

Consent to Medical Treatment and Palliative Care Act 1995

What is this?

This is a law, passed in South Australia in 1995, that entitles you to have your medical condition and treatment options clearly explained to you by your doctor.

- You can refuse medical treatment if you don't want it.
- You can appoint another person to act on your behalf when you are unable to make the decisions yourself.
- You are also able to write down what medical treatment you want or don't want in case you are terminally ill and are unable to make these decisions at some time in the future.
- You must be 18 years old or more to do this.

Who can act on your behalf?

The person chosen to act for you is called a 'medical agent' and the document, which gives that person authority is called a

'Medical Power of Attorney'.

Someone close to you is usually chosen - for instance a partner, a child or a good friend - who must be 18 years old or more.

The person chosen cannot be any health professional who is being paid to look after you.

There can be more than one medical agent appointed, but only one person at a time can act for you.

Medical agents can say 'yes' or 'no' to treatment, but cannot:

- refuse food or water for you
- refuse drugs that would ease pain or distress
- refuse treatment that would make you well enough to make your own decisions.

How do you organise a 'Medical Agent'?

You need to fill out a **Medical Power of Attorney** form. Your doctor may be able to supply a copy. If not, you can get a form from the organisations listed on the back of this pamphlet.

Remember to discuss this with the person/s that you want to appoint as your **Medical Agent**.

Can you write down your wishes rather than have a medical agent?

Yes. In this case you will need to fill out a '**Anticipatory Direction**' form.

You can write down treatments that you do or do not want, in case at some later time you are in the last phase of a terminal illness, or in a persistent vegetative state (when there is permanent severe brain damage, but you are still breathing and can digest food).

You would be wise to discuss this with close family, and your doctor. These people should know that such a direction has been made, so that it is respected in a time of serious illness.

An authorised witness must sign both of these forms.

What if you change your mind?

If you have appointed a **Medical Agent** or made an **Anticipatory Direction**, you can change or cancel the documents at any time.

You and your **Medical Agent** need to date and sign each copy of the form/s if you change any of your wishes, and destroy any copies if you cancel them.

How will medical staff know if you have a Medical Agent, or have made an Anticipatory Direction?

You can give copies to your doctor and to family members close to you and keep a copy in your wallet or purse. You also need to keep the original form/s in a safe place.

You can choose to register with Medic Alert which allows you to record the names of your **Medical Agent/s** and any **Anticipatory Directions**.

Further information and forms

You, your doctor or other people that you discuss these matters with, can obtain these 2 forms from:

The Palliative Care Council of South Australia

202 Greenhill Road Eastwood
Telephone: (08) 8291 4137
www.pallcare.asn.au

Department of Health

CitiCentre Building, 11 Hindmarsh Square
Adelaide
www.health.sa.gov.au/consent

Service SA

Telephone: 13 23 24
www.service.sa.gov.au

Office of the Public Advocate

ABC Building
85 North East Road Collinswood
Telephone: (08) 8269 7575
Toll Free 1800 066 969
www.opa.sa.gov.au

Registration of Medical Agents and Anticipatory Directions:

Australian Medic Alert Foundation

216 Greenhill Road Eastwood
Telephone: (08) 8274 0361
Toll Free 1800 882 222

This explanation does not cover all aspects of the Consent to Medical Treatment and Palliative Care Act 1995. It should be used as an information guide only.

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You have the right to have a say about your medical treatment

However much we love life and however healthy we are, all of us are going to die one day.

Most of us would like to have a say about how we die and we certainly want to know where we stand when it comes to medical treatment.

Under the law, we have certain rights and doctors have certain responsibilities.

Many of these rights and responsibilities are set out in a law called the ***Consent to Medical Treatment and Palliative Care Act 1995***.

An explanation of the *Consent to Medical Treatment and Palliative Care Act 1995*