

LEGISLATIVE COUNCIL

VOLUNTARY ASSISTED DYING AMENDMENT BILL 2025

(Amendments and New Clauses to be proposed in Committee by SARAH MANSFIELD)

1. Clause 4, line 8, omit "medical".
2. Clause 4, line 13, omit "medical".
3. Clause 4, page 5, after line 6 insert—
 '(ca) in the definition of *consulting assessment* omit "medical";'
4. Clause 4, page 5, after line 11 insert—
 '(da) for the definition of *consulting medical practitioner* substitute—
 "*consulting practitioner* for a person means—
 (a) a registered medical practitioner who accepts a referral to conduct a consulting assessment of the person; or
 (b) a nurse practitioner who accepts a referral to conduct a consulting assessment of the person;";'
5. Clause 4, page 5, after line 20 insert—
 '(fa) for the definition of *co-ordinating medical practitioner* substitute—
 "*co-ordinating practitioner* for a person means—
 (a) a registered medical practitioner who accepts the person's first request; or
 (b) a nurse practitioner who accepts the person's first request; or
 (c) a consulting practitioner for the person who accepts a transfer of the role of co-ordinating practitioner under section 33;";'
6. Clause 4, page 5, after line 23 insert—
 '(ga) in the definition of *final request* omit "medical";
 (gb) in the definition of *final review* omit "medical";'
7. Clause 4, page 5, after line 28 insert—
 '(ha) in the definition of *first assessment* omit "medical";'
8. Clause 4, page 5, after line 33 insert—
 '(ia) in the definition of *first request*, after "practitioner" insert "or a nurse practitioner";'
9. Clause 4, page 6, line 17, omit "medical".
10. Clause 5, after line 2 insert—

- '(1AA) In section 6(b)(i) and (ii), (d) and (f) of the Principal Act **omit** "medical".'
11. Clause 8, lines 26 to 28, omit all words and expressions on these lines and insert—

"(2) Section 9(1)(d)(iii) of the Principal Act is **repealed**".

NEW CLAUSE

12. Insert the following New Clause to follow clause 9—

'9A Heading to Division 1 of Part 3 amended

In the heading to Division 1 of Part 3 of the Principal Act **omit** "medical" (where twice occurring).'

13. Clause 10, after line 10 insert—

'(1AA) In the heading to section 10 of the **Principal Act omit** "medical" (where twice occurring).'

14. Clause 10, line 13, omit "medical practitioner" and insert "practitioner who is a registered medical practitioner".

15. Clause 10, line 14, omit "medical practitioner" and insert "practitioner who is a registered medical practitioner".

16. Clause 10, lines 18 to 23, omit all words and expressions on these lines and insert—

'(2) For section 10(2) of the Principal Act **substitute**—

"(2) If both the co-ordinating practitioner and each consulting practitioner are registered medical practitioners, either the co-ordinating practitioner or each consulting practitioner must have practised as a registered medical practitioner for at least one year after being granted specialist registration or vocational registration (as the case requires).

(2A) If either the co-ordinating practitioner or a consulting practitioner is a nurse practitioner—

(a) the co-ordinating practitioner or consulting practitioner who is a nurse practitioner must have practised as a nurse practitioner for at least one year after being endorsed under the Health Practitioner Regulation National Law to practise as a nurse practitioner; and

(b) the co-ordinating practitioner or consulting practitioner who is a registered medical practitioner must have practised as a registered medical practitioner for at least one year after being granted specialist registration or vocational registration (as the case requires)".'

17. Clause 10, after line 23 insert—

"(3) Section 10(3) of the Principal Act is **repealed**".

NEW CLAUSE

18. Insert the following New Clause to follow clause 10—

'10A New Division 1A of Part 3 inserted

After Division 1 of Part 3 of the Principal Act **insert—**

"Division 1A—Requests to health service providers for information about or access to voluntary assisted dying

10A Requirement for health service provider—request for information about or access to voluntary assisted dying

- (1) This section applies if a person receiving a health service at a health service facility makes a request to the health service provider who operates that facility for information about or access to voluntary assisted dying.
- (2) Within 2 days after receiving the request, the health service provider must—
 - (a) record the request in the person's medical record; and
 - (b) give the person the information approved by the Secretary.

