

**Australian Capital Territory  
Legislative Assembly**

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**Voluntary Assisted Dying Bill 2023**

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Amendments to be moved by the Minister for Human Rights

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**1**

**Clause 2**

**Page 2, line 4—**

*omit clause 2, substitute*

**2**

**Commencement**

This Act commences on 3 November 2025.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

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**2**

**Clause 10 (h)**

**Page 6, line 20—**

*omit clause 10 (h), substitute*

(h) if the individual has a self-administration decision in effect—a contact person appointment is in effect for the individual.

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**3**  
**Clause 11 (2)**  
**Page 7, line 17—**

*omit clause 11 (2), substitute*

- (2) For subsection (1) (b), an individual—
  - (a) may meet the requirement mentioned in that subsection if they have a disability, mental disorder or mental illness; but
  - (b) does not meet the requirement mentioned in that subsection only because they have—
    - (i) a disability that—
      - (A) substantially impairs their communication, learning or mobility; and
      - (B) results in the individual needing services to support them to live with the disability; or
    - (ii) a mental disorder or mental illness.
- (2A) For subsection (1) (b), an individual’s relevant conditions are ***advanced*** if—
  - (a) the individual’s functioning and quality of life—
    - (i) have declined or are declining; and
    - (ii) are not expected to improve; and
  - (b) any treatments for the conditions that are reasonably available and acceptable to the individual have lost any beneficial impact; and
  - (c) the individual is approaching the end of their life.

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**4**  
**Proposed new clause 11 (3A) and (3B)**  
**Page 8, line 10—**

*insert*

- (3A) For subsection (2A) (b), *treatment*, for an individual's relevant conditions, does not include treatment that is primarily for the purpose of relieving a symptom of the conditions or any pain or distress caused by the conditions.
- (3B) For subsection (2A) (c), an individual may be *approaching the end* of their life even if it is uncertain whether their relevant conditions will cause death within the next 12 months.

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**5**  
**Clause 11 (4), definition of *advanced***  
**Page 8, line 12—**

*omit*

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**6**  
**Clause 11 (4), definition of *disability***  
**Page 8, line 19—**

*omit the definition, substitute*

*disability*—see the *Disability Services Act 1991*, dictionary.

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**7**  
**Clause 14 (1)**  
**Page 11, line 16—**

*omit*

2 working

*substitute*

4 business

*omit clause 16, substitute*

**16 Coordinating practitioner to undertake first assessment**

- (1) An individual's coordinating practitioner must undertake an assessment (a *first assessment*) to decide whether the individual—
  - (a) meets the eligibility requirements; and
  - (b) if the coordinating practitioner decides that the individual meets the eligibility requirements—understands the information given to them under subsection (3).
- (2) For subsection (1) (b), in deciding whether an individual understands information given to them, the following must be taken into account:
  - (a) an individual is capable of understanding the information if they are capable of understanding the information with adequate and appropriate support;
  - (b) an individual must not be treated as not understanding the information unless all practicable steps to support them to understand the information have been taken;
  - (c) an individual must not be treated as not understanding the information only because they have impaired decision-making capacity under another Act or in relation to another matter;
  - (d) an individual who moves between understanding and not understanding information must, if practicable, be given the opportunity to consider the information at a time when they are most likely to understand it.
- (3) If the coordinating practitioner decides that the individual meets the eligibility requirements, the coordinating practitioner must give the individual any information prescribed by regulation.

- (4) The coordinating practitioner may take the following into account when undertaking the first assessment:
- (a) any relevant information about the individual that has been prepared by another person who, in the opinion of the coordinating practitioner, has the appropriate skills and training to provide the information;
  - (b) if the coordinating practitioner refers the individual to another person for advice under section 17—any advice given by the other person.

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**9**

**Clause 17 (1)**

**Page 14, line 8—**

*after*

who

*insert*

, in the opinion of the coordinating practitioner,

---

**10**

**Clause 18 (1)**

**Page 14, line 22—**

*omit*

2 working days after the day the coordinating practitioner decides whether the individual meets the eligibility requirements

*substitute*

4 business days after the day the coordinating practitioner makes their decision on the first assessment

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11

**Clause 19 (1) and (2)**

**Page 15, line 10—**

*omit clause 19 (1) and (2), substitute*

- (1) An individual’s coordinating practitioner must refer the individual to another health practitioner (the *first referral practitioner*) for a consulting assessment if, after undertaking a first assessment, the coordinating practitioner decides that the individual—
  - (a) meets the eligibility requirements; and
  - (b) understands the information given to the individual under section 16 (3).
- (2) The referral must be made within 4 business days after the day the coordinating practitioner decides that the individual understands the information given to the individual under section 16 (3).

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12

**Clause 20 (1)**

**Page 16, line 6—**

*omit*

2 working

*substitute*

4 business

---

13

**Clause 20 (3)**

**Page 16, line 19—**

*omit clause 20 (3), substitute*

- (3) As soon as practicable after the health practitioner tells the coordinating practitioner about their decision, the coordinating practitioner must tell the individual about the decision.

