

Writing your Advance Statement



What is an Advance Statement?

An **Advance Statement** is a statement of your treatment preferences in the event you become unwell and require compulsory mental health treatment.

When you are unwell it can often be hard to think clearly, hard to tell people what you want and even harder to get someone to listen; particularly if you are determined 'not to have decision making capacity'. An Advance Statement is an opportunity and formal way for you to state your preferences, to provide an overall understanding of what is important to you.

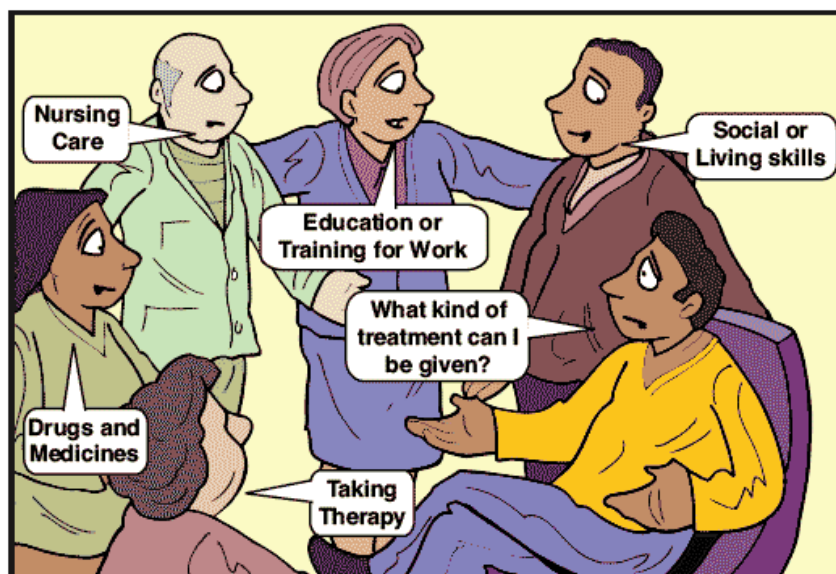
An Authorised Psychiatrist must have regard to your Advance Statement whenever they make treatment decisions. The Mental Health Tribunal also needs to take your Advance Statement into consideration if they are making a decision about a Treatment Order or Electroconvulsive Therapy (ECT).

What is 'Treatment'?

Treatment refers to tools used to alleviate symptoms and distress when someone is considered 'unwell'.

Treatment includes:

- ✓ ECT
- ✓ Medication
- ✓ Psychotherapy and other clinical medical treatments



What makes an 'Advance Statement'?

An Advance Statement must:

- ✓ Be in writing
- ✓ Be signed and dated by you
- ✓ Be witnessed by an Authorised Witness
- ✓ Include a statement signed by the Authorised Witness stating that -
 - In their opinion, you understand what an Advance Statement is and the consequences of making an Advance Statement
 - The witness observed you sign the Advance Statement
 - The witness is an Authorised Witness.

Who is considered to be an 'Authorised Witness'?

An **Authorised Witness** can be:

- ✓ Your case manager
- ✓ Your psychiatrist
- ✓ Any medical specialist (including your GP)
- ✓ Police Officer
- ✓ Solicitor
- ✓ Anyone who is authorised to sign a Statutory Declaration

Some Authorised Witnesses will charge a fee to review your Advance Statement and to witness it. Your case manager is able to act as an authorised witness for free.

The following are **not** considered to be Authorised Witnesses. However, they can help you prepare and write your Advance Statement:

- × Peer Support Worker
- × Community Mental Health Support Worker

Your Authorised Witnesses **does not** need to agree with your treatment preferences.

What to include in your Advance Statement

The content of your Advance Statement may include:

- ✓ Any treatment you find effective, or ineffective
- ✓ Any other existing medical conditions you may have, including treatment and medication
- ✓ What you would like to happen if you are admitted to hospital, including treatment preferences
- ✓ Your views on ECT, seclusion and restraint, including measures to take to avoid the use of restrictive interventions
- ✓ Who your Nominated Person is
- ✓ Any additional information you feel is important for your treating team to know

Please see the *Preparing to write an Advance Statement* and *Ready to write your Advance Statement* sections of this booklet for more information.



Overriding an Advance Statement

If an Authorised Psychiatrist feels that your treatment preferences are not clinically appropriate or not offered by the mental health service, they can override your Advance Statement.

If the Authorised Psychiatrist overrides your Advance Statement, they must:

- ✓ Tell you
- ✓ Explain their reasons why
- ✓ Inform you that you can request a **written statement of reasons** for their decision to override your Advance Statement
- ✓ Provide this written request within 10 business days.

If you have any concerns or are not satisfied with the reasons provided, you can lodge a complaint with the **Mental Health Complaints Commissioner**.

If a Psychiatrist overrides your Advance Statement...