10B Requirement for health service provider—access to practitioners etc. for purposes of voluntary assisted dying

- (1) This section applies if a person receiving a health service at a health service facility (the *service user*) requests to meet or have discussions with any of the following persons (a *voluntary assisted dying support person*) for the purposes of the service user requesting access to or accessing voluntary assisted dying—
 - (a) a registered medical practitioner;
 - (b) a nurse practitioner;
 - (c) a pharmacist;
 - (d) the service user's contact person;
 - (e) a person who is to witness the signing of a written declaration, the appointment of a contact person or the making of a practitioner administration request;
 - (f) a person who the service user nominates as a voluntary assisted dying support person.
- (2) The health service provider must ensure that the voluntary assisted dying support person is given reasonable access to meet or have discussions with the service user in accordance with the service user's request.

10C Requirement for health service provider—withdrawal of or refusal to provide health service

A health service provider must not withdraw a health service from a person or refuse to provide a health service to a person on the basis that—

- (a) the health service provider knows that the person has made a request referred to in section 10A(1) or 10B(1); or
- (b) the health service provider believes that the person is likely to make a request referred to in section 10A(1) or 10B(1).".!.

NEW CLAUSE

19. Insert the following New Clause before clause 11—

'10B Section 11 amended

- (1) In the heading to section 11 of the Principal Act, after "**practitioner**" **insert "or nurse practitioner"**.
- (2) In section 11(1) of the Principal Act, after "practitioner" **insert "or a nurse practitioner"**.!

20. Clause 11, after line 25 insert—

'(1AA) In the heading to section 13 of the Principal Act, after "**practitioner**" **insert "or nurse practitioner"**.

(1AAB) In section 13(1) of the Principal Act, after "registered medical practitioner" **insert "or nurse practitioner"**.

(1AAC) In section 13(1)(b)(ii) of the Principal Act **omit "medical"**.!

21. Clause 11, line 31, omit "The" and insert "If a first request is made to a registered medical practitioner, the".
22. Clause 11, page 13, lines 4 and 5, omit "must refuse the person's first" and insert "or nurse practitioner to whom a person makes a first request must refuse that".
23. Clause 11, page 13, line 15, after "practitioner" insert "or nurse practitioner".
24. Clause 12, line 19, after "**practitioner**" insert "**or nurse practitioner**".
25. Clause 12, lines 20 and 21, omit "the registered medical practitioner refuses the" and insert "a registered medical practitioner or a nurse practitioner refuses a".
26. Clause 12, line 24, after "practitioner" insert "or nurse practitioner".

NEW CLAUSES

27. Insert the following New Clauses to follow clause 12—

'12A Section 14 amended

- (1) In the heading to section 14 of the Principal Act, after "**practitioner**" **insert "or nurse practitioner"**.
- (2) In section 14 of the Principal Act, for "the registered medical practitioner" **substitute "a registered medical practitioner or a nurse practitioner"**.

12B Section 15 amended

- (1) For the heading to section 15 of the Principal Act **substitute—**

"Registered medical practitioner or nurse practitioner who accepts first request becomes co-ordinating practitioner".

- (2) In section 15 of the Principal Act—
 - (a) after "registered medical practitioner" **insert** "or nurse practitioner";
 - (b) for "co-ordinating medical" **substitute** "co-ordinating".
- 28. Clause 13, after line 29 insert—
 - '(1) In section 16 of the Principal Act **omit** "medical" (where twice occurring).'
- 29. Clause 13, line 30, before "In" insert "(2)".
- 30. Clause 14, lines 4 to 7, omit all words and expressions on these lines and insert—
 - '(1) In the heading to section 17 of the Principal Act—
 - (a) **omit** "medical";
 - (b) **omit** "assessment" (where secondly occurring).
 - (2) In section 17 of the Principal Act—
 - (a) **omit** "medical";
 - (b) **omit** "assessment" (where secondly occurring).'
- 31. Clause 15, after line 8 insert—
 - '(1) In section 18(1), (2) and (3) of the Principal Act, for "co-ordinating medical" (where twice occurring) **substitute** "co-ordinating".'
- 32. Clause 15, line 9, before "Section" insert "(2)".
- 33. Clause 16, after line 13 insert—
 - '(1AA) In the heading to section 19 of the Principal Act **omit** "medical".'
- 34. Clause 16, lines 14 to 16, omit all words and expressions on these lines and insert—
 - '(1) In section 19(1) of the Principal Act—
 - (a) for "all the eligibility criteria" **substitute** "the eligibility criteria that apply to the person";
 - (b) for "co-ordinating medical" (wherever occurring) **substitute** "co-ordinating".'
- 35. Clause 16, after line 23 insert—
 - '(3) In section 19(2) of the Principal Act **omit** "medical" (where twice occurring).
 - (4) In section 19(3) of the Principal Act, after "practitioner" **insert** "or a nurse practitioner".'
- 36. Clause 17, after line 24 insert—

- '(1AA) In section 20(1) of the Principal Act **omit** "medical" (where twice occurring).'.
 37. Clause 17, after line 34 insert—
 '(3) In section 20(2) of the Principal Act **omit** "medical".'
 38. Clause 18, after line 2 insert—
 '(1) In section 21(1) and (2) of the Principal Act **omit** "medical".'
 39. Clause 18, line 3, before "In" insert "(2)".

