sacat.
South Australian
Civil and Administrative Tribunal

Consent to Prescribed Psychiatric Treatment

Types of matters that SACAT can deal with

SACAT can give written consent to prescribed psychiatric treatment for a person with mental illness in some circumstances.

Prescribed psychiatric treatment includes the following types of medical treatment:

- Electro convulsive therapy (ECT) and
- Neurosurgery

When will SACAT give consent to prescribed psychiatric treatment?

SACAT must not provide consent to prescribed psychiatric treatment unless it is satisfied of certain matters set out in the *Mental Health Act 2009 (*s 42 and s 43).

In relation to **ECT**, SACAT must be satisfied that:

- the patient has a mental illness and

- the treatment has been authorised by a psychiatrist who has examined the patient and

- the patient is incapable of making decisions on his/her own behalf and cannot give written consent to the treatment and

- a medical agent or guardian cannot give substituted written consent for the patient (this includes a substitute decision-maker under an Advance Care Directive with authority to give this consent or a guardian with authority to make decisions about medical treatment) or

- if the patient is under 16 years of age, the parent or guardian of the child cannot give written consent for the patient.

In relation to **neurosurgery**, SACAT must be satisfied that:

- the patient is an adult (above 16 years of age) and has a mental illness

- the treatment has been authorised by the person who is to carry it out and by 2 psychiatrists (at least 1 of whom is a senior psychiatrist) each of whom has separately examined the patient, and the Prescribed Psychiatric Treatment Panel

- the patient cannot give consent to the treatment and has not given written consent

Who can apply?

A medical practitioner or mental health clinician can apply to SACAT for this consent.

Internal Review of a SACAT Decision

There is a right to review of a SACAT decision to grant consent to prescribed psychiatric treatment.

An application for internal review must be made within one month after the making of the original decision.

When can the treatment be carried out?

If SACAT provides consent to prescribed psychiatric treatment, the treatment can be given immediately unless SACAT, or the Supreme Court, orders a stay of the operation of the decision on application, or on its own initiative, until any internal review of the decision has been finally determined. If a "stay" is ordered the treatment cannot take place until that order is set aside by SACAT or the Supreme Court after the internal review is finally determined.

Who can apply for review of a SACAT decision?

An application for review of a SACAT decision about consent to prescribed psychiatric treatment can be made by:

- the applicant for consent
- the person that the application is about

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- the Public Advocate
- any person who presented evidence or material or made submissions to SACAT about the consent application
- any other person who satisfies SACAT that he or she has a proper interest in the matter

How do I apply to SACAT?

All applications to SACAT are completed through our online application form which you can find at our website: www.sacat.sa.gov.au.

All the information you are required to provide will be contained in the online application form.

If you are unable to complete the form online, you can contact the Tribunal for assistance on 1800 723 767. You can also visit SACAT's offices at Level 4 or 7, 100 Pirie Street, and use a computer at one of SACAT's public kiosks.

What fees apply to prescribed psychiatric treatment applications?

There are no fees payable for applications about prescribed psychiatric treatment.

Contact the Tribunal

If you would like to speak to a staff member about consent to prescribed treatment applications, please telephone SACAT on 1800 723 767 (select option 4 and then option 2).

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