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**14**  
**Clause 22 (2)**  
**Page 17, line 13—**

*omit*

2 working days after the day the coordinating practitioner tells the health practitioner that the coordinating practitioner has told the individual

*substitute*

4 business days after the day they tell the coordinating practitioner

---

**15**  
**Clause 22 (5)**  
**Page 17, line 21—**

*omit*

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**16**  
**Clause 23**  
**Page 18, line 1—**

*omit clause 23, substitute*

**23**      **Consulting practitioner to undertake consulting assessment**

- (1) An individual's consulting practitioner must undertake an assessment (a *consulting assessment*) to decide whether the individual—
  - (a) meets the eligibility requirements; and
  - (b) if the consulting practitioner decides that the individual meets the eligibility requirements—understands the information given to them under subsection (3).
- (2) For subsection (1) (b), in deciding whether an individual understands information given to them, the following must be taken into account:
  - (a) an individual is capable of understanding the information if they are capable of understanding the information with adequate and appropriate support;

- (b) an individual must not be treated as not understanding the information unless all practicable steps to support them to understand the information have been taken;
  - (c) an individual must not be treated as not understanding the information only because they have impaired decision-making capacity under another Act or in relation to another matter;
  - (d) an individual who moves between understanding and not understanding information must, if practicable, be given the opportunity to consider the information at a time when they are most likely to understand it.
- (3) If the consulting practitioner decides that the individual meets the eligibility requirements, the consulting practitioner must give the individual any information prescribed by regulation.
- (4) The consulting practitioner’s consulting assessment and decision in relation to the consulting assessment must be undertaken and made independently of the individual’s coordinating practitioner.
- (5) The consulting practitioner may take the following into account when undertaking the consulting assessment:
- (a) any relevant information about the individual that has been prepared by another person who, in the opinion of the coordinating practitioner, has the appropriate skills and training to provide the information;
  - (b) if the consulting practitioner refers the individual to another person for advice under section 24—any advice given by the other person.

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17

**Clause 24 (1)**

**Page 19, line 12—**

*after*

who

*insert*

, in the opinion of the coordinating practitioner,

---

**18**  
**Clause 24 (2) (d)**  
**Page 19, line 25—**

*omit*

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**19**  
**Clause 25 (1)**  
**Page 20, line 3—**

*omit*

2 working days after the day the consulting practitioner decides whether the individual meets the eligibility requirements

*substitute*

4 business days after the day the consulting practitioner makes their decision on the consulting assessment

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**20**  
**Clause 25 (1) (b)**  
**Page 20, line 11—**

*omit*

as soon as practicable,

---

**21**  
**Clause 27 (1)**  
**Page 21, line 7—**

*omit clause 27 (1), substitute*

- (1) This section applies if—
- (a) an individual’s coordinating practitioner decides that the individual—
    - (i) meets the eligibility requirements; and
    - (ii) understands the information given to them under section 16 (3); and

- (b) the individual's consulting practitioner decides that the individual—
- (i) meets the eligibility requirements; and
  - (ii) understands the information given to them under section 23 (3).

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**22**

**Clause 27 (6)**

**Page 22, line 15—**

*omit*

For this section:

*substitute*

In this section:

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**23**

**Clause 30 (1)**

**Page 24, line 9—**

*omit*

2 working

*substitute*

4 business

---

**24**

**Clause 34 (1)**

**Page 25, line 15—**

*omit*

2 working

*substitute*

4 business

---

**25**

**Clauses 36 and 37**

**Pages 26 to 28—**

*omit all mentions of*

2 working

*substitute*

4 business

---

**26**

**Clause 38 (1)**

**Page 28, line 19—**

*omit clause 38 (1), substitute*

(1) This section applies if an individual has a coordinating practitioner.

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**27**

**Clause 38 (3)**

**Page 28, line 23—**

*omit*

2 working

*substitute*

4 business

---

**28**

**Clause 38 (3) (b)**

**Page 28, line 27—**

*omit*

consulting

*substitute*

other

---

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**29**

**Clause 38 (5) (b)**

**Page 29, line 16—**

*omit*

2 working

*substitute*

4 business

---

**30**

**Clause 39 (1) (b)**

**Page 30, line 7—**

*omit clause 39 (1) (b), substitute*

- (b) a previous coordinating practitioner made a decision when they were the coordinating practitioner for the individual—
- (i) under section 16 that the individual—
    - (A) met the eligibility requirements; and
    - (B) understood the information given to them under section 16 (3); or
  - (ii) under section 35 or section 59 (1) (f) (i) that the individual met the final assessment requirements.
- 

**31**

**Clause 42 (1) (a)**

**Page 32, line 11—**

*omit*

*(a self-administration decision)*

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**32**

**Clause 42 (1) (b)**

**Page 32, line 13—**

*omit*

*(a practitioner administration decision)*

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---

**33**  
**Clause 42 (4) (b)**  
**Page 33, line 3—**

*omit*

2 working

*substitute*

4 business

---

**34**  
**Clause 43 (1)**  
**Page 33, line 9—**

*omit clause 43 (1), substitute*

- (1) If an individual has an administration decision in effect, the individual may, at any time—
  - (a) if the individual made a decision that they would self-administer an approved substance—decide instead that an approved substance will be administered to them by a health practitioner;  
or
  - (b) if the individual made a decision that an approved substance would be administered to them by a health practitioner—decide instead that they will self-administer an approved substance.

