

LEGISLATIVE ASSEMBLY

VOLUNTARY ASSISTED DYING BILL 2017

(Amendments and New Clause to be moved by Ms Kairouz, Member for Kororoit)

1. Clause 3, line 21, omit "113" and insert "114".
2. Clause 3, line 28, omit "92" and insert "93".
3. Clause 3, page 6, after line 4, insert—
"*mental illness* has the same meaning as in the **Mental Health Act 2014**;"
4. Clause 9, line 9, omit "be".
5. Clause 9, line 10, before "an" insert "be".
6. Clause 9, line 12, omit all words and expressions on this line and insert—
"(ii) have been ordinarily resident in Victoria for not less than 6 months; and".
7. Clause 9, line 26, omit "tolerable." and insert "tolerable; and".
8. Clause 9, after line 26 insert—
"() the person must not be suffering from a mental illness that—
(i) may affect the decisions the person makes in relation to voluntary assisted dying; and
(ii) is likely to respond to treatment or further treatment."
9. Clause 9, lines 29 and 30, omit all words and expressions on these lines and insert "diagnosed with a mental illness."
10. Clause 18, after line 30 insert—
"() If the co-ordinating medical practitioner is unable to determine—
(a) whether the person is suffering from a mental illness; or
(b) whether the person's mental illness may affect the decisions the person makes in relation to voluntary assisted dying; or
(c) the likelihood that the person's mental illness will respond to treatment or further treatment—
the co-ordinating medical practitioner must refer the person to a specialist registered medical practitioner who has appropriate skills and training in relation to diagnosis and treatment of the mental illness the person may have."
11. Clause 18, page 21, line 2, after "(2)" insert "or (3)".
12. Clause 27, after line 32 insert—

"() If the consulting medical practitioner is unable to determine—

- (a) whether the person is suffering from a mental illness; or
- (b) whether the person's mental illness may affect the decisions the person makes in relation to voluntary assisted dying; or
- (c) the likelihood that the person's mental illness will respond to treatment or further treatment—

the consulting medical practitioner must refer the person to a specialist registered medical practitioner who has appropriate skills and training in relation to diagnosis and treatment of the mental illness the person may have."

- 13. Clause 27, page 26, line 6, after "(2)" insert "or (3)".
- 14. Clause 34, page 31, line 12, omit "114" and insert "115".
- 15. Clause 40, page 36, line 6, omit "114" and insert "115".
- 16. Clause 68, lines 8 and 9, omit "is or is not ordinarily resident in Victoria" and insert "has or has not been ordinarily resident in Victoria for not less than 6 months".
- 17. Clause 68, lines 16 and 17, omit "is or is not ordinarily resident in Victoria" and insert "has or has not been ordinarily resident in Victoria for not less than 6 months".
- 18. Clause 72, line 32, omit "is ordinarily resident in Victoria" and insert "has been ordinarily resident in Victoria for not less than 6 months".
- 19. Clause 72, lines 33 and 34, omit "is not ordinarily resident in Victoria" and insert "has not been ordinarily resident in Victoria for not less than 6 months".
- 20. Clause 91, line 31, omit "90" and insert "91".
- 21. Clause 94, line 8, omit "95" and insert "96".
- 22. Clause 96, page 75, line 14, omit "95" and insert "96".
- 23. Clause 107, line 11, omit "106" and insert "107".
- 24. Clause 110, line 22, omit "106" and insert "107".
- 25. Clause 110, line 22, omit "109" and insert "110".
- 26. Clause 110, line 24, omit "106" and insert "107".
- 27. Clause 110, line 24, omit "109" and insert "110".
- 28. Clause 111, line 3, omit "109" and insert "110".
- 29. Clause 111, line 4, omit "109" and insert "110".
- 30. Clause 111, line 5, omit "110" and insert "111".
- 31. Clause 111, line 5, omit "106" and insert "107".

- 32. Clause 111, line 5, omit "109" and insert "110".
- 33. Clause 111, line 6, omit "106" and insert "107".
- 34. Clause 111, line 8, omit "109" and insert "110".

NEW CLAUSE

- 35. Insert the following New Clause to follow clause 89—

"A Offence to take dispensed voluntary assisted dying substance out of Victoria

A person must not take out of Victoria a drug, poison or controlled substance that the person knows is a voluntary assisted dying substance.

Penalty: Level 8 imprisonment (12 months maximum) or 120 penalty units or both."

AMENDMENTS TO SCHEDULE

- 36. Form 1 in Schedule 1, page 97, lines 23 and 24, omit "is ordinarily resident in Victoria" and insert "has been ordinarily resident in Victoria for not less than 6 months".
 - 37. Form 1 in Schedule 1, page 98, line 3, omit "tolerable." and insert "tolerable; and".
 - 38. Form 1 in Schedule 1, page 98, after line 3 insert—
 - "(e) is not suffering from mental illness that—
 - (i) may affect the decisions the person makes in relation to voluntary assisted dying; and
 - (ii) is likely to respond to treatment or further treatment."
- Form 1 in Schedule 1, page 98, after line 17 insert—
- "Was a referral sought for a specialist opinion in relation to mental illness?
- ☐ Yes
- ☐ No
- If referral was required, provide details of referral
- [Insert details of referral]*".
- 39. Form 2 in Schedule 1, page 102, lines 17 and 18, omit "is ordinarily resident in Victoria" and insert "has been ordinarily resident in Victoria for not less than 6 months".
 - 40. Form 2 in Schedule 1, page 102, line 29, omit "tolerable." and insert "tolerable; and".
 - 41. Form 2 in Schedule 1, page 102, after line 29 insert—
 - "(e) is not suffering from mental illness that—

- (i) may affect the decisions the person makes in relation to voluntary assisted dying; and
- (ii) is likely to respond to treatment or further treatment."

42. Form 2 in Schedule 1, page 103, after line 12 insert—

"Was a referral sought for a specialist opinion in relation to mental illness?

☐ Yes

☐ No

If referral was required, provide details of referral

[Insert details of referral]".