

It is important to note that:

- a voluntary patient who lacks the legal capacity to give informed consent cannot consent to ECT; and
- a failure to resist treatment is not considered informed consent.

NB: *Legal capacity* is different to *mental capacity*.

CAN I BE GIVEN EMERGENCY ECT?

Emergency ECT can be given to save your life or to prevent you from seriously harming yourself or another person.

If the Chief Psychiatrist approves, Emergency ECT can be given to:

- involuntary patients; or
- patients who are a mentally impaired accused under the *Criminal Law (Mentally Impaired Accused Act) 1996* and required to be detained in hospital.

HOW CAN I STOP OR COMPLAIN ABOUT MY ECT TREATMENT?

Voluntary patients can refuse ECT or withdraw their consent to ECT at any time.

In non-emergency situations, ECT may only be given to involuntary patients when it has been approved by the Mental Health Tribunal. If approval has been given, you can apply to the Tribunal for a review of the decision.

If you are unhappy with your treatment you can make a complaint to:

- the health service provider in accordance with their complaint's procedure; or
- to the Director of Complaints office.

The MHLC can help you with these and other options.

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AUTHORISING ELECTROCONVULSIVE THERAPY (ECT) IN WA



**mental
health**

LAW CENTRE

WHAT IS ECT?

ECT is a form of treatment for mental illness. It involves sending a small electric current through the brain to induce a minor and controlled seizure. ECT is only performed under a general anaesthetic and you will also be given muscle relaxants.

WHEN IS ECT USED?

ECT can be used to treat mental illnesses such as severe depression, mania, catatonia and schizophrenia. Your doctor might prescribe it where:

- your medication has not improved your illness;
- you cannot tolerate the side effects of your medication;
- your illness is very severe; and/or
- ECT has helped you in the past.

Before starting ECT, ask your doctor for information about the treatment, including:

- possible side effects; and
- any tests that can be done to ensure ECT is safe for you.

NB: ECT cannot be given to a child under 14 years of age.

ECT FOR VOLUNTARY PATIENTS

ECT can only be performed when you freely and voluntarily give your informed consent. Informed consent means you must have received a clear and sufficient explanation of the treatment, including:

- why no alternative treatments are suitable; and
- any possible risks and side effects.

You must also be given a sufficient amount of time to consider the treatment decision, discuss it with your doctor and obtain any other advice you wish to.

ECT cannot be given if you refuse the treatment. You can also withdraw your consent to ECT at any time.

NB: if you are between the ages of 14 and 18 years old, the Mental Health Tribunal must also approve the ECT.

ECT FOR INVOLUNTARY PATIENTS

ECT can be given without your consent if the Mental Health Tribunal approves the treatment.

Your psychiatrist must write to the Mental Health Tribunal for approval to give you ECT and set out:

1. the reasons why they recommend ECT be given to you; and
2. a treatment plan for the ECT including the proposed location, maximum number of treatments, maximum duration of those treatments and the minimum time between any 2 treatments.

The Tribunal will consider a range of factors before deciding your psychiatrist's application including:

- the Chief Psychiatrist's guidelines;
- your wishes;
- the views of any person who can give informed consent to ECT on your behalf;
- the views of your nominated person or carer if you have one or both;
- the views of any close family members;
- your psychiatrist's reasons for recommending ECT;
- the risks of ECT;
- how ECT will affect your health and wellbeing;
- any available alternatives to the ECT and their risks; and
- anything else the Tribunal considers relevant.

NB: if you are between the ages of 14 and 18 years old the Tribunal will also consider the views of a child and adolescent psychiatrist or another relevantly qualified/experienced practitioner.

The purpose of this brochure is to provide you with a basic understanding of the legal rules around ECT procedures in Western Australia. The clinical justifications for ECT are beyond the scope of this brochure. You should consult your clinical team for such information or the website of the Chief Psychiatrist: www.chiefpsychiatrist.health.wa.gov.au

AM I A VOLUNTARY OR INVOLUNTARY PATIENT?

An involuntary patient is a patient under an involuntary treatment order. Under an involuntary treatment order a person can be given treatment without their informed consent either:

- in the community; or
- by being admitted and detained in hospital.

A voluntary patient is any patient who is not an involuntary patient or a mentally impaired accused person under the *Criminal Law (Mentally Impaired Accused Act) 1996* (WA).

WHAT IS INFORMED CONSENT?

Under the *Mental Health Act 2014* (WA), you cannot give informed consent to ECT unless you are capable of:

- understanding the information communicated to you about the treatment,
- understanding the matters involved in ECT;
- understanding the effect of your decision;
- weighing up each of those factors; and
- communicating your decision.