

# Principle Care Provider

The 'principle care provider' has to be advised by mental health services about:

- Key information in regards to the consumer's treatment
- And should be included in admission and discharge planning

The mental health assessment process also requires clinicians, to seek and consider the views of the consumers, *and* carers as well as those treating and monitoring the individual when determining diagnosis and support needs:

This includes decisions like:

- Whether an individual should be detained in a mental health facility;
- Ongoing involuntary treatment in the community (CTO); or
- Discharge and treatment planning.

For more information on primary carer rights visit:

<http://mhrm.mhcc.org.au/home/>  
<https://www.carersnsw.org.au>

## Carer Connections Helpline

For support and referrals to services near you please call

**1800 655 198**

Please help us care for Carers and give this information to anyone that you may know!



## Contact Us

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# AMENDMENTS TO THE MENTAL HEALTH ACT (2007) THAT AFFECT ALL CARERS

Primary Carers, Designated Carers and Principal Care Providers



MENTAL HEALTH CARERS  
ARAFMI NSW INC.

*Compassionate Communities,  
Connecting Carers*

## Mental Health Act NSW 2007

In 2007 a new Mental Health Act was passed in NSW which for the first time recognised the rights of 'Primary Carers'.

The Mental Health Act (NSW) 2007 defined the 'Primary Carer' as a person who is:

- The guardian or parent of a child, or
- The person nominated in writing as the Primary Carer, if the consumer is over the age of 18
- The consumers' rights included:
- Nomination of a Primary Carer
- Exclude someone from receiving information about their case

Exceptions:

Where the patient had not made a prior nomination, either a spouse, a close friend or relative currently providing (unpaid) care could be nominated as the Primary Carer by the treating team.

## *Designated Carers' and 'Principle Care Providers'*

As a result of uncertainty around the Primary Carer role in the 2007 Act, Amendments were designed to clarify some issues. These were included in the Mental Health Amendment Act 2014 .

- The title 'Primary Carer' changed to 'Designated Carer' for carers nominated by the consumer to reflect the consumer's choice and the fact that the person designated does not always provide care
- The consumer is able to nominate up to two 'Designated Carers' and specify their access to information
- A new type of Carer is recognised called the 'Principal Care Provider' which is a person who is actually providing support or care to the person and can be nominated by the authorised medical officer



## *2014 Amendments – From 'Primary Carers' to 'Designated Carers' and 'Principle Care Providers'*

- From 31 August, consumers/patients will be able to nominate up to two designated carers, subject to certain restrictions (a consumer/patient under Guardianship or who is under the age of 15 cannot nominate their designated carers — see s71(1)).
- Authorised medical officers and directors of community treatment should take all reasonably practicable steps to ensure that consumers/patients who are eligible and who already have a designated carer, are offered the opportunity to nominate an additional designated carer under s72.
- Authorised medical officers and directors of community treatment should make reasonable attempts to identify the principal care provider of a consumer from 31 August. Section 72A provides a definition of the principal care provider and identifies the relevant duties and functions of authorised medical officers and directors of community treatment.