NEW CLAUSE

40. Insert the following New Clause to follow clause 18—

'18A Section 22 substituted

For section 22 of the Principal Act **substitute**—

"22 Referral for consulting assessment if person assessed as eligible

If the co-ordinating practitioner for a person assesses the person as eligible for access to voluntary assisted dying, the co-ordinating practitioner must—

- (a) in the case of a co-ordinating practitioner who is a registered medical practitioner—refer the person to another registered medical practitioner or a nurse practitioner for a consulting assessment; or
- (b) in the case of a co-ordinating practitioner who is a nurse practitioner—refer the person to a registered medical practitioner for a consulting assessment."'.
 41. Clause 19, after line 7 insert—
 '(1AA) In the heading to section 23 of the Principal Act, after "**practitioner**" **insert "or nurse practitioner"**.
 (1AAB) In section 23(1) of the Principal Act—
 (a) for "practitioner receives" **substitute** "practitioner or a nurse practitioner (the *receiving practitioner*) receives";
 (b) for "co-ordinating medical" (where twice occurring) **substitute** "co-ordinating";
 (c) for "33(3)(a)" **substitute** "33(3)(a)(i) or (b)(i)";
 (d) for "registered medical practitioner must" **substitute** "receiving practitioner must";
 (e) for "that the practitioner" (where twice occurring) **substitute** "that the receiving practitioner";
 (f) in paragraph (b), for "because the practitioner" **substitute** "because the receiving practitioner";

(g) in paragraph (b)(ii), for "consulting medical" **substitute**
"consulting".

42. Clause 19, line 12, omit "The" and insert "If a referral for a consulting assessment is made to a registered medical practitioner, the".
43. Clause 19, lines 17 to 19, omit "The registered medical practitioner must refuse the referral for a consulting assessment of the person" and insert "A registered medical practitioner or a nurse practitioner to whom a referral for a consulting assessment of a person is made must refuse that referral".
44. Clause 19, line 28, after "practitioner" insert "or nurse practitioner".
45. Clause 19, page 16, lines 1 to 7, omit all words and expressions on these lines and insert—

'(3) For section 23(3) of the Principal Act **substitute**—

"(3) Subject to subsection (5), a registered medical practitioner to whom a referral for a consulting assessment is made must refuse the referral if the practitioner has not practised as a registered medical practitioner for at least one year after being granted specialist registration or vocational registration (as the case requires).

(3A) A nurse practitioner to whom a referral for a consulting assessment is made must refuse the referral if the practitioner has not practised as a nurse practitioner for at least one year after being endorsed under the Health Practitioner Regulation National Law to practise as a nurse practitioner."

(3A) For section 23(5) of the Principal Act **substitute**—

"(5) Subsection (3) does not apply if the co-ordinating practitioner—

(a) is a registered medical practitioner; and

(b) has practised as a registered medical practitioner for at least one year after being granted specialist registration or vocational registration (as the case requires)."

46. Clause 19, page 16, after line 7 insert—

"(4) Section 23(4) and (6) of the Principal Act are **repealed**".

NEW CLAUSE

47. Insert the following New Clause to follow clause 19—

'19A Section 24 amended

(1) For the heading to section 24 of the Principal Act **substitute**—

"Registered medical practitioner or nurse practitioner who accepts referral becomes consulting practitioner".

(2) In section 24 of the Principal Act—

(a) after "registered medical practitioner" **insert** "or nurse practitioner";

