

South Australia

# Consent to Medical Treatment and Palliative Care Regulations 2014

under the *Consent to Medical Treatment and Palliative Care Act 1995*

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## Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Health practitioners
- 5 Consent of person responsible
- 6 Resolution of disputes by Public Advocate
- 7 Referral of matters to Public Advocate
- 8 Fees

## Schedule 1—Fees

## Schedule 2—Revocation of *Consent to Medical Treatment and Palliative Care Regulations 2004*

- 1 Revocation of *Consent to Medical Treatment and Palliative Care Regulations 2004*

## Legislative history

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### 1—Short title

These regulations may be cited as the *Consent to Medical Treatment and Palliative Care Regulations 2014*.

### 2—Commencement

These regulations will come into operation on 1 July 2014.

### 3—Interpretation

In these regulations—

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

### 4—Health practitioners

- (1) For the purposes of the definition of *health practitioner* in section 14(1) of the Act, the following professions and practices are declared to be included in the ambit of that definition:
  - (a) the provision of an ambulance service and medical treatment by a member of the staff of SAAS;
  - (b) paramedic.

(2) In this regulation—

*ambulance service, medical treatment* and *SAAS* have the same meanings as in the *Health Care Act 2008*.

## 5—Consent of person responsible

Pursuant to section 14B(2) of the Act, the following provisions apply in relation to the giving of consent by a person responsible for a patient for the purposes of the Act:

- (a) the person responsible must make and keep such records relating to the giving of consent as may be required under a scheme determined from time to time by the Minister and published in the Gazette;
- (b) a person responsible for a patient contemplated by paragraph (d) of the definition of *person responsible* in section 14(1) of the Act cannot consent to the administration of medical treatment consisting of the administration of drugs (whether of a sedating nature or otherwise) principally for the purpose of controlling the behaviour of the patient.

**Note—**

This practice is commonly referred to as the chemical restraint of a patient.

## 6—Resolution of disputes by Public Advocate

- (1) For the purposes of section 18C of the Act, and despite section 23 of the *Guardianship and Administration Act 1993*, the Public Advocate may only delegate a function or power under that section relating to mediation to a person if the Public Advocate is satisfied that the person has suitable qualifications and expertise in mediation.
- (2) A mediator to whom the Public Advocate has delegated a function or power under section 18C of the Act has, for the purposes of that section, the same privileges and immunities as a member of the Guardianship Board under the *Guardianship and Administration Act 1993*.

## 7—Referral of matters to Public Advocate

For the purposes of section 18F of the Act, the Guardianship Board may not refer a matter to the Public Advocate if the matter has already been the subject of mediation under section 18C of the Act.

## 8—Fees

The fees for the purposes of the Act are as set out in Schedule 1.

## Schedule 1—Fees

Description of fee	Fee
Application under section 18C of the Act	nil
Application under section 18E of the Act	nil

## **Schedule 2—Revocation of *Consent to Medical Treatment and Palliative Care Regulations 2004***

### **1—Revocation of *Consent to Medical Treatment and Palliative Care Regulations 2004***

The *Consent to Medical Treatment and Palliative Care Regulations 2004* are revoked.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2014	78	<i>Gazette 12.6.2014 p2498</i>	1.7.2014: r 2
2015	17	<i>Gazette 5.3.2015 p889</i>	29.3.2015: r 2