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**35**  
**Clauses 43 to 46**  
**Pages 34 to 38—**

*omit all mentions of*

2 working

*substitute*

4 business

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**36**  
**Clause 47 (1)**  
**Page 39, line 12—**

*omit clause 47 (1), substitute*

(1) This section applies if an individual has an administering practitioner.

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**37**  
**Clause 47 (3)**  
**Page 39, line 16—**

2 working

*substitute*

4 business

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**38**  
**Clause 47 (3) (b)**  
**Page 39, line 20—**

*omit*

consulting

*substitute*

health

---

**39**  
**Clause 47 (5) (c)**  
**Page 40, line 13—**

*omit*

2 working

*substitute*

4 business

---

**40**  
**Clause 51 (3)**  
**Page 42, line 16—**

*omit*

coordinating practitioner, their consulting practitioner or another health professional

*substitute*

coordinating practitioner or consulting practitioner

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**41**  
**Clauses 51 to 53**  
**Pages 43 and 44—**

*omit all mentions of*

2 working

*substitute*

4 business

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**42**  
**Clause 54 heading**  
**Page 44, line 12—**

*substitute*

**54**      **Effect of change or revocation of administration decision on contact person appointment**

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**43**  
**Clause 54 (1) (a) (i)**  
**Page 44, line 16—**

*omit*

self-administration decision to a practitioner administration decision

*substitute*

administration decision

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**44**

**Clause 54 (1) (b) and (2)**

**Page 44, lines 20 and 22—**

*omit*

self-administration

*substitute*

administration

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**45**

**Clause 58 (1) (b)**

**Page 46, line 12—**

*omit clause 58 (1) (b), substitute*

(b) if the individual has a self-administration decision in effect—a contact person appointment is in effect for the individual; and

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**46**

**Clause 58 (4)**

**Page 46, line 22—**

*omit*

2 working

*substitute*

4 business

---

**47**

**Clause 59 (1) (b)**

**Page 47, line 5—**

*omit clause 59 (1) (b), substitute*

(b) if the individual has a self-administration decision in effect—a contact person appointment is in effect for the individual; and

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**48**  
**Clause 59 (4)**  
**Page 47, line 24—**

*omit*

2 working

*substitute*

4 business

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**49**  
**Clause 60**  
**Page 48, line 4—**

*omit clause 60, substitute*

**60**      **Possessing, preparing and supplying approved substances—approved suppliers and couriers**

- (1) An approved supplier may—
  - (a) possess an approved substance; or
  - (b) prepare the substance for the purpose of supplying it under this section.
- (2) If an approved supplier receives a prescription for an approved substance, the supplier may supply the substance to—
  - (a) for an individual who has made a self-administration decision—the individual or their contact person; or
  - (b) for an individual who has made a practitioner administration decision—the individual’s administering practitioner.
- (3) However, an approved supplier must not supply an approved substance under subsection (2) unless—
  - (a) the prescription was issued—
    - (i) for any part of the prescription relating to an approved substance that is a controlled medicine—not more than 6 months before the day the supplier supplies the substance; or

- (ii) in any other case—not more than 12 months before the day the supplier supplies the substance; and
  - (b) the supplier is satisfied about—
    - (i) the authenticity of the prescription; and
    - (ii) the identity of the coordinating practitioner who issued the prescription; and
    - (iii) the identity of the individual, contact person or administering practitioner to whom the approved substance is being supplied; and
  - (c) the supplier has labelled the substance in accordance with any substance labelling requirements prescribed by regulation; and
  - (d) the supplier complies with any other requirements about the supply of an approved substance prescribed by regulation; and
  - (e) if the prescription is a subsequent prescription issued under section 59 and an approved substance was previously supplied for an individual under another prescription—the supplier is satisfied that the previously supplied substance has been—
    - (i) given to an approved disposer; or
    - (ii) reported as lost or stolen in accordance with the *Medicines, Poisons and Therapeutic Goods Act 2008*, section 39; and
  - (f) the supplier supplies the substance to the person—
    - (i) personally; or
    - (ii) using a courier in the circumstances prescribed by regulation.
- (4) An approved supplier commits an offence if the supplier—
- (a) supplies an approved substance to a person under subsection (2); and
  - (b) does not personally supply the substance to the person; and
    - (c) does not supply the substance in accordance with subsection (3) (f) (ii).

Maximum penalty: 20 penalty units.

- (5) A courier may do any of the following in relation to an approved substance:
- (a) receive the substance from an approved supplier for a purpose mentioned in paragraph (b) or (c);
  - (b) possess the substance for the purpose mentioned in paragraph (c);
  - (c) deliver the substance to the person to whom it is addressed.
- (6) A courier must comply with any requirements prescribed by regulation when doing a thing mentioned in subsection (5).

Maximum penalty: 20 penalty units.

- (7) If an approved supplier supplies an approved substance under subsection (2), the supplier must, within 4 business days after the day they supply the substance—
- (a) prepare a written record of the supply (a ***supply record***) that includes any information prescribed by regulation; and
  - (b) give a copy of the supply record to—
    - (i) the board; and
    - (ii) the director-general.

