

South Australia

**Consent to Medical Treatment and Palliative Care  
(Parental Consent) Amendment Bill 2009**

A BILL FOR

An Act to amend the *Consent to Medical Treatment and Palliative Care Act 1995*.

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The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Consent to Medical Treatment and Palliative Care (Parental Consent) Amendment Act 2009*.

#### 5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *Consent to Medical Treatment and Palliative Care Act 1995*

#### 10 3—Amendment of section 3—Objects

Section 3(a)(i)—delete "16 years" and substitute:

18 years

#### 4—Amendment of section 4—Interpretation

Section 4, definition of *child*—delete the definition and substitute:

15 *child* means a person under 18 years of age;

#### 5—Amendment of section 12—Administration of medical treatment to a child

(1) Section 12(b)—delete paragraph (b) and substitute:

(b) in circumstances where no parent or guardian can be contacted within a reasonable time—

20 (i) the child consents; and

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- (ii) the medical practitioner who is to administer the treatment is of the opinion that the child is capable of understanding the nature, consequences and risks of the treatment and that the treatment is in the best interest of the child's health and well-being; and
  - (iii) that opinion is supported by the written opinion of at least 1 other medical practitioner who personally examines the child before the treatment is commenced.
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- (2) Section 12—after its current contents as amended by this section (now to be designated as subsection (1)) insert:
    - (2) Subsection (1)(b) only applies where reasonable efforts have been made by the medical practitioner, in good faith, to contact a parent or guardian.