
Voluntary Assisted Dying Bill 2021

Amendments made by Legislative Assembly on 26 November 2021.

- No. 1 **Other (McGirr) No. 1 [c2021-210C]**
Page 2, clause 4(1)(i), line 38. Insert “and high quality care and treatment, including palliative care and treatment,” after “voluntary assisted dying”.
- No. 2 **Other (Mr Ward) No. 1 [c2021-225C]**
Page 4, clause 10(5), lines 39–45 and page 5, lines 1 and 2. Omit all words on those lines.
- No. 3 **Other (Mr Ward) No. 2 [c2021-225C]**
Page 5, clause 10(6), lines 4–9. Omit all words on those lines.
- No. 4 **Other (Mr Ward) No. 3 [c2021-225C]**
Page 5, clause 10(6), lines 13–21. Omit all words on those lines.
- No. 5 **Other (Mr Coure) No. 1 [c2021-205B]**
Page 7, clause 16(1)(d)(ii)(A). Insert after line 39—
Note— See subsection (2)(aa) which provides that a person is not eligible for access to voluntary assisted dying merely because the person has dementia.
- No. 6 **Other (Mr Coure) No. 2 [c2021-205B]**
Page 8, clause 16(2). Insert after line 6—
 (aa) dementia, or
- No. 7 **Other (Mr Coure) No. 3 [c2021-205B]**
Page 8, clause 16. Insert after line 8—
 (3) To avoid doubt, if a person permanently loses decision-making capacity in relation to voluntary assisted dying at any time during the request and assessment process the person ceases to be eligible for access to voluntary assisted dying under subsection (1)(e).
 (4) For subsection (3)—
 permanently, for a loss of decision-making capacity in relation to voluntary assisted dying by a person, means the person has lost the capacity to make decisions in relation to voluntary assisted dying forever.
- No. 8 **Other (Ms M O’Neill) No. 1 [c2021-184C]**
Page 9, clause 18(a)(ii), line 10. Omit “or”. Insert “and”.
- No. 9 **Other (Ms M O’Neill) No. 2 [c2021-184C]**
Page 9, clause 18(a)(iii), lines 11 and 12. Omit all words on those lines.
- No. 10 **Other (Ms M O’Neill) No. 3 [c2021-184C]**
Page 10, clause 21(5), lines 25–28. Omit all words on those lines. Insert instead—
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immediately after the first request is made, inform the patient the practitioner has decided to refuse the request.

No. 11 **Other (Mr Coure) No. 4 [c2021-205B]**

Page 11, clause 26(2). Insert after line 34—

Note— See section 186A(2)(a) about guidelines that apply to the referral.

No. 12 **Other (Mr Coure) No. 5 [c2021-205B]**

Page 12, clause 27(2). Insert after line 32—

Note— See section 186A(2)(b) about guidelines that apply to the referral.

No. 13 **Other (Stokes) No. 1 [c2021-195C]**

Page 13, clause 28(1). Insert after line 24—

- (ia) it is unlawful for a person to apply pressure or duress on the patient to request voluntary assisted dying or to continue the request and assessment process,

Note— See section 124 for the relevant offence

No. 14 **Other (Stokes) No. 2 [c2021-195C]**

Page 15, clause 30(4). Insert after line 21—

- (la) a statement confirming the patient has been advised it is unlawful for a person to apply pressure or duress on the patient to request voluntary assisted dying or to continue the request and assessment process,

Note— See section 124 for the relevant offence

- (lb) a statement confirming the coordinating practitioner has asked the patient whether the patient has experienced pressure or duress to request access to voluntary assisted dying from a person who is a beneficiary under the patient's will or may otherwise benefit financially or in another material way from the patient's death,

No. 15 **Other (Mr Coure) No. 6 [c2021-205B]**

Page 15, clause 30(4). Insert before line 22—

- (lc) a statement confirming the coordinating practitioner has acted in accordance with guidelines under section 186A in relation to the following matters—

(i) deciding whether to refer the patient to a specialist under section 26,

(ii) deciding whether to refer the patient to a psychiatrist, another registered health practitioner or another person under section 27,

No. 16 **Other (Stokes) No. 3 [c2021-195C]**

Page 15, clause 30(4). Insert before line 22—

- (ld) a statement confirming the coordinating practitioner has acted in accordance with guidelines under section 186A in determining whether the patient has experienced pressure or duress to request access to voluntary assisted dying,

No. 17 **Other (Mr Coure) No. 7 [c2021-205B]**

Page 17, clause 37(2). Insert after line 7—

Note— See section 186A(2)(a) about guidelines that apply to the referral.

