

South Australia

Advance Care Directives Variation Regulations 2015

under the *Advance Care Directives Act 2013*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Advance Care Directives Variation Regulations 2015*.

2—Commencement

These regulations will come into operation on the day on which Part 2 of the *Statutes Amendment (SACAT) Act 2014* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Advance Care Directives Regulations 2014*

4—Substitution of regulation 11

Regulation 11—delete the regulation and substitute:

11—Advising Tribunal of wish to revoke advance care directive

For the purposes of section 31(1) of the Act, a person must advise the Tribunal of a wish to revoke an advance care directive in such manner and form as is determined from time to time by the Tribunal.

5—Variation of regulation 14—Resolution of disputes by Public Advocate

Regulation 14(2)—delete "Guardianship Board under the *Guardianship and Administration Act 1993*" and substitute:

Tribunal under the *South Australian Civil and Administrative Tribunal Act 2013*

6—Substitution of regulation 15

Regulation 15—delete the regulation and substitute:

15—Referral of matters to Tribunal or Public Advocate

- (1) If the Public Advocate decides to refer a matter to the Tribunal under section 46(1) of the Act, the following provisions apply:
 - (a) the referral must be made within 7 business days of the Public Advocate bringing a mediation to an end or refusing to determine an application, as the case may be;
 - (b) the Public Advocate must notify the Tribunal whether any or all parties have consented to the matter being referred to the Tribunal;
 - (c) the Public Advocate must provide the Tribunal with written reasons for its decision to refer the matter to the Tribunal;
 - (d) the Public Advocate must provide the Tribunal with a summary of the dispute between the parties, the contact details of the parties and all other information relevant to the matter that is in the possession of the Public Advocate when the referral is made;
 - (e) if the matter was the subject of mediation under section 45 of the Act and the mediator was a delegate of the Public Advocate—the name of the mediator.
- (2) If the Tribunal decides to refer a matter to the Public Advocate under section 49(1) of the Act, the following provisions apply:
 - (a) the referral must be made within 7 business days of the Tribunal making the decision to refer;

- (b) the Tribunal must notify the Public Advocate whether any or all parties have consented to the matter being referred to the Public Advocate;
 - (c) the Tribunal must provide the Public Advocate with written reasons for its decision to refer the matter to the Public Advocate;
 - (d) the Tribunal must provide the Public Advocate with a summary of the dispute between the parties, the contact details of the parties and all other information relevant to the matter that is in the possession of the Tribunal when the referral is made.
- (3) For the purposes of section 49 of the Act, the Tribunal may not refer a matter to the Public Advocate if the matter has already been the subject of mediation under section 45 of the Act.

7—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

Schedule 2—Fees

<u>Description of fee</u>	<u>Fee</u>
Application under section 45 of the Act	nil

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 5 March 2015

No 15 of 2015

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