- (b) for "consulting medical" **substitute** "consulting".'
48. Clause 20, after line 8 insert—
- '(1) In section 25 of the Principal Act **omit** "medical".'
49. Clause 20, line 9, before "In" insert "(2)".
50. Clause 21, lines 15 to 18, omit all words and expressions on these lines and insert—
- '(1) In the heading to section 26 of the Principal Act—
- (a) **omit** "medical";
- (b) **omit** "assessment" (where secondly occurring).
- (2) In section 26 of the Principal Act—
- (a) **omit** "medical";
- (b) **omit** "assessment" (where secondly occurring).'
51. Clause 22, lines 20 and 21, omit all words and expressions on these lines and insert—
- '(1) In section 27(1) of the Principal Act—
- (a) **omit** "medical" (where twice occurring); and
- (b) for "criteria,," **substitute** "criteria,".
- (2) In section 27(2) and (3) of the Principal Act, for "consulting medical" (where twice occurring) **substitute** "consulting".'
52. Clause 23, after line 24 insert—
- '(1AA) In the heading to section 28 of the Principal Act **omit** "medical".'
53. Clause 23, lines 25 to 27, omit all words and expressions on these lines and insert—
- '(1) In section 28(1) of the Principal Act—
- (a) for "consulting medical" (where twice occurring) **substitute** "consulting";
- (b) for "all the eligibility criteria" **substitute** "the eligibility criteria that apply to the person";
- (c) in paragraph (g), for "co-ordinating medical" **substitute** "co-ordinating".'
54. Clause 23, after line 34 insert—
- '(3) In section 28(2) of the Principal Act, after "practitioner" **insert** "or a nurse practitioner".'
55. Clause 24, after line 1 insert—
- '(1AA) In section 29(1) of the Principal Act **omit** "medical" (where twice occurring).'
56. Clause 24, after line 11 insert—

'(3) In section 29(2) of the Principal Act **omit** "medical" (where twice occurring).'

57. Clause 25, after line 13 insert—

'(1) In section 30 of the Principal Act **omit** "medical" (wherever occurring).'

58. Clause 25, line 14, before "In" insert "(2)".

NEW CLAUSES

59. Insert the following New Clauses to follow clause 25—

'25A Section 31 substituted

For section 31 of the Principal Act **substitute**—

"31 Co-ordinating practitioner may refer person assessed as ineligible for further consulting assessment

If a consulting practitioner for a person requesting access to voluntary assisted dying assesses the person as ineligible for access to voluntary assisted dying, the co-ordinating practitioner for the person may—

- (a) in the case of a co-ordinating practitioner who is a registered medical practitioner—refer the person to another registered medical practitioner or a nurse practitioner for a further consulting assessment; or
- (b) in the case of a co-ordinating practitioner who is a nurse practitioner—refer the person to a registered medical practitioner for a further consulting assessment."

25B Section 32 amended

- (1) In the heading to section 32 of the Principal Act **omit** "**medical**" (where twice occurring).
- (2) In section 32 of the Principal Act **omit** "medical" (wherever occurring).

25C Section 33 amended

- (1) In the heading to section 33 of the Principal Act **omit** "**medical**".
- (2) In section 33(1) and (2) of the Principal Act **omit** "medical" (wherever occurring).
- (3) For section 33(3) of the Principal Act **substitute**—

"(3) If the consulting practitioner for a person refuses the transfer of the role of co-ordinating practitioner, the co-ordinating practitioner for the person may—

 - (a) if the co-ordinating practitioner is a registered medical practitioner—
 - (i) refer the person to another registered medical practitioner or a nurse practitioner to conduct a further consulting assessment; and

(ii) transfer the role of co-ordinating practitioner to the other registered medical practitioner or the nurse practitioner if the registered medical practitioner or nurse practitioner—

(A) accepts the referral to conduct a further consulting assessment; and

(B) assesses the person as eligible for access to voluntary assisted dying; and

(C) accepts the transfer of the role; or

(b) if the co-ordinating practitioner is a nurse practitioner—

(i) refer the person to a registered medical practitioner to conduct a further consulting assessment; and

(ii) transfer the role of co-ordinating practitioner to the registered medical practitioner if the registered medical practitioner—

(A) accepts the referral to conduct a further consulting assessment; and

(B) assesses the person as eligible for access to voluntary assisted dying; and

(C) accepts the transfer of the role."

(4) In section 33(4) of the Principal Act, for "the registered medical practitioner accepts a referral to conduct a further consulting assessment" **substitute** "a registered medical practitioner or nurse practitioner accepts a referral to conduct a further consulting assessment under subsection (3)(a) or (b)".

60. Clause 26, after line 18 insert—

'(1AA) In section 34(1)(a) and (b) and (2)(b) of the Principal Act **omit** "medical".

NEW CLAUSE

61. Insert the following New Clause to follow clause 26—

'26A Certification of witness to signing of written declaration

In section 36(3) of the Principal Act **omit** "medical".

62. Clause 27, lines 28 and 29, omit all words and expressions on these lines and insert—

'In the heading to Division 6 of Part 3 of the Principal Act—

(a) **omit** ", contact person";

(b) **omit** "medical".

NEW CLAUSE

63. Insert the following New Clause to follow clause 27—

'27A Person may make final request

In section 37(2) of the Principal Act **omit** "medical".'

64. Clause 28, after line 12 insert—

'(3) In section 38(2) of the Principal Act **omit** "medical" (where twice occurring).'

