



Review of the *Mental Health Act 2009 (SA)*

Fact Sheet 6 – Electroconvulsive Therapy

What is Electroconvulsive Therapy?

Electroconvulsive Therapy (‘ECT’) is a type of psychiatric treatment allowed under the *Mental Health Act 2009 (SA)* (‘*MHA*’), to treat a mental illness. It is a medical procedure which places a person under general anaesthetic and uses electric currents to cause seizures.¹ These seizures are controlled and cause changes to the brain, which may improve symptoms. A team of medical practitioners and health professionals are involved, including an anaesthetist and psychiatrist. ECT is a useful option, as it treats symptoms faster than medications and has proven success even where there is no response to medications. It is most commonly used to treat major depression and mania caused by bipolar disorder.

Current issues

There are three key issues:

1. Under the *MHA*, ECT may only be used if a person has a mental illness, a psychiatrist has recommended it and written consent is given by the consumer (a person with a lived experience of mental illness).² The Chief Psychiatrist’s Standard on ECT acts as a guide to ensure ECT is only used when necessary and the consumer’s safety is protected. In an emergency where a person does not have decision-making capacity, a psychiatrist can authorise ECT without consent if it is considered urgently necessary for the person’s wellbeing. The law does not define ‘urgent need’. The use of emergency ECT affects the human rights of consumers.
2. Under the law, if consent is given, this does not allow the use of force to make sure a consumer has ECT. This directly conflicts with powers under an Inpatient Treatment Order (see Fact Sheet 3), which allows use of force to provide treatment. There are concerns relating to the frequency of using force or restrictive practice to make sure a person has ECT. It has been suggested the law could be clearer to confirm whether use of force is allowed under these circumstances.
3. The *MHA* has created the Prescribed Psychiatric Treatment Panel (‘PPTP’) to oversee and monitor ECT and other treatments. There are concerns relating to the circumstances requiring oversight of ECT in the law, the resourcing of the PPTP whether procedures should be improved to ensure ECT is more closely monitored. It has also been suggested that other treatments could be monitored.

Consultation Questions

1. Should the law allow reasonable force to ensure a person receives ECT? If so, when?
2. How can the rights of a consumer be better protected in cases of emergency ECT?
3. Should the PPTP provide more or less oversight of ECT (including maintenance ECT) and/or other treatments?

¹ See Office of the Chief Psychiatrist South Australia, *Annual Report 2020-21* (Report, 18 November 2021) 23; Health Direct, ‘Electroconvulsive therapy (ECT)’ (Web Page, June 2020) <<https://www.healthdirect.gov.au/electroconvulsive-therapy-ect>>.

² See *Mental Health Act 2009 (SA)* s 42.