



**THE LAW SOCIETY
OF SOUTH AUSTRALIA**

THE VOICE OF THE SOUTH AUSTRALIAN LEGAL PROFESSION

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2 November 2009

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Dr Duncan McFetridge MP
Shadow Minister for Health
Parliament House
North Terrace
ADELAIDE SA 5000

Dear Dr McFetridge

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

Thank you for inviting the Society to comment on the above Bill, which was introduced by the Honourable Robert Brockenshire MP.

The Society notes that the Bill aims to raise the age of consent for medical treatment from 16 years of age to 18 years of age and to introduce provision for doctors to obtain parental consent for medical treatment for people under 18 years of age.

In the Society's view, the provisions of the current Act (the *Medical Treatment and Palliative Care Act 1995*) in relation to the age of consent, are adequate. To constrain doctors to contact a parent or guardian within a reasonable time is likely to be practically very cumbersome. Further, there are many young people between the ages of 16 and 18 who reside independently of their parents, want to protect their own privacy and may be estranged from their parents.

We note that the Bill does not seek to amend Section 6, which provides

"A person of or over 16 years of age may make decisions about his or her own medical treatment as validly and effectively as an adult."

Therefore if the Bill was passed as proposed, there would eventually be conflict with Section 6.

I trust these comments are of assistance to you.

Yours sincerely

Richard Mellows
PRESIDENT

cc Hon Robert Brockenshire