Maximum penalty (paragraph (b) (i)): 20 penalty units.

- (8) An offence against subsection (7) (b) (i) is a strict liability offence.
- (9) The approved supplier must keep the supply record for at least 2 years after the day they supply the approved substance.
- (10) In this section:

***controlled medicine***—see the *Medicines, Poisons and Therapeutic Goods Act 2008*, section 11 (2).

***courier*** means a person who meets the requirements prescribed by regulation.

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**50**  
**Clause 61 (2) (e)**  
**Page 50, line 20—**

*after*  
substance  
*insert*  
for self-administration

---

**51**  
**Clause 61 (4)**  
**Page 51, line 2—**

*omit clause 61 (4), substitute*

- (4) Within 4 business days after the day the contact person gives an approved substance to the individual under subsection (3) (c), the contact person must tell the board, by written notice, that they have given the substance to the individual.

Maximum penalty: 20 penalty units.

---

**52**  
**Clause 61 (6) (c)**  
**Page 51, line 16—**

*after*  
substance  
*insert*  
for the individual to self-administer

---

**53**  
**Clause 62 (1) (a)**  
**Page 52, line 4—**

*omit*  
to a practitioner administration decision

---

**54**  
**Clause 62 (2)**  
**Page 52, line 8—**

*omit*

their administering practitioner

*substitute*

the health practitioner

---

**55**  
**Clause 62 (3)**  
**Page 52, line 11—**

*omit clause 62 (3), substitute*

- (3) Within 4 business days after the day an individual gives an approved substance to their administering practitioner under subsection (2), the administering practitioner must tell the board, by written notice, that they have received the substance from the individual.

Maximum penalty: 20 penalty units.

---

**56**  
**Clause 63**  
**Page 52, line 19—**

*omit clause 63, substitute*

**63**      **Receiving and possessing approved substances—  
administering practitioner**

- (1) This section applies if—
- (a) a practitioner administration decision is in effect for an individual; and
  - (b) the individual's coordinating practitioner has prescribed an approved substance under section 58 or section 59.
-

- (2) The individual's administering practitioner may—
  - (a) receive the approved substance from an approved supplier for a purpose mentioned in section 63C (2); and
  - (b) possess the approved substance for a purpose mentioned in section 63C (2).

**63A Receiving and possessing approved substances after change of administration decision—administering practitioner**

- (1) This section applies if an individual changes their administration decision under section 43 (1) (a).
- (2) The individual's administering practitioner may—
  - (a) receive an approved substance from the individual for a purpose mentioned in section 63C (2); and
  - (b) possess the approved substance for a purpose mentioned in section 63C (2).

**63B Giving, receiving and possessing approved substances—transfer of administering practitioner functions**

- (1) This section applies if—
  - (a) the administering practitioner functions for an individual are transferred under section 46 or section 47; and
  - (b) the original administering practitioner is in possession of an approved substance for the individual when the transfer takes effect.
- (2) Within 14 days after the day the administering practitioner functions are transferred, the new administering practitioner may ask the original administering practitioner to give the approved substance to the new administering practitioner.
- (3) The original administering practitioner must comply with a request under subsection (2) within 2 days after the day it is made.

Maximum penalty: 100 penalty units.

- (4) If the original administering practitioner gives the substance to the new administering practitioner, the new administering practitioner may—
  - (a) receive the substance for a purpose mentioned in section 63C (2); and
  - (b) possess the substance for a purpose mentioned in section 63C (2).
- (5) Within 4 business days after the day the original administering practitioner gives an approved substance to the new administering practitioner, the original administering practitioner must—
  - (a) tell the board, by written notice, that they have given the substance to the new administering practitioner; and
  - (b) tell the director-general, by written notice, that—
    - (i) the individual has a new administering practitioner; and
    - (ii) the original administering practitioner has given the substance to the new administering practitioner.

Maximum penalty (paragraph (a)): 20 penalty units.

- (6) A written notice given under subsection (5) (b) must include any information prescribed by regulation.
- (7) An offence against subsection (5) (a) is a strict liability offence.

**63C Administering approved substances—administering practitioner**

- (1) This section applies if—
  - (a) a practitioner administration decision is in effect for an individual; and
  - (b) the individual’s coordinating practitioner has prescribed an approved substance under section 58 or section 59.

- (2) The individual's administering practitioner may do the following in relation to the approved substance:
  - (a) prepare the substance for administration to the individual;
  - (b) administer the substance to the individual.
- (3) However, the individual's administering practitioner must not administer the approved substance to the individual unless the administering practitioner—
  - (a) is satisfied, immediately before administering the substance, that the individual—
    - (i) has decision-making capacity in relation to voluntary assisted dying; and
    - (ii) is acting voluntarily and without coercion; and
  - (b) administers the substance in the presence of an eligible witness.
- (4) The witness to the administration of the approved substance must certify by written statement (a *witness certificate*) that—
  - (a) the individual appeared to be acting voluntarily and without coercion; and
  - (b) the approved substance was administered to the individual in the presence of the witness.
- (5) The witness must give the administering practitioner a copy of the witness certificate.
- (6) In this section:  
*eligible witness* means someone who is an adult.

