



Gillick Competency Test

“Gillick competence” is a term originating in England and is used in medical law to decide whether a child (16 years or younger) is able to consent to his or her own medical treatment, without the need for parental permission or knowledge. The standard is based on a decision of the Lady Justice Purvis in the case *Gillick v West Norfolk and Wisbech Area Health Authority* [1985] (1985) 3 All ER 402 (HL). The case is binding in England and Wales, and has been approved in Australia, Canada and New Zealand. The Australian High Court gave specific and strong approval for the Gillick decision in 'Marion's Case' (1992) 175 CLR 189. The Gillick competence doctrine is part of Australian law (see e.g. *DoCS v Y* [1999] NSWSC 644) and identifies those under the age of 16 with the capacity to consent to their own treatment.

These questions form part of the registration for Smooth Sailing and are designed to test the capacity of the young person to make a decision about their mental healthcare.

Please answer the following questions. This shows us that you know what Smooth Sailing is all about and what will happen to the information collected.

What is Smooth Sailing about?

- An online service to help high school students track their mental wellbeing
- A racing game for sailing boats
- Just another mental health information website
- I have no idea

How old do you have to be to use Smooth Sailing?

- Any age
- In high school
- At university
- I don't know

Do you HAVE to use Smooth Sailing?

- No, but I want to.
- Yes, because someone told me to.
- I don't know

Can you stop using Smooth Sailing?

- Yes I can stop using this program whenever I want to
- No I am forced to stay in the program
- I don't know

Have you decided to use Smooth Sailing on your own?

Appendix C – Gillick Competency Test

- Yes, I thought about it and want to do it. I don't feel pressured.
- No, someone else is making me do it and I really don't want to. I feel pressured.
- I wasn't sure at first, but when I thought about it, I want to do it. I don't feel pressured.
- None of the above.

Our normal procedure at this time is to inform a trusted teacher or staff member at your school so that they can follow-up and help you get some extra support. Are you okay with us letting your school know?

- Yes – who in your school would you like us to tell?.....
- No – Why not?.....