

Health Care Principles

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 Principles (section 11C).

1. Apply the general principles

This principle recognises that both the general principles and the health care principles must be applied when any person or entity performs a function or exercises a power in relation to health care or special health care under Queensland's guardianship legislation.

2. Same human rights and fundamental freedoms

This principle provides further guidance about applying general principle 2 in relation to health matters or special health matters.

In recognising and taking into account **non-discrimination**, all adults, regardless of whether or not they have impaired capacity, must be offered appropriate health care, including preventative care. When consenting to or refusing health care for an adult the principles of **respect for inherent dignity and worth**, individual autonomy (including the freedom to make one's own choices) and **independence of persons** must be taken into account.

3. Performance of functions or exercise of powers

This principle provides further guidance about applying general principles 9 and 10 in relation to health matters or special health matters. When making a decision or exercising a power about an adult's health care or special health care, the following must be taken into account:

- information given by the adult's health care provider
- the nature of the adult's medical condition and prognosis
- any available alternative health care treatments
- significant risks of the proposed health care or alternative health care
- whether the health care could be postponed because a better option may become available within a reasonable time or the adult is likely to become capable of making their own decision about the health care
- the consequences if the proposed health care is not carried out
- the advantages and disadvantages of the proposed health care
- the effect of the health care on the adult's dignity and autonomy.

4. Substituted judgement

This principle provides further guidance about applying general principle 10 in relation to health matters or special health matters, when it is not possible to determine the adult's views and wishes at the time. It clarifies that the adult's **views, wishes or preferences expressed** when the adult had capacity, may also have been expressed in their advance health directive; or any previous decision by the adult to consent to or refuse health care



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