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57

**Clause 64 (5) and (6)**

**Page 55, line 4—**

*omit clause 64 (5) and (6), substitute*

- (5) Within 4 business days after the original contact person gives an approved substance to another person under subsection (2), the original contact person must—
- (a) tell the board, by written notice, that they have given the substance to the new contact person; and
  - (b) tell the director-general, by written notice, that—
    - (i) the individual has a new contact person; and
    - (ii) the original contact person has given the substance to the new contact person.

Maximum penalty (paragraph (a)): 20 penalty units.

- (6) A written notice given under subsection (5) (b) must include any information prescribed by regulation.
- (7) An offence against subsection (5) (a) is a strict liability offence.

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58

**Proposed new clause 64A**

**Page 55, line 11—**

*insert*

**64A Giving approved substances to approved disposer if administration decision revoked—individual or contact person**

- (1) This section applies if—
- (a) an individual revokes their self-administration decision; and
  - (b) the individual or their contact person is in possession of an approved substance when the self-administration decision is revoked.

- (2) The individual or contact person must give the approved substance to an approved disposer as soon as practicable, but not later than 14 days after the day the self-administration decision is revoked.

Maximum penalty: 100 penalty units.

---

**59**

**Clause 65 (2)**

**Page 56, line 1—**

*omit clause 65 (2), substitute*

- (2) The contact person—
- (a) may possess any remaining approved substance for the purpose mentioned in paragraph (b); and
  - (b) must give any remaining approved substance to an approved disposer as soon as practicable, but not later than 14 days after the day of whichever event mentioned in subsection (1) (c) happens.

Maximum penalty (paragraph (b)): 100 penalty units.

---

**60**

**Clause 66 (2) (b)**

**Page 56, line 21—**

*after*

an approved disposer

*insert*

as soon as practicable, but not later than 14 days after the day of whichever event mentioned in subsection (1) (c) happens

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**61**

**Clause 66 (2), penalty**

**Page 56, line 22—**

*omit*

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*insert*

**66A Giving approved substances to approved disposer—  
transfer of administering practitioner functions**

- (1) This section applies if—
  - (a) the administering practitioner functions for an individual are transferred under section 46 or section 47; and
  - (b) the original administering practitioner is in possession of an approved substance for the individual when the transfer takes effect; and
  - (c) the original administering practitioner is not required to give the approved substance to the new administering practitioner under section 63B (Giving, receiving and possessing approved substances—transfer of administering practitioner functions).
- (2) The original administering practitioner—
  - (a) may possess the approved substance for the purpose mentioned in paragraph (b); and
  - (b) must give the approved substance to an approved disposer as soon as practicable, but not later than 14 days after the day the transfer takes effect.

---

63

**Clause 67 (2)**

**Page 57, line 9—**

*omit clause 67 (2), substitute*

- (2) The individual or other person—
  - (a) may possess the approved substance for the purpose mentioned in paragraph (b); and
  - (b) must give the approved substance to an approved disposer as soon as practicable, but not later than 14 days after the day they become aware that the substance has expired.

Maximum penalty (paragraph (b)): 100 penalty units.

---

64

**Clause 68 (2) and (3)**

**Page 57, line 16—**

*omit clause 68 (2) and (3), substitute*

- (2) The approved disposer—
  - (a) must, when they receive the approved substance, give the person a written record of receiving the substance that includes any information prescribed by regulation; and
  - (b) must, within 4 business days after the day they receive the approved substance, give the following entities a written notice of having received the substance that includes any information prescribed by regulation:
    - (i) the board;
    - (ii) the director-general; and
  - (c) may possess the approved substance for the purpose of disposing of it; and
  - (d) must, as soon as practicable after receiving the approved substance, dispose of it in accordance with any disposal requirements prescribed by regulation.

Maximum penalty (paragraph (b) (i)): 20 penalty units.

- (3) Within 7 days after the day an approved disposer disposes of an approved substance, the disposer must—
- (a) prepare a written record of the disposal (a *disposal record*) that includes any information prescribed by regulation; and
  - (b) give the board a copy of the disposal record.

Maximum penalty (paragraph (b)): 20 penalty units.

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65

**Clause 69, proposed new penalty**

**Page 58, line 20—**

*insert*

Maximum penalty: 20 penalty units.

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66

**Clause 70**

**Page 59, line 1—**

*omit clause 70, substitute*

**70 Offence—unauthorised administration of approved substance**

- (1) A person commits an offence if the person—
- (a) administers an approved substance to an individual; and
  - (b) is not authorised to administer the approved substance to the individual under section 63C (Administering approved substances—administering practitioner).

Maximum penalty: imprisonment for 7 years.

- (2) This section does not apply if the person administers a medicine to another person under the *Medicines, Poisons and Therapeutic Goods Act 2008*.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see Criminal Code, s 58).

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(3) In this section:

*medicine*—see the *Medicines, Poisons and Therapeutic Goods Act 2008*, section 11 (1).

