

Comparing doctors' legal compliance across three Australian states for decisions whether to withhold or withdraw life-sustaining medical treatment: does different law lead to different decisions?

Additional file 2

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Explanation of Law: What does the Law Say? Responses by State

NSW – The law says: do not commence antibiotics. This is because Mark has a valid advance care directive that applies to the situation that has arisen.

Victoria – The law says: do not commence antibiotics. Mark has a valid refusal of treatment certificate and his refusal of antibiotics is for a ‘current condition’ (his AIDS) that he had when completing this document. The position is not as certain as in NSW, however, due to the need to be refusing treatment for a current condition (which would have to be the AIDS rather than pneumonia).

Queensland – The law says: commence antibiotics. The conditions required for the advance health directive to apply under Queensland law (namely having a sufficiently serious medical condition and not having a reasonable prospect of regaining decision-making capacity) have not been met and the substitute decision-maker desires treatment.

Note: The law in these three jurisdictions is discussed in more detail in the below papers.

White B, Willmott L, Trowse P, et al. The legal role of medical professionals in decisions to withhold or withdraw life-sustaining treatment: part 1 (New South Wales). *J Law Med* 2011; 18: 498-522.

Willmott L, White B, Parker M, et al. The legal role of medical professionals in decisions to withhold or withdraw life-sustaining treatment: part 2 (Queensland). *J Law Med* 2011; 18: 523-544.

Willmott L, White, B, Parker M, et al. The legal role of medical professionals in decisions to withhold or withdraw life-sustaining treatment: part 3 (Victoria). *J Law Med* 2011; 18: 773-797.