

17: Psychiatric surgery

The *Mental Health Act 2015* describes psychiatric surgery as ‘specialised neurosurgery for psychiatric conditions’ and it is used in limited situations to treat severe mental illness. Psychiatric surgery is an extremely rare procedure in current mental health treatment and can only be performed by a qualified neurosurgeon.

Applying for psychiatric surgery

If a psychiatrist believes psychiatric surgery is required, they can apply to the Chief Psychiatrist.

The request for approval must include:

- a copy of your consent, or
- a copy of your Advance Consent Directive that states you give consent, or
- a copy of an Order from the Supreme Court.

A copy of the application will also be given to you.

What happens if an application is made?

Applications for psychiatric surgery are considered by a Committee appointed by the Minister for Mental Health. The Committee includes a psychiatrist, a neurosurgeon, a lawyer, a clinical psychologist, and a social worker.

When the Chief Psychiatrist receives an application for psychiatric surgery, they will give a copy of the application to the Committee and a meeting will be held to consider the application.

A written report will be given to the Chief Psychiatrist with the Committee’s recommendation about whether surgery should be approved and why. This report will be placed in your medical record.

If the Committee recommends surgery, they must believe on reasonable grounds that:

- the surgery will likely result in substantial benefit to you
- all other forms of treatment available have been tried and failed or are likely to fail
- the recommendation is supported by the psychiatrist and neurosurgeon on the committee.

The Committee may request further information or documents to make their decision.

The Chief Psychiatrist then makes the final decision to approve or decline the application, based on the recommendation of the committee.

Who else will be told?

The Committee will also tell the following people about the application:

- you (the person on whom the surgery is proposed to be performed)
- your parents, or the people who have parental responsibility for you (if you are a child)
- your guardian (if you have one)
- the person who holds power of attorney for you (if you have one)
- your nominated person (if you have one), and
- your health attorney (if you have one).

The Committee must ensure that these people are given the opportunity to make a verbal or written statement about what they think.

What if I do not have decision-making capacity to consent?

If you do not have decision-making capacity and you don't have an Advance Consent Direction, then your psychiatrist can apply to the Supreme Court for an Order to apply for psychiatric surgery.

The Supreme Court can only make an Order if they believe on reasonable grounds that:

- you have a mental illness
- you do not have decision-making capacity to consent to surgery
- you do not have an Advance Consent Direction consenting to psychiatric surgery
- you have not refused the surgery (in any way)
- the surgery will likely result in substantial benefit to you

- all other forms of treatment available have been tried but failed or are likely to fail.

What if I change my mind?

If you have given consent for psychiatric surgery, you can change your mind at any time before the procedure. You can do this verbally or in writing.

When the Chief Psychiatrist is told that you no longer agree to psychiatric surgery, they will immediately tell the surgeon and ensure that your decision is recorded in your medical record. If an application is made with your consent, but you then withdraw consent before the Chief Psychiatrist decides on the application, the application is considered to have been withdrawn.