No. 18 **Other (Mr Coure) No. 8 [c2021-205B]**

Page 18, clause 38(2). Insert after line 2—

Note— See section 186A(2)(b) about guidelines that apply to the referral.

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- No. 19 **Other (Stokes) No. 4 [c2021-195C]**
Page 19, clause 41(4). Insert after line 18—
- (la) a statement confirming the patient has been advised it is unlawful for a person to apply pressure or duress on the patient to request voluntary assisted dying or to continue the request and assessment process,
Note— See the *Crimes Act 1900*, section 41C for the relevant offence
 - (lb) a statement confirming the practitioner has asked the patient whether the patient has experienced pressure or duress to request access to voluntary assisted dying from a person who is a beneficiary under the patient’s will or may otherwise benefit financially or in another material way from the patient’s death,
- No. 20 **Other (Mr Coure) No. 9 [c2021-205B]**
Page 19, clause 41(4). Insert before line 19—
- (lc) a statement confirming the consulting practitioner has acted in accordance with guidelines under section 186A in relation to the following matters—
 - (i) deciding whether to refer the patient to a medical practitioner under section 26,
 - (ii) deciding whether to refer the patient to a psychiatrist, another registered health practitioner or another person under section 27,
- No. 21 **Other (Stokes) No. 5 [c2021-195C]**
Page 19, clause 41(4). Insert before line 19—
- (ld) a statement confirming the consulting practitioner has acted in accordance with guidelines under section 186A in determining whether the patient has experienced pressure or duress to request access to voluntary assisted dying,
- No. 22 **Other (Mr Henskens) No. 28 [c2021-168O]**
Page 21, clause 49(2)(a), line 36. Insert “reasonable” before “opinion”.
- No. 23 **Other (Ms M O’Neill) No. 4 [c2021-184C]**
Page 24, clause 55(a)(iv), line 11. Omit “, or”. Insert instead “, and”.
- No. 24 **Other (Ms M O’Neill) No. 5 [c2021-184C]**
Page 24, clause 55(a)(v), lines 12–15. Omit all words on those lines.
- No. 25 **Other (Mr Coure) No. 10 [c2021-205B]**
Page 31, clause 67(1)(e), line 9. Omit all words on that line. Insert instead—
Act, including—
- (i) that the contact person agrees to comply with guidelines issued by the Health Secretary under section 186A(2)(c), and
 - (ii) the requirements under section 129 and the penalties for contravening the requirements,
- No. 26 **Other (Mr Ward) No. 1 [c2021-254F]**
Page 57, clause 123, lines 2–8. Omit all words on those lines.
- No. 27 **Other (Mr Ward) No. 2 [c2021-254F]**
Page 57, clause 124, lines 9–23. Omit all words on those lines.
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- No. 28 **Other (Mr Ward) No. 3 [c2021-254F]**
Page 57, clause 125, lines 24–28. Omit all words on those lines.
- No. 29 **Other (Mr Ward) No. 4 [c2021-254F]**
Page 57, clause 127, lines 36–39. Omit all words on those lines.
- No. 30 **Other (Mr Ward) No. 5 [c2021-254F]**
Page 60, clause 134, lines 16–19. Omit all words on those lines.
- No. 31 **Other (Mr Ward) No. 6 [c2021-254F]**
Page 60, clause 135, lines 20–31. Omit all words on those lines.
- No. 32 **Other (Ms M O’Neill) No. 6 [c2021-184C]**
Page 65, clause 149. Insert after line 29—
 (1A) The Board must include 2 members who are medical practitioners.
- No. 33 **Other (Williams) No. 1 [c2021-204E]**
Page 74, clause 183. Insert after line 24—
 (3) However, a written declaration under section 43 may be signed by electronic means only if—
 (a) the patient is not able to physically sign the declaration, and
 (b) the patient generally uses a digitised signature to sign documents, and
 (c) signing the declaration by electronic means takes the form of the patient signing the declaration by using a digitised signature.
- No. 34 **Other (Williams) No. 2 [c2021-204E]**
Page 75, clause 186, line 20. Insert “, **information and other resources**” after “**training**”.
- No. 35 **Other (Williams) No. 3 [c2021-204E]**
Page 75, clause 186, line 21. Insert “, information and other resources” after “training”.
- No. 36 **Other (Ms M O’Neill) No. 7 [c2021-184C]**
Page 75, clause 186(a), line 22. Omit “, registered nurses”.
- No. 37 **Other (Ms M O’Neill) No. 8 [c2021-184C]**
Page 75, clause 186(a), lines 25–26. Omit all words on those lines.
- No. 38 **Other (Stokes) No. 6 [c2021-195C]**
Page 75, clause 186(c), line 28. Insert “, including elder abuse and abuse of other vulnerable persons” after “duress”.
- No. 39 **Other (Williams) No. 4 [c2021-204E]**
Page 75, clause 186. Insert after line 29—
 (ca) matters that will help coordinating practitioners and consulting practitioners comply with the practitioners’ obligations under this Act to provide information to patients about palliative care options,
- No. 40 **Other (Mr Coure) No. 11 [c2021-205B]**
Page 75. Insert after line 30—
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186A Guidelines

