** that the patient is prescribed on request.

A Primary Carer can:

Access some information without the patient's consent (unless their nomination is revoked).

Make a written request for the patient to be scheduled. If this request is granted then the usual assessment process applies

Make a request for the patient to be discharged. However, the carer must provide a **written undertaking** that the patient will be properly taken care of and have the patient **discharged into their care** on the order of a magistrate at a mental health inquiry.

More information:

NSW Mental Health Act 2007

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

The Navigators Guide for Family & Friends -
www.hnehealth.nsw.gov.au/mental_health

Carer Assist - info@carerassist.org.au

Arafmi - www.arafmihunter.org