

LEGISLATIVE COUNCIL

MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016

(Amendments to be proposed in Committee by Ms WOOLDRIDGE)

1. Clause 17, page 23, after line 26 insert—

"(4) The registered medical practitioner referred to in subsection (1)(c) must certify on the document that the registered medical practitioner has provided the person giving the advance care directive with professional medical advice sufficient to enable the person to make an informed decision about each statement in the directive."
2. Clause 22, lines 23 to 30, omit all the words and expressions on these lines and insert—

"(c) whether a statement in an advance care directive should be applicable because the practical effect of the statement would not be consistent with the preferences and values of the person who gave the directive because at least one of the following applies—

 - (i) circumstances have changed since the advance care directive was given;
 - (ii) when the person gave the advance care directive, the person did not foresee circumstances that have later arisen;
 - (iii) when the person gave the advance care directive, the person relied on incorrect information or made an incorrect assumption;"
3. Clause 23, lines 11 to 21, omit all the words and expressions on these lines and insert—

"(b) the practical effect of the instructional directive would no longer be consistent with the preference and values of the person who gave it because at least one of the following applies—

 - (i) circumstances have changed since the advance care directive was given;
 - (ii) when the person gave the advance care directive, the person did not foresee circumstances that have later arisen;
 - (iii) when the person gave the advance care directive, the person relied on incorrect information or made an incorrect assumption."
4. Heading to clause 51, after "**directive**" insert "**or a medical treatment decision maker's decision**".
5. Clause 51, line 6, before "A" insert "(1)".

6. Clause 51, lines 9 to 13, omit all the words and expressions on these lines and insert—
- "(a) the practical effect of the instructional directive would not be consistent with the preference and values of the person who gave it because at least one of the following applies—
- (i) circumstances have changed since the advance care directive was given;
- (ii) when the person gave the advance care directive, the person did not foresee circumstances that have later arisen;
- (iii) when the person gave the advance care directive, the person relied on incorrect information or made an incorrect assumption;"
7. Clause 51, after line 17 insert—
- "(2) A health practitioner may treat a person despite a medical treatment decision maker's refusal to consent to medical treatment, or failure to make a medical treatment decision, if the health practitioner believes on reasonable grounds that—
- (a) either—
- (i) the Public Advocate has been notified in accordance with section 62 in relation to the refusal; or
- (ii) VCAT would make an order under section 66 to limit the medical treatment decision maker's authority to make the medical treatment decision or to declare that the person is not the medical treatment decision maker of the person; and
- (b) the delay that would be caused by an application to VCAT under section 65 or 67 would result in a significant deterioration of the person's condition."
8. Clause 52, line 31, omit "A" and insert "Subject to subsection (4), a".
9. Clause 52, page 42, after line 16 insert—
- "(4) Nothing in subsection (2) prevents a health practitioner administering medical treatment to a person if the health practitioner believes on reasonable grounds that the person has attempted to commit suicide."