



MHWA132A

ROLLS AUSTRALIA 1300 600 192

JULY  
2023**Mental Health and Wellbeing Act 2022  
Section 104****MHWA 132A  
Application for ECT- voluntary adult  
without capacity to consent**

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Mental Health Statewide UR Number

Local Patient Identifier

FAMILY NAME

GIVEN NAMES

DATE OF BIRTH

SEX

GENDER

Place patient identification label above

**Instructions to complete this form**

- This form is used to apply to the Mental Health Tribunal for authority to perform a course of electroconvulsive treatment (ECT) on an adult who is receiving treatment on a voluntary basis.
- This form must be completed by a psychiatrist.
- Please cross ☒ all relevant check boxes in each part.

GIVEN NAMES

FAMILY NAME (BLOCK LETTERS) of person

treated at:

name of Designated Mental Health Service or private mental health service

postal address:

postcode:

Diagnosis:

ICD-10 code:

Specify person's diagnosis for which electroconvulsive treatment is being proposed.

**To the Mental Health Tribunal****Part A: Details of person**

1. The above-named person is aged 18 years or over, and is receiving treatment on a voluntary basis at:
  - ☐ a Designated Mental Health Service; or
  - ☐ a private mental health service.
2. I am satisfied that the above-named person does not have capacity to give informed consent to ECT, there is no less restrictive way for the person to be treated and the person:
  - ☐ has an instructional directive giving informed consent to ECT (see notes over page); or
  - ☐ does not have a relevant instructional directive and the person's medical treatment decision maker has given informed consent in writing to the ECT, using MHWA 131A.

**Part B: Details of proposed course of ECT**

1. I apply to the Mental Health Tribunal for authority to perform a course of ECT on the person.
2. The proposed number of treatments in the course of ECT is:  treatments.  
(maximum number is 12 treatments)
3. The proposed duration of the course of ECT is:  weeks.  
(maximum duration is 6 months)
4. The proposed course of ECT is:
  - ☐ not urgent
  - ☐ urgent. You may only request an urgent hearing if the course of ECT is necessary as a matter of urgency to:
    - ☐ save the life of the person; or
    - ☐ prevent serious damage to the health of the person; or
    - ☐ prevent the person from suffering or continuing to suffer significant pain or distress.
5. I request the application be heard within:  business days. (Select between 1-5 business days. The number selected must reflect the urgency of the application.)

**Part C: Principles**

6. I have given proper consideration to the decision-making principles for treatment and interventions.

Signature:

signature of psychiatrist

Date:

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Given Names:

Family Name:

Business Address:

Telephone:

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**To the Mental Health Tribunal****Part D: Details of medical treatment decision maker under the Medical Treatment Planning Decisions Act 2016 (if applicable)**

Given names:			Family name:		
Postal Address:					
Suburb:		State:		Postcode:	
Email:			Telephone: (    )		
Preferred language:			<input type="checkbox"/> interpreter required		

**Part E: Details of support person appointed under the Medical Treatment Planning Decisions Act 2016 (if applicable)**

Given names:			Family name:		
Postal Address:					
Suburb:		State:		Postcode:	
Email:			Telephone: (    )		
Preferred language:			<input type="checkbox"/> interpreter required		

**Part F(1): Details of other person (if applicable)**

Given names:			Family name:		
Postal Address:					
Suburb:		State:		Postcode:	
Email:			Telephone: (    )		
Preferred language:			<input type="checkbox"/> interpreter required		

The above-named person is:

- ☐ the nominated support person pursuant to section 62 of the *Mental Health and Wellbeing Act 2022*.
- ☐ a guardian of the person as defined in section 3(1) of the *Guardianship and Administration Act 2019*.
- ☐ a carer of the person.

**Part F(2): Details of other person (if applicable)**

Given names:			Family name:		
Postal Address:					
Suburb:		State:		Postcode:	
Email:			Telephone: (    )		
Preferred language:			<input type="checkbox"/> interpreter required		

The above-named person is:

- ☐ the nominated support person pursuant to section 62 of the *Mental Health and Wellbeing Act 2022*.
- ☐ a guardian of the person as defined in section 3(1) of the *Guardianship and Administration Act 2019*.
- ☐ a carer of the person.

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## NEXT STEPS

1. **Send** a hearing request to the Mental Health Tribunal by submitting the application through CMI/ODS. Update the compulsory notifications tab on CMI/ODS.
2. If the application is urgent call the Mental Health Tribunal to notify them of the application and send copies of this form to the Mental Health Tribunal at:
  - Ph: 9032 3200
  - Fax: 9032 3223
3. **Explain** to the person that you have made this application and that the Mental Health Tribunal will invite them to a Tribunal hearing. Offer the patient support to prepare for their Tribunal hearing.
4. **Prepare** the Mental Health Tribunal **report on electroconvulsive treatment** and any other supporting information to be presented at the hearing. You can get copies of the template at [www.mht.vic.gov.au](http://www.mht.vic.gov.au).
5. **Give** a copy of the **report on electroconvulsive treatment** and access to the supporting information to the person and the Tribunal **at least 2 business days** before the hearing. You should also share this report with the person's family, carers or supporters if the person consents or if otherwise allowed under the *Mental Health and Wellbeing Act 2022*.
6. **Ensure** appropriate supports are provided to assist the person to understand this information.
7. **Offer** the person help to submit the What I want to tell the Tribunal form if they would like to do so

## Notes

1. An instructional directive is a formal document made in accordance with the requirements of the **Medical Treatment Planning and Decisions Act 2016** that expressly consents to or refuses specific medical treatment. An advance statement of preferences is not an instructional directive.
2. If the person has an instructional directive consenting to ECT, ensure a copy of the instructional directive is in the person's clinical record and is available to the Mental Health Tribunal at the hearing.

## Decision-making principles for treatment and interventions

You **must give proper consideration to the decision-making principles** for treatment and interventions in making this decision.

Title	Principle
Care and transition to less restrictive support	Compulsory assessment and treatment is to be provided with the aim of promoting the person's recovery and transitioning them to less restrictive treatment, care and support. To this end, a person who is subject to compulsory assessment or treatment is to receive comprehensive, compassionate, safe and high-quality mental health and wellbeing services.
Consequences of compulsory assessment and treatment and restrictive interventions principle	The use of compulsory assessment and treatment or restrictive interventions significantly limits a person's human rights and may cause possible harm including— (a) serious distress experienced by the person; and (b) the disruption of the relationships, living arrangements, education or employment of the person.
No therapeutic benefit to restrictive interventions principle	The use of restrictive interventions on a person offers no inherent therapeutic benefit to the person.
Balancing of harm principle	Compulsory assessment and treatment or restrictive interventions are not to be used unless the serious harm or deterioration to be prevented is likely to be more significant than the harm to the person that may result from their use.
Autonomy principle	The will and preferences of a person are to be given effect to the greatest extent possible in all decisions about assessment, treatment, recovery and support, including when those decisions relate to compulsory assessment and treatment.