

# Mental Health Act, 2009 (South Australia)

## Sections focused on Carers

This information sheet is designed to support health professionals navigate carer specific information from the Mental Health Act, 2009 (South Australia). [Click here to download the entire Mental Health Act, 2009 for South Australia.](#) Information included below are direct quotes from the Mental Health Act and include page numbers where you can find further information. The information was sourced via the Private Mental Health Consumer Carer Network (Australia) Limited.

### What is a carer?

*“a person is a carer of another if the person provides ongoing care or assistance to the other as a carer within the meaning of the Carers Recognition Act 2005; the term includes a person who was a carer of another before interruption of the provision of care due to the other’s illness” (p. 6)*

### Guiding Principles

*“Mental health services should be governed by comprehensive treatment and care plans that are developed in a multi-disciplinary framework in consultation with the patients (including children) and their family or other carers or supporters” (p. 12).*

*“Patients (together with their family or other carers or supporters) should be provided with comprehensive information about their illnesses, any orders that apply to them, their legal rights, the treatments and other services that are to be provided or offered to them and what alternatives are available” (p. 13).*

### Treatment and Care Plans

*“The treatment and care plan—*

- (a) must describe the treatment and care that will be provided to the patient at the treatment centre and should describe any rehabilitation services and other significant services that will be provided or made available to the patient; and*
- (b) must, as far as practicable, be prepared and revised in consultation with—*
  - (i) the patient and any guardian, medical agent, relative, carer or friend of the patient who is providing support to the patient under this Act; and*
  - (ii) any service provider or agency that is providing treatment, care or support to the patient; and*
- (c) must comply with the requirements of the regulations as to the making or contents of such plans” (p. 31).*

### Patient’s right to be supported

*“Patients’ right to be supported by guardian etc*

- (1) A patient is entitled to have another person’s support, wherever practicable, in—*
  - (a) the exercise of a right under this Act; or*
  - (b) any communications between the patient and a medical practitioner examining or treating the patient or between the patient and the director or staff of a treatment centre in which the patient is an inpatient.*
- (2) The support may be provided by—*
  - (a) if the patient is a child—a parent or guardian of the patient; or*
  - (b) a guardian, medical agent, relative, carer or friend of the patient who has been nominated by the patient for the purpose or who has or is assuming responsibility for the care of the patient; or*
  - (c) a person who provides advocacy services whether on a professional or voluntary basis; or*
  - (d) a community visitor” (p.38).*

## Confidentiality and Disclosure of Information

*Confidentiality “does not prevent a person from disclosing information to a relative, carer or friend of the person to whom the information relates if—*

- (i) the disclosure is reasonably required for the treatment, care or rehabilitation of the person; and*
- (ii) there is no reason to believe that the disclosure would be contrary to the person’s best interests” (p. 72).*