

# What are the requirements for a valid consent?

For consent to be valid, the person must:

- Have received sufficient information in a comprehensible manner about the nature, potential risks and benefits of the proposed intervention, of any alternative intervention and of not receiving the intervention;
- Not be acting under duress; and
- Have the decision-making capacity to make the decision (even if requiring support to do so).

Therefore the person must understand that they have a choice, including the choice to:

- Give consent;
- Refuse consent;
- Withdraw consent.

Duress refers to pressures or threats improperly imposed by others such that the person believes he or she has no alternative but to consent. 'Consent' obtained in this manner is not valid. However, this is distinct from the limitations on choice that illness can impose on persons.