

The Health Care Principle

Anyone who exercises a function or power under the *Guardianship and Administration Act 2000* in relation to a health matter must apply the Health Care Principle (Schedule 1, Part 2)

Health care principle

- (1) The health care principle means power for a health matter, or special health matter, for an adult should be exercised by a guardian, the public guardian, the tribunal, or for a matter relating to prescribed special health care, another entity—
 - (a) in the way least restrictive of the adult’s rights; and
 - (b) only if the exercise of power—
 - (i) is necessary and appropriate to maintain or promote the adult’s health or wellbeing; or
 - (ii) is, in all the circumstances, in the adult’s best interests.

Example of exercising power in the way least restrictive of the adult’s rights—

If there is a choice between a more or less intrusive way of meeting an identified need, the less intrusive way should be adopted.
- (2) In deciding whether the exercise of a power is appropriate, the guardian, the public guardian, tribunal or other entity must, to the greatest extent practicable—
 - (a) seek the adult’s views and wishes and take them into account; and
 - (b) take the information given by the adult’s health provider into account.
- (3) The adult’s views and wishes may be expressed—
 - (a) orally; or
 - (b) in writing, for example, in an advance health directive; or
 - (c) in another way, including, for example, by conduct.
- (4) The health care principle does not affect any right an adult has to refuse health care.
- (5) In deciding whether to consent to special health care for an adult, the tribunal or other entity must, to the greatest extent practicable, seek the views of the following person and take them into account—
 - (a) a guardian appointed by the tribunal for the adult;
 - (b) if there is no guardian mentioned in paragraph (a), an attorney for a health matter appointed by the adult;
 - (c) if there is no guardian or attorney mentioned in paragraph (a) or (b), the statutory health attorney for the adult.



Contact Us

Office of the Public Guardian
t. 3234 0870 or 1300 653 187
e. adult@publicguardian.qld.gov.au
www.publicguardian.qld.gov.au