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**67**

**Clauses 74 and 75**

**Pages 60 and 61—**

*omit all mentions of*

2 working

*substitute*

4 business

---

**68**

**Clause 76 (2)**

**Page 61, line 26—**

*omit*

2 working

*substitute*

4 business

---

**69**

**Clause 76 (4)**

**Page 62, line 17—**

*omit clause 76 (4), substitute*

(4) Within 4 business days after the day the administering practitioner administers the approved substance to the individual, the administering practitioner must give the board a copy of—

(a) the administration certificate; and

(b) the witness certificate.

Maximum penalty: 20 penalty units.

---

**70**  
**Proposed new clause 76 (6)**  
**Page 62, line 22—**

*insert*

(6) In this section:

*witness certificate*—see section 63C (4).

---

**71**  
**Clause 77 (1) (b)**  
**Page 63, line 1—**

*omit*

reasonably believes

*substitute*

believes on reasonable grounds

---

**72**  
**Clause 78 (2)**  
**Page 63, line 18—**

*omit*

2 working

*substitute*

4 business

---

**73**  
**Clause 80**  
**Page 65, line 3—**

*omit clause 80, substitute*

**80**      **Director-general must keep register about supply and disposal of approved substances**

- (1) The director-general must keep a register about the supply and disposal of approved substances for the purpose of contacting any person the director-general considers appropriate in relation to an approved substance that has been supplied under this Act.

- (2) The register—
  - (a) must include any information prescribed by regulation; and
  - (b) may include any other information the director-general considers appropriate.
- (3) The director-general may correct any mistake, error or omission in the register.
- (4) The director-general may give information in the register to a relevant entity if—
  - (a) the relevant entity requests the information; and
  - (b) the director-general is satisfied that the information is relevant to the exercise of the relevant entity's functions.
- (5) In this section:

*medicines and poisons inspector*—see the *Medicines, Poisons and Therapeutic Goods Act 2008*, section 99.

*relevant entity* means—

  - (a) the board; or
  - (b) a medicines and poisons inspector.

---

74

Clause 84

Page 67, line 12—

*omit clause 84, substitute*

#### **84 Eligibility for authorisation**

- (1) A health practitioner is eligible for authorisation as an authorised coordinating practitioner or authorised consulting practitioner if the health practitioner—
  - (a) is a doctor or nurse practitioner; and
  - (b) meets any other eligibility requirements prescribed by regulation.

- (2) A health practitioner is eligible for authorisation as an authorised administering practitioner if the health practitioner—
- (a) is a doctor, nurse practitioner or registered nurse; and
  - (b) meets any other eligibility requirements prescribed by regulation.

---

**75**

**Clause 87**

**Page 68, line 1—**

*omit clause 87, substitute*

**87        Deciding applications**

If a health practitioner applies for authorisation, the director-general must, in writing—

- (a) if the health practitioner is eligible for authorisation—authorise the health practitioner; or
- (b) if the health practitioner is not eligible for authorisation—refuse to authorise the health practitioner.

---

**76**

**Clause 92 (3)**

**Page 70, line 17—**

*omit clause 92 (3), substitute*

- (3) A doctor must be either the coordinating practitioner or the consulting practitioner for an individual.

---

**77**

**Clause 94 (3), definition of *health service provider***

**Page 73, line 3—**

*omit the definition, substitute*

*health service provider*—see the *Health Act 1993*, section 7.

---

78

Clause 95 (1)

Page 73, line 9—

*before*

health service provider

*insert*

relevant

---

79

Clause 95 (2)

Page 73, line 12—

*omit*

working

*substitute*

business

---

80

Clause 95 (4)

Page 73, line 17—

*omit clause 95 (4), substitute*

(4) In this section:

*health service provider*—see the *Health Act 1993*, section 7.

*relevant health service provider* means a health service provider prescribed by regulation.

---

81

Clause 96 (2), definition of *disability*

Page 75, line 2—

*omit the definition, substitute*

*disability*—see the *Disability Services Act 1991*, dictionary.

---

82

Clause 97

Page 75, line 21—

*omit clause 97, substitute*

**97 Application—div 7.2**

- (1) This division applies if—
  - (a) an individual is a resident of a facility; and
  - (b) the facility operator does not provide residents of the facility with access to a relevant service.

- (2) In this section:

*relevant service* means a service in relation to—

- (a) the provision of information about voluntary assisted dying; or
- (b) the exercise of a function under part 3 (Request and assessment process for access to voluntary assisted dying) or part 4 (Accessing voluntary assisted dying and death) in relation to an individual's request for access to voluntary assisted dying.

---

83

Clause 98 (1), definition of *deciding practitioner*, paragraph (b)

Page 76, line 7—

*omit*

in any case

*substitute*

if the individual does not have a coordinating practitioner

---

84

Clause 99

Page 76, line 17—

*[oppose the clause]*

*omit clauses 100 to 102, substitute*

**100      Obligation to allow relevant person to have reasonable access to individual who wants information about or access to voluntary assisted dying**

- (1) This section applies if the individual, or their agent, tells the facility operator, orally or in writing, that the individual wants—
  - (a) information about voluntary assisted dying; or
  - (b) to access voluntary assisted dying.
- (2) If the individual consents to seeing a relevant person, the facility operator must allow the relevant person to have reasonable access to the individual at the facility at a time that is acceptable to the individual.

Maximum penalty: 100 penalty units.

