

About Ruah Legal Services

Ruah Legal Services launched in 2019 when the Mental Health Law Centre (MHLC) merged with Ruah Community Services. MHLC has been helping Western Australians with mental illness for more than 20 years. MHLC continues its important work as a specialist centre of Ruah Legal Services. We are an independent, not for profit, community legal service and Western Australia's experts in mental health law.

If you have a legal issue connected to a mental illness and you are experiencing financial hardship, our qualified and experienced lawyers can give you free confidential advice and represent you in court.

We specialise in involuntary treatment and matters under the *Mental Health Act (WA)*. We can also advise on:

- Criminal matters
- Guardianship and Administration
- Mentally Impaired Accused Review Board hearings
- Responding to Restraining Orders
- Care and Protection matters
- Mental Health Tribunals

To find out if you are eligible for assistance please call our Telephone Advice Line or visit ruahlegal.org.au.

Need legal advice?

Call our Telephone Advice Line

Monday to Friday 9am to 4pm
08 9328 8012 or Freecall 1800 620 285

Visit us online

ruahlegal.org.au

Connect with us



Ruah Legal Services

PO Box 8078, Subiaco East WA 6008
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Email: legalservices@ruah.org.au

Everyone is welcome. Everyone belongs.

Ruah Legal Services acknowledges and respects the traditional Aboriginal and Torres Strait Islander owners of the land on which we work, the first people of this country. We pay our respects to their culture and their Elders past, present and future.



Disclaimer

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Mental Health Law Centre WA

RUAH
LEGAL SERVICES

**mental
health**
LAW CENTRE

Electroconvulsive Therapy (ECT)

in Western Australia

The following information has been prepared to provide a basic understanding of the legal rules around the use of Electroconvulsive Therapy in Western Australia. It does not provide the clinical justification for ECT treatment.

What is Electroconvulsive Therapy (ECT)?

Electroconvulsive Therapy (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 performed under a general anaesthetic and the patient can 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. A doctor might prescribe it where:

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

Before starting ECT, the patient should ask their doctor for information about the treatment, such as:

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

Note: ECT cannot be given to children under 14 years of age.

ECT for voluntary patients

ECT can only be performed for voluntary patients with the patient's informed consent - meaning the patient 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.

ECT cannot be given if the patient refuses the treatment. A patient can withdraw their consent to ECT at any time.

Note: The Mental Health Tribunal must approve the use of ECT for patients between 14 and 18 years of age.

ECT for involuntary patients

ECT can be performed for involuntary patients without a patient's consent if the Mental Health Tribunal approves the treatment.

The patient's psychiatrist must write to the Mental Health Tribunal to ask for approval to use ECT and outlining:

- the reasons why they recommend ECT be given; and
- 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 two treatments.

The Mental Health Tribunal will consider a range of factors before making a decision including:

- the Chief Psychiatrist of WA's guidelines;
- the patient's wishes;
- the views of anyone who has authority to give informed consent on the patient's behalf;
- the views of a nominated person or carer, if the patient has one or both;
- the views of any close family members;
- the psychiatrist's reasons for recommending ECT;
- the risks of ECT;
- how ECT may affect the patient's health and wellbeing;
- any available alternatives to the ECT and their risks; and
- anything else the Mental Health Tribunal considers relevant.

Note: If the patient is aged between 14 and 18 years, the Mental Health Tribunal will also consider the views of a child and adolescent psychiatrist or another appropriately qualified and experienced doctor.

Emergency ECT

In an emergency, ECT can be given to save a patient's life or to prevent them from seriously harming themselves or someone else.

If the Chief Psychiatrist of WA 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 who are detained in hospital.

How to stop ECT treatment

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

In non-emergency situations, ECT can only be given to involuntary patients when it has been approved by the Mental Health Tribunal.

If approval has been given, the patient can apply to the Mental Health Tribunal to have the decision reviewed.

The MHLC can advise you on making an application to the Mental Health Tribunal. If you would like us to represent you at a hearing, we will need at least three working days' notice.