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THE DEVELOPMENT OF STATUTORY LAW IN SOUTH AUSTRALIA TO SUPPORT ADVANCE CARE PLANNING

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The practice of advance care planning is influenced by the relevant legislative framework. This paper describes the development of statutory law in South Australia to support palliative care and advance care planning. The presenter, a palliative medicine specialist, provides personal anecdotes about the reasons for this law reform. As with many jurisdictions, legislative evolution involved a Natural Death Act 1983. However, ongoing deficiencies in end of life care arrangements led to the formation of a Parliamentary Select Committee. This in turn led to the Consent to Medical Treatment and Palliative Care Act 1995. This Act made provision for written directions about care and the appointment of surrogates to make medical decisions. Written directions are limited to the terminal phase of illness, while surrogates cannot refuse the natural provision of food and fluid, medication for the relief of suffering at the end of life, or treatment that would render the patient capable of making their own decisions. This Act, the first to have 'Palliative Care' in its title, protects clinicians from civil or criminal liability for administering medical treatment with the intention of relieving pain or distress, 'even though an incidental effect of treatment is to hasten the death of the patient.' The implications of this legislation for advance care planning and clinical practice will be discussed. Evidence about the documentation of different types of advance care plans in SA will be presented.