**101      Obligation to consider and facilitate transfer of individual who wants to access voluntary assisted dying**

- (1) This section applies if—
  - (a) section 100 applies; and
  - (b) either—
    - (i) the relevant person is unable to attend the facility at a time that is acceptable to the individual; or
    - (ii) the facility operator does not allow the relevant person to have reasonable access to the individual at the facility in accordance with section 100.
- (2) The facility operator must ask the individual if they want to be transferred to and from a place to see—
  - (a) the relevant person (the *first relevant person*); or

- (b) another relevant person if—
  - (i) the first relevant person is unable to see the individual at a time or place that is acceptable to the individual; or
  - (ii) the individual’s deciding practitioner decides that transferring the individual to and from a place to see the first relevant person is unreasonable in the circumstances.
- (3) If the individual, or their agent, tells the facility operator that the individual wants to be transferred to and from a place to see the first relevant person or another relevant person, the operator must ask the individual’s deciding practitioner to decide whether it is reasonable in the circumstances to transfer the individual to and from a place to see the person.
- (4) The individual’s deciding practitioner must take the following into account when deciding whether a transfer is reasonable in the circumstances:
  - (a) whether the transfer would be likely to cause serious harm to the individual;  
**Examples—serious harm**  
significant pain, a significant deterioration in the individual’s condition
  - (b) whether the transfer would be likely to adversely affect the individual’s access to voluntary assisted dying;  
**Example—adverse effect**  
the transfer would likely result in a loss of decision-making capacity, including because of the effects of any pain relief or medication that would be required for the transfer
  - (c) whether the transfer would be likely to cause undue delay or prolonged suffering in accessing voluntary assisted dying;
  - (d) whether the place where it is proposed the individual would be transferred to is available to receive the individual;
  - (e) whether the individual would incur a financial loss or cost because of the transfer.

- (5) The facility operator must, as soon as reasonably practicable, facilitate the transfer of the individual if—
  - (a) the deciding practitioner decides that the transfer is reasonable in the circumstances; and
  - (b) the individual consents to the transfer.

Maximum penalty: 100 penalty units.

- (6) If the facility operator does not facilitate the transfer in accordance with subsection (5), the operator must give the board written notice stating—
  - (a) the reasons why the transfer did not happen; and
  - (b) the steps taken by the operator to try to facilitate the transfer.

Maximum penalty: 20 penalty units.

- (7) An offence against subsection (6) is a strict liability offence.

## **102      Obligation to make access to relevant person reasonably practicable**

- (1) This section applies if the facility operator does not transfer the individual under section 101 because the individual's deciding practitioner decides that the transfer is unreasonable in the circumstances.
- (2) If the individual consents to seeing the relevant person, the facility operator must take reasonable steps to allow the relevant person to have access to the individual at the facility at a time that is acceptable to the individual.
- (3) If the relevant person is unable to attend the facility to see the individual at a time that is acceptable to the individual, the facility operator must take reasonable steps to allow another relevant person to have access to the individual at the facility at a time that is acceptable to the individual if the individual consents to seeing the other relevant person.

- (4) A facility operator commits an offence if the operator—
  - (a) is required to take reasonable steps to allow a relevant person to have reasonable access to an individual at the facility under subsection (2) or (3); and
  - (b) fails to take reasonable steps to allow a person to have reasonable access to the individual at the facility.

Maximum penalty: 100 penalty units.

---

86

**Proposed new clause 102A**

**Page 79, line 12—**

*insert*

**102A Obligations if individual wants information about voluntary assisted dying**

- (1) This section applies if an individual, or their agent, tells the facility operator, orally or in writing, that the individual wants information about voluntary assisted dying.
- (2) Within 2 business days after the day the request is made, the facility operator must give the individual, in writing, the contact details for the approved care navigator service.

Maximum penalty: 30 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.
- (4) The facility operator must allow an employee or other official of the approved care navigator service to have reasonable access to the individual at the facility at a time that is acceptable to the individual if—
  - (a) the individual consents to seeing the employee or other official; and
  - (b) the employee or other official is seeking the access for the purpose of giving the individual the requested information.

Maximum penalty: 100 penalty units.

---

87

**Section 103 (2)**

**Page 79, line 19—**

*omit clause 103 (2), substitute*

- (2) The facility operator must publish its policy in a way that is likely to come to the attention of the following people:
- (a) a resident of the facility;
  - (b) an individual who accesses the website for the facility;
  - (c) an individual who tells the facility operator that the individual or a family member of the individual is interested in becoming a resident of the facility.

Maximum penalty: 20 penalty units.

**Examples—publishing information in way likely to come to individual's attention**

- 1 including the policy in a brochure about the facility operator
- 2 displaying the policy on signs at the facility

---

88

**Clause 103 (3)**

**Page 80, line 2—**

*omit*

working

*substitute*

business

---

89

**Clause 107 (5)**

**Page 82, line 14—**

*omit clause 107 (5), substitute*

- (5) In this section:

*carer*—see the *Carers Recognition Act 2021*, section 6 (1).

