

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
Facsimile: (08) 6323 3382
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

The writer, publisher and Ruah Legal Services disclaim liability as to the reliability and completeness of the information in this publication and disclaim any liability for action taken or not taken as result of this content or for any errors and omissions. It is emphasised that the reader may need legal advice in relation to their particular circumstances.

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Mental Health Law Centre WA



Treatment options for mental illness

in Western Australia

What treatments are available for people with mental illness in WA?

There are a number of treatments available in WA for patients with mental illness. Known as 'psychiatric treatment' and provided by a recognised mental health service, they include:

- medication;
- electroconvulsive therapy (ECT);
- emergency psychiatric treatment;
- psychosurgery; and
- other health care.

What is informed consent to treatment?

As a voluntary patient, no treatment can be provided without the patient's informed consent, which means the patient has:

- the capacity to make decisions about their treatment;
- been given a clear and sufficient explanation of the proposed treatment including:
 - what alternatives are available; and
 - any possible risks and side effects of the treatment;
- sufficient time to consider and discuss the proposed treatment with their doctor and to obtain any other advice; and
- given their consent freely and voluntarily.

A patient does not have the capacity to give informed consent if they cannot:

- understand the information or advice communicated to them about the treatment;
- understand the matters involved in making a decision about the treatment;
- understand the effect(s) of their decision;
- weigh up those factors to make their decision; and
- communicate their decision in some way.

Can a patient be treated without their consent?

A patient cannot be given treatment without their informed consent except:

- if they are an involuntary patient subject to an Involuntary Treatment Order; or
- if it is an emergency.

Treatment without consent

Emergency treatment

- Emergency psychiatric treatment might be given if it is necessary to save the patient's life or to prevent the patient from causing serious physical harm to themselves or another person.
- If the patient is an involuntary patient, or a mentally impaired accused, they might be given ECT without their consent if:
 - it is necessary to save their life or prevent them from causing serious physical harm to themselves or someone else;
 - the Chief Psychiatrist of WA approves the treatment; and
 - the Mental Health Tribunal approves it.

For more information, visit the Resources page of our website and download our brochure on Electroconvulsive Therapy (ECT) in WA.

Urgent non-psychiatric health care

- Voluntary patients cannot be given any non-psychiatric treatment (general health care) without their informed consent for that treatment.
- Non-psychiatric treatment may be given to an involuntary patient if they need urgent help and are:
 - an involuntary patient under an Inpatient Treatment Order; or
 - a detained mentally impaired accused.

Authorised Restrictive Practices

Seclusion

Seclusion means leaving the patient alone in a room which they cannot leave, at an authorised hospital.

A seclusion order can only be made if:

- it is to prevent the patient from injuring themselves or another person or causing serious property damage; and
- there is no less restrictive way of preventing that injury or damage.

If the patient is secluded, a medical practitioner must examine them every two hours to determine whether they should remain in seclusion.

Bodily Restraint

Bodily restraint is where a patient is physically, chemically or mechanically restrained while being given treatment or care at an authorised hospital.

- physical restraint means restricting movement by applying bodily force.
- mechanical restraint means restricting movement using a device like a belt or harness.
- chemical restraint means injection of sedatives or relaxants.

A patient can only be restrained if it is necessary to:

- give them treatment or prevent them from physically injuring themselves or another person or causing serious property damage;
- there is no less restrictive way of providing the treatment or preventing that injury or damage; and
- the use of bodily restraint is unlikely to pose a significant risk to the patient's health.

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