

Abstrakt

The aim of this thesis is a detailed description and analysis of the institute advance directives/previously expressed wishes in the Czech Republic in comparison with the Australian legislation. This thesis deals with the Queensland's legislation and the legislation of the Northern Territory.

The methods used in this thesis are analyzes of legal norms and comparison of specific law regulations.

Introductory chapters are focused on the principle of patient's autonomy in the Czech Republic legislation and on the protection of the person's integrity. The thesis covers not only the rules contained in the Act. No. 89/2012 Coll., the Civil Code, but also mentions rules in the Act. No. 40/1964 Coll., the Civil Code.

The next chapter is focused on different patient's rights, such as the right to life and be healthy, the right to self-determination and the right to dignity.

In the second part, the author focuses on the institute of advance directives/previously expressed wishes. First within the international legal framework. This chapter also underlines negative opinions about advance directives/previously expressed wishes and points out the benefits of their use in practice.

Next the author focuses on the Czech legal regulations. The author does not mention only the Health Services Act, but also not legally binding documents dealing with termination of resuscitation and treatment.

The second part the thesis contains the definition of patient autonomy within the British and Australian case law.

The part focusing on analysis of advance directives/ previously expressed wishes in Australia consists of three sections. First, there is a discussion of the case law, then the statutory regulations of the Queensland - The Powers of Attorney Act 1998 (Qld) and finally the statutory regulations of the Northern Territory - The Natural Death Act 1988 (NT).

In the final part of the thesis, the author tries to modify the existing s. 36 of the Health Services Act, where he is currently anchored institute of advance directives/ previously expressed wishes.