Queensland

CARE OF TERMINALLY-ILL PATIENTS BILL 2002

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2002

A BILL

FOR

An Act to clarify the obligations of doctors treating terminally-ill patients

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Care of Terminally-ill Patients Act 2002*.

2 Palliative care of terminally-ill patients

When a person in the terminal phase of a terminal illness (a **"terminally-ill patient"**) is in such severe pain that adequate relief from the pain can only be obtained by the administration of pain-relieving drugs in doses that may shorten the patient's life, a medical practitioner who is considering the administration of the drugs in such doses may only administer the drugs in those doses—

(a) if the patient has capacity to make decisions about health matters—with the informed consent of the patient; or

(b) if the patient has impaired capacity—in compliance with the *Guardianship and Administration Act 2000*, section 66.[1]

3 Non-liability of medical staff for properly administered palliative care

A medical practitioner responsible for the treatment or care of a terminally-ill patient, or a person participating in the treatment or care of the patient under the medical practitioner's supervision, incurs no civil or criminal liability (and in particular is not to be taken to have shortened the life of the patient under the Criminal Code, section 296[2]) by administering medical treatment with the sole intention of relieving pain or distress—

(a) in good faith and without negligence; and

(b) in compliance with section 2; and

(c) in accordance with proper professional standards of palliative care;

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1 *Guardianship and Administration Act 2000*, section 66 (Adult with impaired capacity—order of priority in dealing with health matter)

2 Criminal Code, section 296 (Acceleration of death)

even though an incidental effect of the treatment is to shorten the life of the patient.

4 Determination of cause of death

For the purposes of the law of the State, the administration of medical treatment for the relief of pain or distress in accordance with section 3 does not constitute an intervening cause of death.

5 Saving provision

In order to avoid any possible doubt, it is declared that—

(a) this Act does not authorise the administration of medical treatment for the purpose of causing the death of the person to whom the treatment is administered; and

(b) this Act does not authorise a person to assist the suicide of another.