



Queensland

Health Legislation Amendment Bill (No. 3) 2025

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CONSULTATION DRAFT—AUGUST 2025

Health Legislation Amendment Bill (No. 3) 2025

Contents

2025

A Bill

for

An Act to amend the Transplantation and Anatomy Act 1979 for particular purposes

CONSULTATION DRAFT—AUGUST 2025

[s 1]

The Parliament of Queensland enacts—

Part 1 Amendment of Transplantation and Anatomy Act 1979

1 Act amended

This part amends the *Transplantation and Anatomy Act 1979*.

2 Amendment of s 4 (Interpretation)

Section 4—

insert—

ante-mortem intervention means a medical procedure, prescribed by regulation, that is carried out on a living person to determine, maintain or improve the viability of tissue for transplanting to the body of another living person.

life-sustaining measure see section 25A.

3 Insertion of new pt 3A

After section 25—

insert—

Part 3A Ante-mortem interventions

25A What is a *life-sustaining measure*

- (1) A *life-sustaining measure* is health care intended to sustain or prolong life and that supplants or maintains the operation of vital bodily functions that are temporarily or permanently incapable of

independent operation.

- (2) Without limiting subsection (1), each of the following is a *life-sustaining measure*—
 - (a) cardiopulmonary resuscitation;
 - (b) assisted ventilation;
 - (c) artificial nutrition and hydration.
- (3) A blood transfusion is not a *life-sustaining measure*.

25B Authority for ante-mortem intervention by consent

- (1) This section applies if—
 - (a) a person is in a hospital; and
 - (b) the person is an adult; and
 - (c) the person is of sound mind; and
 - (d) the person, in light of medical advice furnished by a medical practitioner, consents to the withholding or withdrawal of life-sustaining measures for the person; and
 - (e) before the withholding or withdrawal of life-sustaining measures, the consent mentioned in paragraph (d) has not been revoked.
- (2) A designated officer may, by signed writing, authorise the carrying out of an ante-mortem intervention on the person if—
 - (a) the person consents to the carrying out of the ante-mortem intervention; and
 - (b) the consent is not revoked before the ante-mortem intervention is carried out.
- (3) A consent given under subsection (2) must be in

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writing.

- (4) However, if it is not practicable for the consent to be given in writing because of the circumstances in which it is given, it may be given orally.
- (5) If the consent is given orally under subsection (4), the designated officer must ensure that, as soon as practicable—
 - (a) the fact of the giving of the consent and the details of the consent are reduced to writing and placed on the person’s hospital records; and
 - (b) reasonable attempts are made to have the consent confirmed in writing by the person.
- (6) The designated officer must ensure that a document obtained under subsection (3) or (5)(b) is placed on the person’s hospital records as soon as practicable.
- (7) Subsection (5) does not affect the operation of subsection (4).

25C Authority for ante-mortem intervention—child or adult with impaired capacity

- (1) This section applies if—
 - (a) a person is in a hospital; and
 - (b) the person is—
 - (i) a child; or
 - (ii) an adult who does not have capacity to consent to the carrying out of an ante-mortem intervention on the person; and
 - (c) a decision or direction has been lawfully made to withhold or withdraw life-sustaining measures for the person; and

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- (d) before the withholding or withdrawal of life-sustaining measures, a decision or direction mentioned in paragraph (c) has not been revoked.

Note—

See the *Guardianship and Administration Act 2000* and *Powers of Attorney Act 1998* in relation to withholding or withdrawing life-sustaining measures for an adult who has impaired capacity.

- (2) A designated officer may, by signed writing, authorise the carrying out of an ante-mortem intervention on the person if—
- (a) the senior available next of kin of the person consents to the carrying out of the ante-mortem intervention; and
 - (b) the consent is not revoked before the ante-mortem intervention is carried out.
- (3) A consent given under subsection (2) must be in writing.
- (4) However, if it is not practicable for the consent to be given in writing because of the circumstances in which it is given, it may be given orally.
- (5) If the consent is given orally under subsection (4), the designated officer must ensure that, as soon as practicable—
- (a) the fact of the giving of the consent and the details of the consent are reduced to writing and placed on the person's hospital records; and
 - (b) reasonable attempts are made to have the consent confirmed in writing by the senior available next of kin.
- (6) The designated officer must ensure that a document obtained under subsection (3) or (5)(b) is placed on the person's hospital records as soon as practicable.

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- (7) Subsection (5) does not affect the operation of subsection (4).

25D Effect of authority under this part

An authority under this part is sufficient authority for the carrying out of an ante-mortem intervention on a person referred to in the authority.