

Legal considerations

This advice has been provided by the Queensland Ambulance Service (QAS) – July 2006

All *CPR for Life* resources have been produced in accordance with the Australian Resuscitation Council guidelines and the QAS Medical Director. The resources cover the essential components of adult Cardiopulmonary Resuscitation (CPR) as taught in *CPR for Life* awareness sessions conducted in Queensland.

To ensure training is in line with current practices, it is important for trainers to adhere to the *CPR for Life* training resource materials.

The following information is intended as a guide only and to answer common questions. There are four legal considerations related to first aid and CPR. These are:

- consent
- obligation
- breach of duty
- recording.

Consent

Australian law is based on the premise that all people have control over their own bodies. If a person is conscious you should ask and receive the casualty's consent before you provide first aid. In an emergency where a person is unconscious and not breathing normally, or in severe pain and there is a necessity to act to save their life or prevent serious injury and no person with authority to give consent is present, consent is not required.

Obligation

Generally, Australian law does not impose an obligation on any person to render assistance unless you already owe a 'duty of care'; for example, an employee whose job responsibilities include providing first aid and has an obligation in their workplace. A person involved in a motor vehicle accident is under an obligation to render assistance to an injured person.

Negligence

A person is considered to be negligent only if all three of the following factors are established:

1. the first aider had an obligation to render assistance, or rendered assistance
2. the first aider failed to provide the assistance which a reasonable person would have done in the same circumstances
3. the person's injury was caused by the first aider's failure to provide that standard of care.

In all emergency situations it is expected that a first aider will:

- assess the situation
- call for medical assistance
- instigate first aid as per the *CPR for Life* training material
- continue CPR until help arrives, the person recovers or it becomes impossible for the first aider to continue.

A reasonable and prudent first aider would be expected to check a casualty's response and breathing before starting CPR and not do anything outside their training. A person who does not respond and is not breathing normally will die if CPR is not given, so any CPR is better than no CPR at all.

Recording

A first aider should always record the first aid that they gave, even if it is a brief diary note. The record should describe what was known about the problem and what was performed. Many workplaces have particular forms that need to be completed under state occupational health and safety legislation.