

Queensland



**CRIMINAL CODE
(PALLIATIVE CARE)
AMENDMENT BILL 2003**

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2003

A BILL

FOR

**An Act to amend the Criminal Code to provide a statutory enactment
of the 'double effect' principle for palliative care**

The Parliament of Queensland enacts—	1
Clause 1 Short title	2
This Act may be cited as the <i>Criminal Code (Palliative Care) Amendment Act 2003</i> .	3 4
Clause 2 Commencement	5
This Act commences on a day to be fixed by proclamation.	6
Clause 3 Act amended	7
This Act amends the Criminal Code.	8
Clause 4 Insertion of new s 282A	9
After section 282—	10
<i>insert—</i>	11
‘282A Palliative care	12
‘(1) A person is not criminally responsible for providing palliative care to another person if—	13 14
(a) the person provides the palliative care in good faith and with reasonable care and skill; and	15 16
(b) the provision of the palliative care is reasonable, having regard to the other person’s state at the time and all the circumstances of the case; and	17 18 19
(c) the person is a doctor or, if the person is not a doctor, the palliative care is ordered by a doctor who confirms the order in writing.	20 21 22
‘(2) Subsection (1) applies even if an incidental effect of providing the palliative care is to hasten the other person’s death.	23 24
‘(3) However, nothing in this section authorises, justifies or excuses—	25
(a) an act done or omission made with intent to kill another person;	26
or	27

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- (b) aiding another person to kill himself or herself. 1
- ‘(4) To remove any doubt, it is declared that the provision of the 2
palliative care is reasonable only if it is reasonable in the context of good 3
medical practice. 4
- ‘(5) In this section— 5
- “**good medical practice**” means good medical practice for the medical 6
profession in Australia having regard to— 7
- (a) the recognised medical standards, practices and procedures of the 8
medical profession in Australia; and 9
- (b) the recognised ethical standards of the medical profession in 10
Australia. 11
- “**palliative care**” means care, whether by doing an act or making an 12
omission, directed at maintaining or improving the comfort of a 13
person who is, or would otherwise be, subject to pain and suffering.’. 14
- 15