

## Legal definitions of capacity

### ***Mental Health Act 2000***

**Capacity**, for a person, means the person is capable of—

- (a) understanding the nature and effect of decisions about the person's assessment, treatment or choosing of an allied person; and
- (b) freely and voluntarily making decisions about the person's assessment, treatment or choosing of an allied person; and
- (c) communicating the decisions in some way.

### ***Guardianship and Administration Act 2000***

**Capacity**, for a person for a matter, means the person is capable of—

- (a) understanding the nature and effect of decisions about the matter; and
- (b) freely and voluntarily making decisions about the matter; and
- (c) communicating the decisions in some way.