Guide to Advance Statements

Under Victoria’s *Mental Health Act 2014* writing an Advance Statement is a legal right. This document is an opportunity to communicate your treatment preferences and experience of mental health while you are under compulsory treatment.

This guide can be used alongside our Advance Statement Template, which can be downloaded from our website ([www.imha.vic.gov.au](http://www.imha.vic.gov.au)) or you can choose to write in another way that suits your style or needs.

## What is an Advance Statement?

Under the Act, Advance Statements are documents that outline a person’s treatment preferences if they are placed under compulsory treatment. The treating team must **refer** to **treatment preferences,** but they are **not legally bound** to follow them. If they choose not to follow them, they must provide reasons for not following your wishes in writing.

You may also wish to write non-treatment preferences. These include your own account of your mental health, directions to notify family, support person/s or carers, look after pets, manage finances, physical health needs, spiritual needs, and other responsibilities including care for children. While treating teams may find these other things useful, the Act does not oblige treating teams to refer to them.



## Should I make an Advance Statement?

Before starting to write an Advance Statement, you may wish to consider why people choose to make an Advance Statement. Potential benefits of making an Advance Statement include:

* promoting your right to autonomy and self-determination, by enabling you to voice your preferred treatment
* allowing you to express your experience of mental health, illness or distress in your own words
* enhancing communication between you and the people involved in your care, which may give you a greater sense of control and participation in treatment decision
* helping protect you from unwanted treatments that you believe may be harmful to your recovery and wellbeing
* raising awareness of treatments that have previously not worked for you
* allowing you to suggest alternative treatments that have worked for you
* allowing you to inform your treating team of other things that need taking care of and/or responding to while you are unwell and/or hospitalised (for example notifying family or carers, looking after pets, managing finances, physical health needs, spiritual needs, and other responsibilities).

## How do I make an Advance Statement?

While you may wish to use templates such as the IMHA Advance Statement Template, you can write your own Advance Statement. You may also decide to write your Advance Statement with a support person or your Nominated Person. The only requirements are that it:

* is made in writing.
* is signed and dated by you.
* is formally witnessed in writing by an ‘authorised witness’ – a doctor, psychiatrist, registered social worker, nurse, psychologist and occupational therapist, or a person authorized to witness statutory declarations. The Victorian Government guide to Advance Statements suggests the following wording:

*‘In my opinion, the person making this Advance Statement understands what an Advance Statement is and the consequences of making the statement and I have observed the above named person signing the Advance Statement.’*

**It is important to note that the authorised witness does not need to agree with your treatment preferences.**

You cannot amend an existing Advance Statement. If you wish to change your Advance Statement, you will need to write a new one or revoke the old one. Writing a new Advance Statement will automatically replace the older one.

## How do I revoke (cancel) an Advance Statement?

Revoking an Advance Statement has the same requirements as making one, in other words the statement must:

* express your wish to revoke your previous Advance Statement.
* be signed and dated by you.
* be witnessed by an authorised witness, with a statement confirming that you understand what an Advance Statement is and that it is revoked.

## How do I ensure my mental health service knows I have an Advance Statement?

Once you have an Advance Statement you may want to provide a copy to support people and your mental health service. This may include your:

* support person
* Nominated Person
* mental health case manager
* GP.

You may ask your mental health worker or case manager to upload your Advance Statement to the health services records. This makes it more likely that the service has access to your Advance Statement if you are admitted to hospital. You may also choose to carry your Advance Statement with you, so you can easily access it if you are admitted to hospital.

## Can an advocate help?

If you wish, our advocates can help you prepare an Advance Statement.

Our independent advocates can also:

* listen to what you want and talk to you about your options
* give you information and support to act on your rights
* work with you so you can have your say
* refer you to other services if needed.

# How to contact IMHA and find out more

* Visit the website [www.imha.vic.gov.au](http://www.imha.vic.gov.au) and see our nominated person videos
* Send an email to [contact@imha.vic.gov.au](mailto:contact@imha.vic.gov.au)
* Call the IMHA phone line **1300 947 820**, which is staffed by IMHA advocates

imha.vic.gov.au

9:30am – 4:30pm Monday to Friday (except public holidays)

* Call the IMHA rights line on **1800 959 353** to hear a recording about your rights
* Ask a mental health service provider, carer or other support person to assist contacting IMHA.