

Medical Treatment Planning and Decisions Act 2016

ECT consent pathway for voluntary* adults who lack decision-making capacity

*Not a patient under the Mental Health Act 2014.

The Medical Treatment Planning and Decisions Act provides a four-part test to determine if a person has decision-making capacity. To have decision-making capacity, a person must be able to:

- (a) understand the information relevant to the decision and the effect of the decision;
- (b) retain that information to the extent necessary to make the decision;
- (c) use or weigh that information as part of the process of making the decision; and
- (d) communicate the decision and the person's views and needs as to the decision in some way, including by speech, gestures or other means.

