

VOLUNTARY ASSISTED DYING BILL 2017

(Amendments made by the Legislative Council)

1. Clause 3, page 6, after line 4, insert—

"mental illness has the same meaning as in the **Mental Health Act 2014**;"
2. Clause 3, page 7, after line 3 insert—

"psychiatrist means a person who is registered under the Health Practitioner Regulation National Law as a medical practitioner in the speciality of psychiatry (other than as a student);"
3. Clause 9, line 9, omit "be".
4. Clause 9, line 10, before "an" insert "be".
5. Clause 9, line 12, omit all words and expressions on this line and insert—

"(ii) be ordinarily resident in Victoria; and
(iii) at the time of making a first request, have been ordinarily resident in Victoria for at least 12 months; and".
6. Clause 9, line 22, omit "12 months" and insert "6 months".
7. Clause 9, page 16, after line 4 insert—

"() Despite subsection (1)(d)(iii), if the person is diagnosed with a disease, illness or medical condition that is neurodegenerative, that disease, illness or medical condition must be expected to cause death within weeks or months, not exceeding 12 months."
8. Clause 18, lines 19 to 22, omit "the co-ordinating medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training" and insert "for example, due to a past or current mental illness of the person, the co-ordinating medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training, such as a psychiatrist in the case of mental illness".
9. Clause 18, page 21, after line 7, insert—

"() If the co-ordinating medical practitioner is able to determine that the person has a disease, illness or medical condition that is neurodegenerative in accordance with section 9(4) that—
(a) will cause death; and
(b) is expected to cause death between 6 and 12 months—

the co-ordinating medical practitioner must refer the person to a specialist registered medical practitioner who has appropriate skills and training in that particular disease, illness or medical condition that is neurodegenerative, whether or not the co-ordinating medical practitioner had also made a referral under subsection (2).

- () The specialist registered medical practitioner referred to in subsection (4) must—
 - (a) determine whether the person has a disease, illness or medical condition that is neurodegenerative that—
 - (i) will cause death; and
 - (ii) is expected to cause death between 6 and 12 months; and
 - (b) provide a clinical report to the co-ordinating medical practitioner that sets out the specialist registered medical practitioner's determination.
- () If the co-ordinating medical practitioner refers the person to a specialist registered medical practitioner under subsection (4), the co-ordinating medical practitioner must adopt the determination of the specialist registered medical practitioner in respect of the matter in relation to which the person was referred."

10. Clause 19, line 31 omit "process." and insert "process;".

11. Clause 19, after line 31 insert—

- "() that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person's request to access voluntary assisted dying."

12. Clause 19, page 21, before line 32 insert—

- "() In addition to the matters of which the co-ordinating medical practitioner must inform the person under subsection (1), the co-ordinating medical practitioner must, if the person consents, take all reasonable steps to fully explain to a member of the family of the person—
 - (a) all relevant clinical guidelines; and
 - (b) a plan in respect of the self-administration of a voluntary assisted dying substance for the purpose of causing death."

13. Clause 27, lines 22 to 24, omit "the consulting medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training" and insert ", for example, due to a past or current mental illness of the person, the consulting medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training, such as a psychiatrist in the case of mental illness".
14. Clause 28, line 34 omit "process." and insert "process;".
15. Clause 28, after line 34 insert—

"() that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person's request to access voluntary assisted dying."
16. Clause 39, line 30 omit "one month" and insert "15 days".
17. Clause 45, line 19 omit "one month" and insert "15 days".
18. Heading to clause 67, after "**Registrar**" insert "**and Coroner**".
19. Clause 67, after line 34 insert—

"() A registered medical practitioner who was responsible for a person's medical care immediately before death, or who examines the body of a deceased person after death and reasonably believes or knows the person was the subject of a voluntary assisted dying permit must notify the Coroner of—

 - (a) the registered medical practitioner's reasonable belief or knowledge that the person—
 - (i) was the subject of a voluntary assisted dying permit and the voluntary assisted dying substance specified in the permit was not self-administered by the person or administered to the person; or
 - (ii) was the subject of a self-administration permit and accessed voluntary assisted dying by self-administering the voluntary assisted dying substance specified in the permit; or
 - (iii) was the subject of a practitioner administration permit and accessed voluntary assisted dying by being administered the voluntary assisted dying substance specified in the permit; and
 - (b) the disease, illness or medical condition that was the grounds for the person to access voluntary assisted dying."
20. Clause 68, after line 9 insert—

"() was or was not ordinarily resident in Victoria for at least 12 months at the time of making a first request; or".

21. Clause 68, after line 17 insert—

"() was or was not ordinarily resident in Victoria for at least 12 months at the time of making a first request; or".

22. Clause 72, after line 34 insert—

"() a person was ordinarily resident in Victoria for at least 12 months at the time of making a first request; or

() a person was not ordinarily resident in Victoria for at least 12 months at the time of making a first request; or".

