

Special Powers (or Section 32 Powers)



If a guardian or a substitute decision-maker (SDM) requires more authority to make decisions for a person who does not have decision-making capacity, the South Australian Civil & Administrative Tribunal (SACAT) can grant 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.

An application for Special Powers can be made by:

- A guardian appointed by SACAT, or
- A substitute decision-maker appointed under an Advance Care Directive (ACD).

Special Powers can't be used to detain a person:

- In a mental health treatment facility, or
- In a correctional institution.

For more information about Special Powers, you can:

- Visit the SACAT website: www.sacat.sa.gov.au
- Call the OPA Information Service: 8342 8200