- (1) The Health Secretary may issue guidelines to provide guidance about the request and assessment process.
- (2) Without limiting subsection (1), the Health Secretary must issue guidelines about—
 - (a) the referral by coordinating practitioners and consulting practitioners of patients to medical practitioners under sections 26 and 37, and
 - (b) the referral by coordinating practitioners and consulting practitioners of patients to psychiatrists, other registered health practitioners and other persons under sections 27 and 38, and
 - (c) the functions and conduct of contact persons.

No. 41 **Other (Stokes) No. 7 [c2021-195C]**

Page 75. Insert after proposed section 186A(2)(b) inserted by amendment no 11 on sheet c2021-205B—

- (ba) how coordinating practitioners and consulting practitioners may determine whether patients have experienced pressure or duress to request access to voluntary assisted dying, and

No. 42 **Other (Williams) No. 5 [c2021-204E]**

Page 75, clause 188(1)(b)(ii), line 40. Insert “, other than by receiving reasonable fees for the provision of services as the interpreter for the patient” after “patient”.

No. 43 **Other (Mr Ward) No. 7 [c2021-254F]**

Page 77. Insert after line 17—

1A.1A Crimes Act 1900 No 40

Sections 41B—41E

Insert after section 41A—

41B Unauthorised administration of prescribed substance

- (1) A person commits a crime if—
 - (a) the person (the *first person*) administers a prescribed substance to another person, and
 - (b) the first person is not authorised by the *Voluntary Assisted Dying Act 2021*, section 60(6) to administer the prescribed substance to the other person.

Maximum penalty—imprisonment for life.

- (2) In this section—

prescribed substance has the same meaning as in the *Voluntary Assisted Dying Act 2021*.

41C Inducing another person to request or access voluntary assisted dying

- (1) A person commits a crime if the person, by dishonesty or pressure or duress induces another person—
 - (a) to make a request for access to voluntary assisted dying, or
 - (b) to access voluntary assisted dying.

Maximum penalty—imprisonment for 7 years.

- (2) In this section—

pressure or duress has the same meaning as in the *Voluntary Assisted Dying Act 2021*.

request for access to voluntary assisted dying means any of the following under the *Voluntary Assisted Dying Act 2021*—

- (a) a first request,
- (b) a written declaration,
- (c) a final request,
- (d) an administration decision.

voluntary assisted dying has the same meaning as in the *Voluntary Assisted Dying Act 2021*.

41D Inducing self-administration of prescribed substance

- (1) A person commits a crime if the person, by dishonesty or pressure or duress, induces another person to self-administer a prescribed substance.

Maximum penalty—imprisonment for life.

- (2) In this section—

prescribed substance has the same meaning as in the *Voluntary Assisted Dying Act 2021*.

pressure or duress has the same meaning as in the *Voluntary Assisted Dying Act 2021*.

41E Advertising Schedule 4 or 8 poison as voluntary assisted dying substance

- (1) A person commits a crime if the person advertises a Schedule 4 poison or Schedule 8 poison as a voluntary assisted dying substance.

Maximum penalty—330 penalty units or imprisonment for 3 years, or both.

- (2) In this section—

Schedule 4 poison has the same meaning as in the *Voluntary Assisted Dying Act 2021*.

Schedule 8 poison has the same meaning as in the *Voluntary Assisted Dying Act 2021*.

voluntary assisted dying substance has the same meaning as in the *Voluntary Assisted Dying Act 2021*.

No. 44 **Other (Mr Ward) No. 8 [c2021-254F]**

Page 77, Schedule 1A.2[1], lines 20–22. Omit all words on those lines. Insert instead—

Insert “41C,” after “41A,” in Table 1, Part 1, clause 2.

No. 45 **Other (Mr Ward) No. 9 [c2021-254F]**

Page 77, Schedule 1A.2[2], lines 23–26. Omit all words on those lines. Insert instead—

[2] Schedule 1, Part 2A, clause 4F

Insert after clause 4E—

4F Voluntary assisted dying

An offence under the *Crimes Act 1900*, section 41E.

No. 46 **Other (Stokes) No. 8 [c2021-195C]**

Page 80, Schedule 1. Insert after line 14—

Example— elder abuse or abuse of other vulnerable persons