An Authorised Psychiatrist can override your Advance Statement if they believe that the treatment you would like is not clinically appropriate or if the treatment is not available to the treating team.

If your Advance Statement is overridden, the Authorised Psychiatrist has to tell you about their decision, give you reasons for it and tell you that you can ask for written reasons. If you ask for written reasons, the Psychiatrist has to give these to you within 10 business days. **Speak with your Case Manager to request your copy of the 'Request for Reasons for Override of Advance Statement'**.

If you have concerns with the reasons you are given, you can make a complaint with the Mental Health Complaints Commissioner.

The Mental Health Tribunal also needs to take your Advance Statement into consideration if they are making a decision about a Treatment Order or ECT. If you disagree, you can appeal the Tribunal's decisions.

Revoking an Advance Statement

If you would like to change your treatment preferences and additional information in your Advance Statement, it cannot be altered, it must be **revoked**. 'Revoking' means to officially withdraw the treatment preferences and additional information you have previously listed in your Advance Statement. Once you have revoked your Advance Statement, you are able to complete a new one.

Please see the *Preparing to Revoke an Advance Statement* section of this booklet for more information.

Further Information

For further information and help with your Advance Statement please contact the following organisations:

	Phone	Website
Mental Health Complaints Commissioner	1800 246 054	http://www.mhcc.vic.gov.au/
Mental Health Tribunal	(03) 9032 3200	http://www.mht.vic.gov.au/
VMIAC	(03) 9380 3900	http://www.vmiac.org.au/
Tandem	(03) 8803 5555	http://tandemcarers.org.au/

The **Department of Health Victoria** also provide useful information on Advance Statements:

<http://www.health.vic.gov.au/mentalhealth/mhact2014/recovery/advance-statements.htm>

Require help in understanding this information?

Interpreters are available to all consumers who require additional support in understanding this information.

Please speak to your Case Manager to arrange an interpreter.

Preparing to write your Advance Statement

Before you write your Advance Statement, have you considered...

- What **treatment preferences** you would like?
- What **additional information** is important for your treating team to know?
- Who could be your **authorised witness**? And will they charge a consulting fee?
- People that support or care for you? Have you discussed the use of Advance Statement's in your recovery? (Optional)
- Asking someone to assist you in completing your Advance Statement? (Optional)

Ready to write your Advance Statement?

Remember to consider the following...

- Is your Advance Statement in **writing**?
- Have you listed your **treatment preferences**, including your opinions around the use of ECT, seclusion and restraint?
- Have you included any **important additional information** you would like your treating team to know?
- Have you listed any **important people** involved in your care and support, along with their contact details?
- Have you listed any **current medical professionals** you are currently working with, along with their contact details (including both physical and mental health)?
- Have you listed any **medication** you may take or **therapy** you are currently trying?
- Have you listed any **clinical treatments** that have not been helpful in the past or caused unwanted side-effects?
- Have you listed the **reasons** for your chosen treatment preferences and/or additional information given?
- Is it **signed and dated by you** in the presence of an Authorised Witness?



**Mental Health Act 2014
Section 20**

**AS 1
Advance Statement**

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Mental Health Statewide UR Number

Local Patient Identifier															
FAMILY NAME															
GIVEN NAMES															
DATE OF BIRTH												SEX			
Place patient identification label above															

Information for person making this advance statement

- You can ask your mental health worker to help you write this advance statement.
- Once this form is complete, give it to the mental health service. The service will place a copy in your clinical file and record it in the hospital's electronic information system.
- You can ask the mental health service to make copies of this form for you and your carer / nominated person.
- You can attach extra pages if necessary.
- This advance statement must be witnessed by an 'authorised witness'. An authorised witness is:
 - a registered medical practitioner
 - a mental health practitioner
 - a person who may witness the signing of a statutory declaration (see notes page for details).

Name of person making advance statement:

Date of birth:

Address:

Details of your treating team, carers, family members and other support people

Primary mental health worker/ support worker:

Psychiatrist:

General Practitioner:

General Practitioner's address:

Health team/s you are involved with:

Carers, family members and/or support people involved in your recovery (names and contact details):

Name of person to be contacted if I am placed on an Order under the Act:

Relationship to me:

eg. mother, carer, nominated person, friend

Contact details of person to be contacted:

Additional information I would like my treating team to know

I understand that this information is not treatment preferences, but I would like people to know these things about me if I become too unwell to communicate them.



**July
2014**

**Mental Health Act 2014
Section 20**

**AS 1
Advance Statement**

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Mental Health Statewide UR Number

Local Patient Identifier

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FAMILY NAME

GIVEN NAMES

DATE OF BIRTH

SEX

Place patient identification label above

My treatment preferences

If I am given compulsory treatment under the **Mental Health Act 2014**, the following are my treatment preferences (in order of importance to me). You should include the reasons for these preferences because they can help your treating team understand your preferences. You can attach extra pages if necessary.

