

FACT SHEET

Restrictive Practices and Special Powers



When you restrict the rights of someone you are caring for, or stop them from doing something they want to do, to protect their safety or the safety of others, this is called a restrictive practice.

If a person does not have decision-making capacity (please see our “Decision-Making Capacity” Fact Sheet), consent for restrictive practices can be given by:

- **A Person Responsible**, who makes health care decisions
 - As long as no force is used, and
 - The restrictive practices are provided by a registered health practitioner.
 - Please see our “Consent to Medical Treatment” Fact Sheet.
- **A substitute decision-maker (SDM)**, who is appointed under an Advance Care Directive (ACD)
 - As long as no force is used, and
 - The ACD gives the SDM the power to give consent.
 - Please see our “Advance Care Directives” Fact Sheet.
- **A health care guardian**, who is appointed by the South Australian Civil and Administrative Tribunal (SACAT)
 - As long as no force is used, and
 - The Guardianship Order gives the guardian the power to give consent.
 - Please see our “Guardianship and the Public Advocate” Fact Sheet.

These decision-makers can give consent for:

- Chemical restraint – medication that changes someone’s behaviour.
- Environmental restraint – restricting access to things like food.
- Mechanical restraint – a device that restricts someone’s movement for behavioural purposes.

Restrictive Practices and Special Powers (continued)

Some types of restrictive practices require SACAT's specific authorisation. This is called Special Powers.

Special Powers Orders:

- Are legal orders.
- Can direct someone to live in a particular place.
- Can authorise someone to be detained in a particular place.
- Can authorise the use of force, so that medical or dental treatment can be given.
- Must be reviewed by a date specified by SACAT.
- Must be reviewed each year, if they authorise someone to be detained in a particular place.
- Must only be made if there is a risk to someone's health or safety.
- Can be varied or revoked if there is a change in the person's circumstances.
- Are very restrictive and used as a last resort.

You can apply to SACAT:

- To appoint a guardian, who can authorise restrictive practices.
- To authorise Special Powers, if you are an appointed guardian or substitute decision-maker.
- To vary, review, or revoke Guardianship Orders and Special Powers.

You can get more information about restrictive practices by:

- Calling the Office of the Public Advocate (OPA) on 8342 8200.
- Contacting a private lawyer or the Legal Services Commission for legal advice: www.lsc.sa.gov.au
- Consulting with the National Disability Insurance Association (NDIA), if you are an NDIS service provider or hospital: www.ndis.gov.au
- Visiting the SACAT website: <http://www.sacat.sa.gov.au/forms-guides-and-resources/fact-sheets-and-guides>