65. Clause 30, after line 17 insert—

'(1AA) In the heading to section 41 of the Principal Act **omit** "medical".

(1AAB) In section 41(1) of the Principal Act **omit** "medical".'

66. Clause 30, after line 25 insert—

'(4) In section 41(2) of the Principal Act **omit** "medical".'

67. Clause 31, after line 28 insert—

'(1) In the heading to section 43 of the Principal Act **omit** "medical".'

68. Clause 31, lines 29 and 30, omit all words and expressions on these lines and insert—

'(2) In section 43 of the Principal Act—

(a) **omit** "medical" (where twice occurring);

(b) **omit** "under section 47 or 48".'

69. Clause 32, line 7, omit "medical".

70. Clause 32, page 20, line 4, omit "medical".

71. Clause 32, page 20, line 7, omit "medical".

72. Clause 32, page 20, line 29, omit "medical".

73. Clause 32, page 21, line 3, omit "medical".

74. Clause 32, page 22, line 28, omit "medical".

75. Clause 32, page 22, line 32, omit "medical".

76. Clause 32, page 22, line 34, omit "medical".

77. Clause 36, line 32, omit "medical".

78. Clause 36, page 24, line 1, omit "medical".

79. Clause 36, page 24, line 22, omit "medical".

80. Clause 38, line 13, omit "medical".

NEW CLAUSE

81. Insert the following New Clause to follow clause 38—

'38A Secretary may amend voluntary assisted dying permit

In section 51(2)(a) and (3) of the Principal Act **omit** "medical".'

82. Clause 39, page 26, line 2, omit "medical".
83. Clause 39, page 29, line 2, omit "medical".
84. Clause 43, line 26, omit "medical".
85. Clause 43, line 30, omit "medical".
86. Clause 43, page 33, line 12, omit "**medical**".
87. Clause 43, page 33, line 19, omit "medical".
88. Clause 43, page 33, line 27, omit "medical".
89. Clause 43, page 34, line 3, omit "**medical**".
90. Clause 43, page 34, line 7, omit "medical".
91. Clause 43, page 34, line 10, omit "medical".
92. Clause 43, page 34, line 15, omit "medical".
93. Clause 43, page 34, line 21, omit "medical".
94. Clause 43, page 34, line 27, omit "medical".
95. Clause 43, page 35, line 15, omit "medical".
96. Clause 49, line 5, omit "**medical**".
97. Clause 49, line 16, omit "medical".
98. Clause 49, line 21, omit "medical".
99. Clause 52, line 13, omit "medical".
100. Clause 55, after line 20 insert—
'(1AA) In section 68(1)(a), (b) and (c) of the Principal Act **omit** "medical".'
101. Clause 56, after line 27 insert—
'(1) In section 69(a) of the Principal Act **omit** "medical".'
102. Clause 56, line 28, before "After" insert "(2)".
103. Clause 57, after line 3 insert—
'(1AA) In section 70(b) of the Principal Act **omit** "medical".'
104. Clause 58, lines 2 to 7, omit all words and expressions on these lines and insert—
'(1) For the heading to section 73 of the Principal Act **substitute**—

"Co-ordinating practitioner, consulting practitioner or administering practitioner may refuse to continue process".

- (2) In section 73(1) of the Principal Act—
 - (a) **omit** "medical" (wherever occurring);
 - (b) for "or if" **substitute** "if".
- (2A) In section 73(2) of the Principal Act **omit** "medical" (where twice occurring).'.
- 105. Clause 58, after line 21 insert—
 - '(3A) In section 73(3) of the Principal Act **omit** "medical" (wherever occurring).
 - (3B) For section 73(4) of the Principal Act **substitute**—
 - "(4) If a consulting practitioner for a person refuses under subsection (2) to resume a consulting assessment, the co-ordinating practitioner for the person may—
 - (a) in the case of a co-ordinating practitioner who is a registered medical practitioner—refer the person to another registered medical practitioner or a nurse practitioner for a further consulting assessment; or
 - (b) in the case of a co-ordinating practitioner who is a nurse practitioner—refer the person to a registered medical practitioner for a further consulting assessment.".'.
- 106. Clause 73, line 32, omit "medical".
- 107. Clause 73, line 33, omit "medical".
- 108. Clause 75, page 59, line 3, omit "medical".
- 109. Clause 76, line 16, after "cause a" insert "legislative".
- 110. Clause 76, line 17, omit "5 years" and insert "3 years".
- 111. Clause 78, page 63, after line 5 insert—

"co-ordinating medical practitioner for a person means the person's co-ordinating medical practitioner within the meaning of this Act as in force immediately before the commencement day;".