

## Good Samaritans – assisting in an emergency



### Quick guide

- A 'good Samaritan' is someone who assists in an emergency with no expectation of reward or other benefit.
- As a medical practitioner or medical student, you have a professional obligation to provide assistance in an emergency within the scope of your skills and experience.
- Good Samaritan legislation in each Australian state and territory can protect you from personal civil liability if you act in good faith.

Outside your work environment you may face a situation where you provide medical assistance in an emergency. This might be, for example, responding to a call for assistance on a plane, providing first aid to an injured passer-by or stopping at a road vehicle accident. This provision of medical care is often referred to as 'good Samaritan' assistance. The nature of the emergency, the physical environment and other circumstances may present particular challenges, but the first question you might ask yourself is can or should I provide care?

### What is your obligation to help?

In Australia, as a medical practitioner or medical student you have a professional obligation to offer assistance in an emergency.

The [Good Medical Practice: a code of conduct for doctors in Australia](#), guides you to consider a range of issues when assisting in an emergency:

- the patient's best care
- your own safety
- your skills and experience
- potential impacts on any other patients under your care
- the availability of other options.

If you do assist, the code also states that you should continue to provide assistance until your services are no longer required.

There are specific requirements in NSW and the Northern Territory as outlined in the table in [Appendix 1 - Obligation to assist](#).

### Legal protection

Legislation throughout Australia generally provides protection from personal civil liability (claims for compensation) for those acting as good Samaritans as long as care is provided:

- in good faith, and
- with no expectation of payment or other reward.

In all states and territories except in Queensland and Victoria, the protection does **not** apply in some circumstances, as outlined in [Appendix 2 - When the legal protection does not apply](#).

### Are you impaired?

Due to the unplanned nature of medical emergencies, it is possible that you may have consumed alcohol or taken medication that may adversely affect your competence and ability to safely render assistance.

The legal protection may not apply if you are intoxicated, as outlined in [Appendix 2](#).

Beyond this, consider carefully whether you are capable of providing appropriate medical assistance.

Assess the situation and consider the nature of the medical emergency and the degree to which you may be able to help, as well as any other options available. Keep in mind that many lifesaving interventions such as CPR require minimal competency but could provide lifesaving outcomes. Given your clinical knowledge, you may still be best placed to talk to emergency services or others at the scene, even if you can't be more directly involved.

### Practical tips

When rendering assistance as a good Samaritan in an emergency situation:

- Assess the scene for dangers, not only to yourself but to bystanders and the injured person
- Conduct a rapid assessment of the injured person to identify any immediate medical needs
- Where possible obtain a history from the injured person or bystanders
- If the injured person is competent, obtain their consent before initiating any examination or treatment
- If the person is unable to consent to treatment and there is no family member or 'responsible person', you can proceed without consent in an emergency
- Do not offer assistance beyond your skill set
- If in a situation such as an airplane or where there are other people in authority such as paramedics, explain your level of skill and experience and offer assistance.

### When can you hand over care?

As set out in the Code of Conduct, you should continue to provide emergency assistance until your services are no longer required, or until you have handed over clinical responsibility to someone else.

When providing a hand over you can provide:

- A brief summary of the situation
- A differential diagnosis
- A brief history (if obtained)
- Any treatment or procedures which you have undertaken
- Any changes in the person's condition
- A timeline of events if known

### What if you disagree with others providing assistance?

The general principle is that doctors are expected to work respectfully and cooperatively with other health practitioners. Whoever has the most relevant experience can take the lead. This may not be the most senior person.

The likelihood of you disagreeing with the assistance provided by another good Samaritan is very low and in most cases is resolved with clear communication. For example, if you are one of several good Samaritans providing assistance to someone experiencing chest pain, and a cardiologist was present, it would be reasonable for them to take the lead. Similarly, if you were assisting someone in labour and have no specific skills in this field and a midwife was present, it would be reasonable for them to take primary care of the individual requiring assistance.

If there is a remote clinical advisor involved and you are concerned about the advice they are giving you, it is often due to a lack of clarity regarding the details of the emergency. Taking the time to clearly explain your clinical findings, proposed treatment and reasoning will often help clarify the situation and resolve any disagreements. If you still cannot find a resolution, after having explained your concerns, remain available to assist and make a note of what happened as soon as possible afterwards.

