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ELIZABETHAE II REGINAE

A.D. 1960

No. 49 of 1960

An Act relating to the performing by medical practitioners of certain operations on children in cases of emergency for the purpose of saving the lives of such children : and for purposes connected therewith.

[Assented to 24th November, 1960.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Emergency Medical Treatment of Children Act, 1960". Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

"child" means a person under the age of twenty-one years :

"operation" means operation by means of surgery or otherwise and includes an operation of transfusion of human blood.

3. (1) A legally qualified medical practitioner may perform an operation upon a child without the consent of the parents or surviving parent of that child or any other person legally entitled to consent to that operation if— Certain operations may be performed on children without consent.

(a) such parents, parent or other person, having been requested so to do, failed or refused to consent to that operation, or after such search and inquiry as is reasonably practicable in the circumstances, such parents, parent or other person cannot be found ;

- (b) the practitioner is reasonably capable of performing such an operation ;
- (c) the practitioner and at least one other legally qualified medical practitioner agree—
 - (i) upon the condition from which the child is suffering ;
 - (ii) that such operation is a reasonable and proper one to be performed for such condition ; and
 - (iii) that such operation is essential in order to save the life of the child ; and
- (d) in the case of every operation of transfusion of human blood the first-mentioned practitioner, before commencing the operation on the child, assures himself that the blood to be transfused is compatible with that of the child.

Provided that compliance with the provisions of paragraph (c) of this subsection shall not be necessary in any case where, having regard to all the circumstances of the case, it appears to the practitioner that the child would probably die before the opinion of any other practitioner could be obtained, if in such case the practitioner, before commencing the operation, diagnoses the condition from which the child is suffering and satisfies himself that the operation is a reasonable and proper one to be performed for such condition and that such operation is essential and urgent in order to save the life of the child.

(2) Where an operation has been performed on a child pursuant to and in accordance with subsection (1) of this section, that operation shall be deemed to have been performed with the consent which, but for the provisions of this section, would have been required for the performing of that operation.

(3) The powers conferred on a legally qualified medical practitioner by this section shall be construed as additional to and not in derogation of any other powers of the practitioner in relation to the performing of any operation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Lieutenant-Governor.