



# Information sheet

## Electroconvulsive therapy (ECT) applications

This information is to assist patients in circumstances where a doctor has applied to the Tribunal to perform electroconvulsive therapy (ECT).

### What is an ECT application?

If you need ECT and are unable to give informed consent, are subject to a Treatment Authority, Forensic Order or Treatment Support Order, or you are a minor, a doctor may apply to the Tribunal for approval to give you ECT. The Tribunal will hold a hearing to determine if ECT should be approved.

You can give informed consent only if you are an adult and :

- a) you have capacity to give consent to the treatment;
- b) the consent is in writing signed by you; and
- c) you have given the consent freely and voluntarily.

Capacity to give consent means you have the ability to:

- a) understand the nature and effect of a decision relating to ECT; and
- b) freely and voluntarily make the decision; and
- c) communicate the decision.

### What is ECT in an emergency situation?

In some emergency circumstances, your doctor may give you ECT before the Tribunal holds a hearing. This can only occur if:

- a) you are subject to a Treatment Authority, Forensic Order or Treatment Support Order or are absent without permission from an interstate mental health service and detained in a Queensland mental health service;
- b) there is an emergency certificate in force and an application is made to the Tribunal, but not yet decided; and
- c) performing ECT is necessary to save your life or prevent you from suffering irreparable harm.

The emergency certificate which confirms the above information must be approved by a doctor and the Senior Medical Administrator.

Emergency ECT can be given until the Tribunal makes a decision in relation to the ECT application.

### How will I know when my Tribunal hearing is?

If the ECT application relates to an emergency situation, a hearing must be held as soon as practicable.



The Tribunal must hold a hearing for other ECT applications (ie non-emergency situations) within 14 days after the application is made.

The Tribunal will provide you with a written notice advising when and where your hearing will be held. Hearings are generally held at your local mental health service. Your hearing may be held in person, via the telephone or via videoconference facilities.

Notice of your hearing must be provided at least three days before the hearing if an emergency certificate is in place, or otherwise, at least seven days before the hearing. In some circumstances, the Tribunal may seek your approval for a shorter notice of hearing period.

### **What happens before my hearing?**

For all ECT applications, the Tribunal will appoint a lawyer for you at no cost to you. The lawyer will contact you before the hearing to discuss your matter. You may also choose instead to be represented at your hearing by a nominated support person, another lawyer or another person, however that will be at your cost.

Your doctor must also tell you that an application has been made to the Tribunal and explain the application to you.

The Tribunal's notice of hearing will include a 'self report' form. You may wish to complete this report prior to the hearing to help you express your views to the Tribunal.

You may also wish to speak with your nominated support person/s or other people in your support network about attending the hearing with you.

### **What happens at hearing?**

The Tribunal usually consists of three members – a legal member, a medical member and a community member (a person who is not a lawyer or a doctor but has the necessary skills and experience in exercising the Tribunal's jurisdiction).

A member/s of your treating team will attend the hearing and they will be asked to give their opinion about the application.

You will also have the opportunity to ask questions and give your opinion about your matter. The Tribunal may also ask you some questions.

You can also be accompanied by one member of your support network, or more, if the Tribunal allows.

### **What decisions can the Tribunal make?**

After reviewing the ECT application and listening to all the information at the hearing, the Tribunal will make a decision whether to approve, or refuse, the application for ECT.

For the application to be approved by The Tribunal, the Tribunal must be satisfied the person is:



- a) an adult who is not able to give informed consent to the therapy, whether or not the adult is subject to a Treatment Authority, Forensic Order or Treatment Support Order; or
- b) an adult who is:
  - i) able to give informed consent to the therapy; and
  - ii) subject to a Treatment Authority, Forensic Order or Treatment Support Order; or
- c) a minor.

When making their decision, the Tribunal must have regard to:

- a) if you are an adult:
  - i) whether the adult is able to give informed consent to the therapy; and
  - ii) to the greatest extent practicable, any views, wishes and preferences the adult has expressed about the therapy, whether in an advance health directive or otherwise; or
- b) if you are a minor - your views, wishes and preferences and the views of your parents.

The Tribunal may only approve the application for ECT if satisfied:

- 1. where the person is unable to give informed consent:
  - a) the therapy has clinical merit and is appropriate in the circumstances; and
  - b) evidence supports the effectiveness of the therapy for the adult's particular mental illness; and
  - c) if the therapy has previously been performed on the adult – of the effectiveness of the therapy for the adult.

OR

- 2. where the person is able to give informed consent and is subject to a Treatment Authority, Forensic Order or Treatment Support Order:
  - a) the doctor proposing to provide the treatment has given the person a full explanation in a form and language able to be understood by the person about:
    - i) the purpose, method, likely duration and expected benefit of the treatment;
    - ii) possible pain, discomfort, risks and side effects associated with the treatment;
    - iii) alternative methods of treatment available to the person; and
    - iv) the consequences of not receiving treatment; and
  - b) the adult has given informed consent to the therapy.

OR

- 3. where the person is a minor:
  - a) the therapy has clinical merit and is appropriate in the circumstances; and
  - b) evidence supports the effectiveness of the therapy for:
    - i) the minor's particular mental illness; and
    - ii) persons of the minor's age; and
  - c) if the therapy has previously been performed on the minor – the effectiveness of the therapy for the minor; and
  - d) the performance of the therapy on the minor is in the minor's best interests.

The Tribunal's decision must state the number of ECT treatments that can be given in a stated timeframe and may be subject to any conditions the Tribunal considers appropriate.



## **What happens after my hearing?**

In most cases, the Tribunal will tell you what their decision is at the hearing. If the Tribunal decide to approve the application, ECT can be given to you, or in the case of emergency situations, continue to be given to you.

In all cases, you will receive a written notice advising of the Tribunal's decision.

If you would like to know the reasons for the Tribunal's decision, you can request a written statement of reasons. Details of how to request reasons are on the back of the written notice of decision or you can contact the Tribunal for further information.

You may also wish to appeal the Tribunal's decision to the Mental Health Court. Further information regarding appeals can be obtained by contacting the Court Registry (details below).

## **Where can I get more information?**

If you would like further information about your medication and treatment, you should speak with your treating team.

If you need further information about your hearing, you can contact the Tribunal on telephone 07 3338 8300, at [enquiry@mhrt.qld.gov.au](mailto:enquiry@mhrt.qld.gov.au) or at [www.mhrt.qld.gov.au](http://www.mhrt.qld.gov.au).

If you would like further information about appeals, the Mental Health Court Registry can be contacted on telephone 07 30820554, email [RegistrarMHC@health.qld.gov.au](mailto:RegistrarMHC@health.qld.gov.au) or at <http://www.courts.qld.gov.au/courts/mental-health-court>.

Further information regarding your rights as a patient can be found at <https://www.health.qld.gov.au/clinical-practice/guidelines-procedures/clinical-staff/mental-health/act/topics/patient-rights>.