

## LEGISLATIVE COUNCIL

## VOLUNTARY ASSISTED DYING AMENDMENT BILL 2025

(Amendments to be proposed in Committee by KATHERINE COPSEY)

1. Clause 8, lines 26 to 28, omit all words and expressions on these lines and insert—

'(2) For section 9(1)(d) of the Principal Act **substitute**—

"(d) the person must be diagnosed with a disease, illness or medical condition that—

- (i) is incurable; and
- (ii) is advanced, progressive and will cause death; and
- (iii) is causing suffering to the person that cannot be relieved in a manner that the person considers tolerable; and

(e) the person must be diagnosed with a disease, illness or medical condition that is expected to cause death within 12 months.

**Note**

A person requesting access to voluntary assisted dying may apply for an exemption from compliance with the eligibility criteria set out in this paragraph—see section 9B.".

2. Clause 9, line 1, omit "**section 9A**" and insert "**sections 9A and 9B**".
3. Clause 9, line 4, omit "**criteria**" and insert "**criteria—residency in Victoria**".
4. Clause 9, page 12, line 8, omit 'Victoria.'" and insert "Victoria.".
5. Clause 9, page 12, after line 8 insert—

**'9B Exemption from compliance with eligibility criteria—prognosis of death within 12 months**

- (1) A person requesting access to voluntary assisted dying (the *applicant*) may apply to the Secretary for an exemption from compliance with the eligibility criteria set out in section 9(1)(e).
- (2) The Secretary, by written notice given to the applicant, must exempt the applicant from compliance with the eligibility criteria set out in section 9(1)(e) if the Secretary is satisfied that—
  - (a) the applicant is unable to satisfy the eligibility criteria set out in section 9(1)(e); and
  - (b) there are compassionate grounds that warrant the exemption.
- (3) Before determining whether to exempt the applicant from compliance with the eligibility criteria set out in section 9(1)(e), the Secretary must—
  - (a) request the applicant's medical records relating to the disease, illness or medical condition described in section 9(1)(d) from a registered medical practitioner who—

- (i) diagnosed the applicant with that disease, illness or medical condition; or
  - (ii) treats the applicant for that disease, illness or medical condition; and
- (b) request a registered medical practitioner with relevant expertise or experience in the applicant's disease, illness or medical condition to advise the Secretary about that disease, illness or medical condition, having regard to the applicant's medical records.
- (4) A registered medical practitioner who receives a request under subsection (3)(a) must disclose to the Secretary any of the applicant's medical records that relate to the disease, illness or medical condition described in section 9(1)(d).".!.
- 6. Clause 10, after line 23 insert—
  - '(3) In section 10(3) of the Principal Act, for "expertise and experience" **substitute** "expertise or experience".!.
- 7. Clause 13, page 14, line 1, omit "9A—see sections 9A" and insert "9A or 9B—see sections 9A, 9B".
- 8. Clause 16, lines 22 and 23, omit "(bb)—see section 9A" and insert "(bb) or section 9(1)(e)—see sections 9A and 9B".
- 9. Clause 17, lines 33 and 34, omit "(bb)—see section 9A" and insert "(bb) or section 9(1)(e)—see sections 9A and 9B".
- 10. Clause 19, page 16, after line 7 insert—
  - '(3B) In section 23(4) of the Principal Act, for "expertise and experience" **substitute** "expertise or experience".
  - (3C) In section 23(6) of the Principal Act, for "expertise and experience" **substitute** "expertise or experience".!.
- 11. Clause 19, page 16, before line 8 insert—
  - '(4) In section 23(4) of the Principal Act, for "the registered medical practitioner" **substitute** "a registered medical practitioner or nurse practitioner to whom a referral for a consulting assessment is made".
  - (5) In section 23(6) of the Principal Act, for "co-ordinating medical" **substitute** "co-ordinating".!.
- 12. Clause 20, line 12, omit "9A—see sections 9A" and insert "9A or 9B—see sections 9A, 9B".
- 13. Clause 23, lines 33 and 34, omit "(bb)—see section 9A" and insert "(bb) or section 9(1)(e)—see sections 9A and 9B".
- 14. Clause 24, lines 10 and 11, omit "(bb)—see section 9A" and insert "(bb) or section 9(1)(e)—see sections 9A and 9B".