

Providing first aid in emergencies

Whether it's holding someone's hand or providing cardiopulmonary resuscitation (CPR), you can give someone much-needed comfort or even save a life in an emergency. This fact sheet aims to help you feel safe and confident in approaching someone who needs help. It should also reassure you that if you act honestly, you are legally protected – regardless of the outcome.

WHAT IS CONSIDERED TO BE EMERGENCY CARE?

Emergency care is unplanned help. It can range from a lifesaving action – such as performing CPR or applying pressure to control bleeding – to simply holding someone's hand while waiting for an ambulance.

If you think you can help, please do so.

If you think an ambulance is required, call **triple zero (000)**.

DO I NEED SOMEONE'S CONSENT TO PROVIDE HELP?

If the person is conscious and able to communicate with you, please ask for their permission before you touch them.

WHAT IF THEY ARE UNABLE TO CONSENT?

This may be the case if the person is unconscious, affected by drugs, alcohol or their injuries, or if the person is very young.

In these situations, you can provide emergency care if:

- it is reasonable in all the circumstances
- you believe it is in the person's best interests.

There are two exceptions to this rule.

1. Do not provide care when more qualified people are available. That is, please hand over to paramedics when they arrive.
2. Do not provide care when it is contrary to the person's known wishes.

This second point can be difficult to assess, as you may not know what their wishes are, even if someone tells you the person doesn't want CPR.

If in doubt it is better to take steps to save a person's life.

Health professionals, the patient's family and their advisers can determine whether treatment should be continued at a later time.

WHAT ABOUT 'DO NOT RESUSCITATE' ORDERS?

Someone with a formal 'Do not resuscitate' order is unlikely to be in public without a carer, so you are unlikely to be in a position where you would help.

Some people have a formal Advanced Care Directive that says they do not want CPR. If you see this document, and have no doubt the person before you is named on the document, then do not start CPR.

CAN I BE SUED?

The risk of being sued for providing first aid or CPR is **very low**. There are no reported cases of anyone being sued for this in Australia.

In Victoria (and all Australian states and territories), good Samaritan laws protect people who provide assistance, advice or care in good faith at the scene of an emergency or accident.

Under the *Wrongs Act 1958*, legal protections from civil liability apply if:

- the patient is injured, or appears to be at risk of injury or death
- the good Samaritan acts with honest intent, and didn't expect financial reward for providing assistance.

These laws seek to reassure people that if they step up to help in an emergency, they will not be liable for their honest attempts to help, regardless of the outcome.

WHAT ABOUT DEFIBRILLATORS?

Early access to defibrillators saves lives for patients in cardiac arrest.

If there is a defibrillator available and you feel comfortable doing so, use it.

Modern defibrillators are intended to be used by untrained people. Just follow the simple instructions.

If you don't feel comfortable, don't use it. You are not under a legal duty to.

The rules discussed above apply.

- If the person is unable to communicate their wishes, you can touch them provided you do so with the honest intention of helping them.
- You can provide care that is reasonable and in their best interest.
- You are protected from civil liability if your actions are in good faith.

Disclaimer

This fact sheet is a brief overview of relevant laws. It can't cover every circumstance and every eventuality.

It is written for the good Samaritan – that is, a person (including a registered health professional) who comes across an accident or emergency and helps people in need.

The situation is different for registered health professionals (e.g. doctors, nurses and paramedics) when they are at work or place of practice. It also does not apply to those with a legal responsibility to care for the patient (e.g. teachers and their students, prison wardens and their prisoners, appointed guardians, etc.).

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