

INFORMED CONSENT & REFUSAL

In Australia, any person of or over the age of 16, of competent mind, has the legal right to make decisions about their own medical treatment. Medical treatment includes prenatal tests and any examinations or procedures done before, during and after labour.

Consent & refusal means you can choose to say yes or no to the treatment that is offered to you by your doctor or midwife. You also have the right to change your mind.

The law requires that your doctor or midwife must explain to you:

- what they want to do and the consequences and risks of the proposed action
- what the consequences (both positive or negative) may be if you choose not to proceed with what they are suggesting
- any alternative treatments or courses of action that might be appropriate, along with those risks & benefits.

This must be done before any action is started.

For your decision to be valid, it must be voluntary and clear. Your decision must not be made due to pressure or coercion from staff, family or friends. If medical staff perform an action without your consent, it is assault.

SUPPORT FOR MAKING DECISIONS

Things to consider when making a decision (if you have a doula, they will remind you of these steps but can not make a decision for you):

- Do you have enough information (Benefits, Risks, Alternatives) about your options presented to you in a way that you understand?
- Do you require an interpreter?
- Have you been given enough time to make a decision?
- Is your decision free from pressure or coercion? ie have you and your support person been given privacy to discuss what YOU want? Was the language used by the midwife or doctor free from coercion?
- Do you want to get a second opinion or escalate your concerns to the duty manager?

FURTHER INFORMATION

1. [Consent to Medical Treatment & Palliative Care Act 1995](#)
2. [SA Health Consent to Medical Treatment & Health Care Policy Guideline](#)
3. [Australian Medical Association Position Statement on Maternal Decision Making](#).
4. [Australian Charter of Healthcare Rights](#)
5. If you wish to make a formal complaint, contact the Consumer Feedback Dept in your Hospital. If you do not feel your complaint has been dealt with appropriately, or you feel you were not treated with dignity or respect, you have the right to contact the Health and Community Services Complaints Commissioner – ph. (08) 8226 8652 or the [Office of the Minister for Health & Wellbeing](#) for further advice.