If I am given compulsory treatment under the **Mental Health Act 2014**, I request that this advance statement be given full consideration before and during my treatment and a copy should be kept in my clinical and/or electronic record.

Signature: _____

signature of person making advance statement

Date:

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Given Names:

Family Name:

Witness declaration

I am an authorised witness. In my opinion, the person making this advance statement understands what an advance statement is and the consequences of making it. I observed the person sign this advance statement.

Signature: _____

signature of authorised witness

Date:

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Given Names:

Family Name:

Address:

Designation:

Telephone:



**July
2014**

Notes

1. This advance statement must be witnessed by an 'authorised witness'. An authorised witness is:
 - **a registered medical practitioner**
 - **a mental health practitioner.** A mental health practitioner is a person who is employed or engaged by a designated mental health service and is a:
 - (a) registered psychologist
 - (b) registered nurse
 - (c) social worker
 - (d) registered occupational therapist.
 - **a person who may witness the signing of a statutory declaration under section 107A of the Evidence (Miscellaneous Provisions) Act 1958.** Any of the following persons may witness the signing of a statutory declaration:
 - (a) a justice of the peace or a bail justice;
 - (b) a public notary;
 - (c) an Australian lawyer (within the meaning of the **Legal Profession Act 2004**);
 - (d) a clerk to an Australian lawyer;
 - (e) the prothonotary or a deputy prothonotary of the Supreme Court, the registrar or a deputy registrar of the County Court, the principal registrar of the Magistrates' Court or a registrar or deputy registrar of the Magistrates' Court;
 - (f) the registrar of probates or an assistant registrar of probates;
 - (g) the associate to a judge of the Supreme Court or of the County Court;
 - (h) the associate of an Associate Judge of the Supreme Court or of an associate judge of the County Court;
 - (i) a person registered as a patent attorney under Chapter 20 of the Patents Act 1990 of the Commonwealth;
 - (j) a member of the police force;
 - (k) the sheriff or a deputy sheriff;
 - (l) a member or former member of either House of the Parliament of Victoria;
 - (m) a member or former member of either House of the Parliament of the Commonwealth;
 - (n) a councillor of a municipality;
 - (o) a senior officer of a Council as defined in the **Local Government Act 1989**;
 - (p) a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);
 - (q) a person registered under the Health Practitioner Regulation National Law:
 - i. to practise in the dental profession as a dentist (other than as a student); and
 - ii. in the dentists division of that profession;
 - (r) a veterinary practitioner;
 - (s) a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student);
 - (t) a principal in the teaching service;
 - (u) the manager of an authorised deposit-taking institution;
 - (v) a member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or the Institute of Public Accountants;
 - (w) the secretary of a building society;
 - (x) a minister of religion authorised to celebrate marriages;
 - (xa) a Victorian Inspectorate Officer within the meaning of the **Victorian Inspectorate Act 2011**;
 - (y) a person employed under Part 3 of the **Public Administration Act 2004** with a classification that is prescribed as a classification to which this section applies or who holds office in a statutory authority with such a classification;
 - (ya) an IBAC Officer within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**;
 - (z) a fellow of the Institute of Legal Executives (Victoria).
2. For more information about advance statements, including information about making and revoking an advance statement, visit: www.health.vic.gov.au/mentalhealth/mhact2014

Finished writing your Advance Statement?

Remember to...

- Tell people** that are involved in your care and support that you have an Advance Statement
- Give a copy** of your Advance Statement to any mental health worker, specialist, GP, support worker, advocate, carer, guardian or designated mental health service you are currently working with?
- Store your Advance Statement in a safe and easily located place
- Provide permission for your Advance Statement to be a part of your patient file
- Remind your Case Manager to register you as having an Advance Statement



Preparing to revoke your Advance Statement

Before you revoke your Advance Statement, have you considered...

- The **reasons** why you want to revoke your Advance Statement?
- Any **additional information** that needs to be updated?
- If your **wishes and opinions have changed** in relation to treatment preferences?
- If you need to **update any medical professional** (including physical and mental health), support worker, advocate, carer, guardian, Nominated Person, information and contact details?
- If you need to update the list of **medication** you are currently taking?
- If you need to **add any new health-related concerns**?
- Who could be your **Authorised Witness** and asked them? Will they charge a consultation fee?
- Asking someone to assist you in revoking your Advance Statement? (Optional)

Ready to Revoke your Advance Statement?

Remember to consider the following...

- Is your Revocation of Advance Statement in **writing**?
- Including a statement saying:
"The previous Advance Statement dated (dd/mm/yyyy) is no longer valid and is revoked"
- Is it **signed and dated by you** in the presence of an Authorised Witness?
- The witness is an **Authorised Witness**?