23. Clause 89, line 26 omit "one month" and insert "15 days".

24. Insert the following New Clause to follow clause 105—

"AA Board to provide information to the contact person after the notification of the person's death

The Board must within 7 days of being notified by the Registrar of the registration of a person's death in accordance with section 40A of the **Births, Deaths and Marriages Registration Act 1996** provide information to the contact person for the person that—

- (a) sets out the requirement under section 45(c) to return any unused or remaining voluntary assisted dying substance to a pharmacist at the dispensing pharmacy; and
- (b) outlines the support services available to assist the contact person with the performance of the requirement referred to in paragraph (a)."

25. Insert the following New Clause to follow clause 115—

"A Board to record, retain and make public statistical information

- (1) The Board must record and retain statistical information about—
 - (a) persons who have been issued with a voluntary assisted dying permit; and
 - (b) persons who have died after being administered or self-administering a voluntary assisted dying substance in accordance with this Act.
- (2) The following statistical information must be recorded and retained in respect of the persons referred to in subsection (1)—

- (a) the disease, illness or medical condition of the person that met the requirements of the eligibility criteria; and
 - (b) if the person has died after being administered or self-administering a voluntary assisted dying substance in accordance with this Act—the age of the person at the date of the person's death.
- (3) The Board must make the statistical information recorded and retained publicly available in a de-identified form on an Internet site maintained by the Board."

26. Clause 117, line 12 omit "records the cause of" and insert "records—".

27. Clause 117, lines 13 to 15, omit all words and expressions on these lines and insert—

- "(a) the cause of death as the disease, illness or medical condition that was the grounds for a person to access voluntary assisted dying; and
- (b) in the case that the Registrar is notified in accordance with section 67(1)(a)(ii) or (iii), that—
 - (i) the person was the subject of a voluntary assisted dying permit, and accessed voluntary assisted dying by self-administering, or being administered by the person's co-ordinating medical practitioner the voluntary assisted dying substance specified in the permit; and
 - (ii) voluntary assisted dying was the manner of death."

28. Clause 119, after line 11 insert—

"Note

1. Section 14 includes a power for a coroner to investigate whether or not a death is a reportable death. If the death of a person is or may be due to the self-administration or administration of a voluntary assisted dying substance within the meaning of the **Voluntary Assisted Dying Act 2017** other than in accordance with that Act, the coroner could investigate the death under section 14.
2. Section 52(1) provides for a coroner to hold an inquest into any death that the coroner is investigating."

29. Schedule 1, Form 1, page 97, line 24, after "Victoria" insert "and was ordinarily resident in Victoria for at least 12 months at the time of making a first request".

30. Schedule 1, Form 1, page 97, line 32 omit "12 months" and insert "6 months or, in the case of a disease, illness or medical condition that is neurodegenerative, not exceeding 12 months".

31. Schedule 1, Form 1, page 98, after line 17 insert—

"Was a referral required for a specialist opinion in relation to whether the person's disease, illness or medical condition was a disease, illness or medical condition that is neurodegenerative that would cause death and was expected to cause death between 6 and 12 months?

☐ Yes

☐ No

If a referral was required, provide details of the referral and attach a clinical report from that specialist."

32. Schedule 1, Form 1, page 98, line 32 omit "process." and insert "process;"

33. Schedule 1, Form 1, page 98, after line 32 insert—

"(g) that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person's request to access voluntary assisted dying.

To the best of my knowledge the person informed the relevant registered medical practitioner of the person's request to access voluntary assisted dying—

☐ Yes

☐ No

If No, why not?

[Specify reasons]"

34. Schedule 1, Form 1, page 98, after line 32 insert—

"I have, with the consent of the person, taken all reasonable steps to fully explain to a member of the family of the person, all relevant clinical guidelines; and a plan in respect of the self-administration of a voluntary assisted dying substance for the purpose of causing death."

35. Schedule 1, Form 2, page 102, line 18, after "Victoria" insert "and was ordinarily resident in Victoria for at least 12 months at the time of making a first request".

36. Schedule 1, Form 2, page 102, line 26 omit "12 months" and insert "6 months or, in the case of a disease, illness or medical condition that is neurodegenerative, not exceeding 12 months".

37. Schedule 1, Form 2, page 103, line 27 omit "process." and insert "process;".

38. Schedule 1, Form 2, page 103, after line 27 insert—

"(g) that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person's request to access voluntary assisted dying.

To the best of my knowledge the person informed the relevant registered medical practitioner of the person's request to access voluntary assisted dying—

☐ Yes

☐ No

If No, why not?

[*Specify reasons*]".

39. Schedule 1, Form 4, page 111, line 25 omit "one month" and insert "15 days".

Certified -

Clerk of the Legislative Council