

South Australia

Consent to Medical Treatment and Palliative Care Variation Regulations 2015

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

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Consent to Medical Treatment and Palliative Care Regulations 2014*

- 4 Variation of regulation 6—Resolution of disputes by Public Advocate
 - 5 Substitution of regulation 7
 - 7 Referral of matters to Tribunal or Public Advocate
 - 6 Substitution of Schedule 1
 - Schedule 1—Fees
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Consent to Medical Treatment and Palliative Care Variation Regulations 2015*.

2—Commencement

These regulations will come into operation on the day on which Part 5 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 *Consent to Medical Treatment and Palliative Care Regulations 2014*

4—Variation of regulation 6—Resolution of disputes by Public Advocate

Regulation 6(2)—delete "Guardianship Board under the *Guardianship and Administration Act 1993*" and substitute:

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

5—Substitution of regulation 7

Regulation 7—delete the regulation and substitute:

7—Referral of matters to Tribunal or Public Advocate

- (1) If the Public Advocate decides to refer a matter to the Tribunal under section 18D(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 18C 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 18F(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 18F 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 18C of the Act.

6—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

Schedule 1—Fees

<u>Description of fee</u>	<u>Fee</u>
Application under section 18C 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 17 of 2015

AGO0079/14CS