Mental Health Act 2014
Section 21

AS 2
Revocation of Advance Statement

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Mental Health Statewide UR Number

Local Patient Identifier																			
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FAMILY NAME

GIVEN NAMES

DATE OF BIRTH	SEX
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Place patient identification label above

Information for person revoking an advance statement

- You can use this form to revoke your advance statement.
- If you want to make a new advance statement, just complete a new AS 1 – Advance Statement form. The new advance statement will automatically revoke the old advance statement.
- You can ask your mental health worker to help you write this revocation.
- Once this form is complete, give it to the mental health service. The service will place a copy in your clinical file and record it in the hospital's electronic information system.
- You can ask the mental health service to make copies of this form for you and your carer / nominated person.
- This revocation must be witnessed by an 'authorised witness'. An authorised witness is:
 - a registered medical practitioner
 - a mental health practitioner
 - a person who may witness the signing of a statutory declaration (see notes page for details).

Name of person revoking an advance statement:

Date of birth:

Address:

Statement of person revoking advance statement

1. I made an Advance Statement on:

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date of advance statement
2. It no longer represents my preferences for treatment if I am given compulsory treatment under the **Mental Health Act 2014**.
3. I revoke that Advance Statement.

Signature: _____ Date:

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signature of person revoking advance statement

Given Names: _____ Family Name: _____

Witness declaration

I am an authorised witness. In my opinion, the person revoking the advance statement understands the consequences of revoking the advance statement. I observed the person sign this revocation.

Signature: _____ Date:

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signature of authorised witness

Given Names: _____ Family Name: _____

Address:

Designation: _____ Telephone: _____

Notes

1. This revocation must be witnessed by an 'authorised witness'. An authorised witness is:
 - **a registered medical practitioner**
 - **a mental health practitioner.** A mental health practitioner is a person who is employed or engaged by a designated mental health service and is a:
 - (a) registered psychologist
 - (b) registered nurse
 - (c) social worker
 - (d) registered occupational therapist.
 - **a person who may witness the signing of a statutory declaration under section 107A of the Evidence (Miscellaneous Provisions) Act 1958.** Any of the following persons may witness the signing of a statutory declaration:
 - (a) a justice of the peace or a bail justice;
 - (b) a public notary;
 - (c) an Australian lawyer (within the meaning of the **Legal Profession Act 2004**);
 - (d) a clerk to an Australian lawyer;
 - (e) the prothonotary or a deputy prothonotary of the Supreme Court, the registrar or a deputy registrar of the County Court, the principal registrar of the Magistrates' Court or a registrar or deputy registrar of the Magistrates' Court;
 - (f) the registrar of probates or an assistant registrar of probates;
 - (g) the associate to a judge of the Supreme Court or of the County Court;
 - (h) the associate of an Associate Judge of the Supreme Court or of an associate judge of the County Court;
 - (i) a person registered as a patent attorney under Chapter 20 of the Patents Act 1990 of the Commonwealth;
 - (j) a member of the police force;
 - (k) the sheriff or a deputy sheriff;
 - (l) a member or former member of either House of the Parliament of Victoria;
 - (m) a member or former member of either House of the Parliament of the Commonwealth;
 - (n) a councillor of a municipality;
 - (o) a senior officer of a Council as defined in the **Local Government Act 1989**;
 - (p) a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);
 - (q) a person registered under the Health Practitioner Regulation National Law:
 - i. to practise in the dental profession as a dentist (other than as a student); and
 - ii. in the dentists division of that profession;
 - (r) a veterinary practitioner;
 - (s) a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student);
 - (t) a principal in the teaching service;
 - (u) the manager of an authorised deposit-taking institution;
 - (v) a member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or the Institute of Public Accountants;
 - (w) the secretary of a building society;
 - (x) a minister of religion authorised to celebrate marriages;
 - (xa) a Victorian Inspectorate Officer within the meaning of the **Victorian Inspectorate Act 2011**;
 - (y) a person employed under Part 3 of the **Public Administration Act 2004** with a classification that is prescribed as a classification to which this section applies or who holds office in a statutory authority with such a classification;
 - (ya) an IBAC Officer within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**;
 - (z) a fellow of the Institute of Legal Executives (Victoria).
2. For more information about advance statements, including information about making and revoking an advance statement, visit: www.health.vic.gov.au/mentalhealth/mhact2014

Finished writing your Revocation of Advance Statement?

Remember to...

- Inform people** involved in your care and support that you have revoked your Advance Statement
- Give a copy** of the Revocation to any mental health worker, specialist, GP, support worker, advocate, carer, guardian or designated mental health service you are currently working with
- Store your Revocation of Advance Statement in a safe and easily located place
- Remember you can now create a **new Advance Statement!**