### What if you are asked to assist in a medical emergency outside your area of expertise?

When acting as a good Samaritan you are providing assistance, not specialised medical treatment. In many situations the assistance you render will primarily be providing reassurance and basic first aid to the individual until emergency services arrive. In all cases, it is important to openly communicate your skill and experience level when offering to assist, including if you have retired from medical practice. Some assistance is generally better than no assistance.

### What do you do after the event?

Attending unplanned emergencies can often be stressful. Ensure you access the necessary support, from a colleague or professionally, especially if the situation was more serious.

It is helpful to make a note of your involvement soon after the events. This may be done as part of the handover of care. This does not need to be lengthy but can be a useful aid for those taking over care, and for your recollection if needed in the future.

Depending on the emergency and outcome, you may be requested to provide a statement to the police or coroner. If you are required to provide a statement, contact our Medico-Legal Advisory Service on 1800 128 268 to discuss that request.

You may also wish to notify Avant that you have been involved in providing good Samaritan assistance, especially if you expect you might be contacted further about the situation.

### What if the person requiring emergency assistance is a relative or friend?

The Code of Conduct recognises that it is sometimes unavoidable to provide care to someone close to you, for example in an emergency. You can therefore provide care in an emergency situation, until care can be handed over to another medical practitioner.

Refer to Avant's factsheet on treating family and friends for further information on this topic.

[avant.org.au/Resources/Public/treating-family-members-friends-or-staff](http://avant.org.au/Resources/Public/treating-family-members-friends-or-staff)

For more information or immediate medico-legal advice, call us on **1800 128 268**, 24/7 in emergencies. [avant.org.au/mlas](http://avant.org.au/mlas)



[avant.org.au/avant-learning-centre](http://avant.org.au/avant-learning-centre)

## Appendix

### Good Samaritans – assisting in an emergency Factsheet

#### Appendix 1 – Obligation to assist

Applies to	Requirement	Source
All doctors	Professional obligation to assist in an emergency taking into account a range of issues	Good Medical Practice: a code of conduct for doctors in Australia – section 3.5 Treatment in emergencies
Doctors practising in NSW	It is unsatisfactory professional conduct for a practitioner to refuse or fail, without reasonable cause, to attend (within a reasonable time after being requested to do so) on a person in need of urgent attention, unless the practitioner has taken all reasonable steps to ensure another medical practitioner attends within a reasonable time	<i>Health Practitioner Regulation National Law (NSW)</i> – section 139C
Doctors practising in the Northern Territory	It is an offence for a person who is able to provide rescue, resuscitation, medical treatment, first aid or succour of any kind, to callously fail to provide this assistance to a person urgently in need of it and whose life may be endangered if it is not provided	<i>Criminal Code Act 1983 (NT)</i> – section 155

#### Appendix 2 – When the legal protection does not apply\*

Jurisdiction	Protection does not apply if	Legislation
Australian Capital Territory	Significantly impaired by recreational drugs (except if giving naloxone for an opioid overdose)  Liability within Compulsory Third Party (CTP) scheme	<i>Civil Law (Wrongs) Act 2022</i>
New South Wales	Significantly impaired due to being under the influence of alcohol or a drug voluntarily consumed (including by medication)  Failed to exercise reasonable care in connection with an act or omission if the good Samaritan's act or omission caused the need for assistance  Impersonating or falsely representing skills	<i>Civil Liability Act 2002</i>
Northern Territory	Intoxicated	<i>Personal Injuries (Liabilities and Damages) Act 2003</i>
South Australia	Significantly impaired by alcohol or other recreational drugs  Liability within CTP scheme	<i>Civil Liability Act 2002</i>
Tasmania	Significantly impaired due to being under the influence of alcohol or drugs which were voluntarily consumed (including medication)  Impersonation or falsely representing skills	<i>Civil Liability Act 2002</i>
Western Australia	Significantly impaired due to being intoxicated by alcohol or drug or other substance capable of intoxicating and intoxication self-induced.	<i>Civil Liability Act 2002</i>