*relevant area* means any of the following areas:

- (a) medicine;
- (b) nursing;
- (c) pharmacy;
- (d) psychology;
- (e) social work;
- (f) ethics;
- (g) law;
- (h) health care consumer representation or advocacy;
- (i) disability or carer representation or advocacy;
- (j) another area the Minister considers relevant to the performance of the board's functions.

---

**90**

**Clause 117 (1)**

**Page 87, line 9—**

*omit clause 117 (1), substitute*

- (1) A decision of the board on a question is valid if—
  - (a) at least the number of members prescribed by regulation vote on the question; and
  - (b) the question is decided by the number of votes prescribed by regulation.

---

**91**

**Proposed new clause 114 (2A)**

**Page 86, line 4—**

*insert*

- (2A) If the board refers an issue to a person under subsection (1) (c), the board may give information to the person if satisfied that the information is relevant to the exercise of the person's functions.

---

**92**  
**Clause 125**  
**Page 89, line 17—**

*[oppose the clause]*

---

**93**  
**Clause 126**  
**Page 90, line 1—**

*omit clause 126, substitute*

**126**      **People engaging in conduct under Act**

A person is not civilly or criminally liable for conduct engaged in under this Act if the person engages in the conduct honestly and on reasonable grounds.

---

**94**  
**Clause 127**  
**Page 90, line 7—**

*[oppose the clause]*

---

**95**  
**Clauses 128 and 129**  
**Page 90, line 15—**

*omit clauses 128 and 129, substitute*

**128**      **Health practitioners and ambulance service members**

- (1) A health practitioner or ambulance service member is not civilly or criminally liable for not administering life sustaining treatment to an individual if the health practitioner or ambulance service member believes on reasonable grounds that the individual—
  - (a) is dying after self-administering or being administered with an approved substance in accordance with this Act; and
  - (b) has not requested the administration of life sustaining treatment.

(2) In this section:

***health practitioner*** means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise a health profession, including a student.

*Note* The *Health Practitioner Regulation National Law (ACT) Act 2010*, s 6 applies the Health Practitioner Regulation National Law set out in the *Health Practitioner Regulation National Law Act 2009 (Qld)*, schedule as if it were an ACT law called the *Health Practitioner Regulation National Law (ACT)*.

***member***, of the ambulance service—see the *Emergencies Act 2004*, dictionary.

**129 Engaging in conduct under Act not breach of professional standards etc**

- (1) This section applies if a person, honestly and on reasonable grounds, engages in conduct under this Act.
- (2) The conduct is not, in itself—
  - (a) a breach of professional ethics or standards or any principles of conduct applicable to the person’s employment; or
  - (b) professional misconduct or unprofessional conduct.

---

**96**  
**Clause 130**  
**Page 92, line 7—**

*omit*

Nothing in section 125, section 126 or section 127

*substitute*

To remove any doubt, nothing in this part

---

97

**Clause 130 (c)**

**Page 92, line 17—**

*omit clause 130 (c), substitute*

- (c) the making of a corruption complaint under the *Integrity Commission Act 2018*; or
- (d) the referral of an issue under section 114 (1) (c) (Functions of board); or
- (e) any other referral (however described) under a law applying in the ACT; or
- (f) the making of any other complaint (however described) under a law applying in the ACT.

---

98

**Clause 133 (2)**

**Page 94, line 13—**

*omit clause 133 (2), substitute*

- (2) If the reviewable decision is a decision mentioned in schedule 1, items 1, 3, 5, 7, 9, 11, 13, 15, 17 or 19, an application must be made not later than 5 days after the later of—
  - (a) the day the individual is given a copy of the relevant report; and
  - (b) the day the affected person making the application for review becomes aware of the reviewable decision.
- (3) If the reviewable decision is a decision mentioned in schedule 1, items 2, 4, 6, 8, 10, 12, 14, 16, 18 or 20, an application must be made not later than 28 days after the later of—
  - (a) the day the individual is given a copy of the relevant report; and
  - (b) the day the affected person making the application for review becomes aware of the reviewable decision.

(4) In this section:

*relevant report* means—

- (a) for a decision mentioned in schedule 1, items 1 to 6—the first assessment report for the individual; or
- (b) for a decision mentioned in schedule 1, items 7 to 12—the consulting assessment report for the individual; or
- (c) for a decision mentioned in schedule 1, items 13 to 20—the final assessment report for the individual.

---

**99**

**Clause 142 (1) (a)**

**Page 98, line 15—**

*omit*

items 1, 4 or 7

*substitute*

items 1, 2, 7, 8, 13, 14, 17 or 18

---

**100**

**Clause 142 (1) (b)**

**Page 98, line 21—**

*omit*

items 2, 5 or 8

*substitute*

items 3, 4, 9, 10, 15, 16, 19 or 20

---

**101**

**Clause 142 (1) (c)**

**Page 99, line 1—**

*omit*

items 3 or 6

*substitute*

items 5, 6, 11 or 12

---

**102**  
**Clause 144 (2)**  
**Page 100, line 14—**

*omit*

items 1 to 6

*substitute*

items 1 to 12

---

**103**  
**Clause 144 (3)**  
**Page 100, line 19—**

*omit*

items 7 or 8

*substitute*

items 13 to 20

---

**104**  
**Clause 146 (2)**  
**Page 101, line 19—**

*omit*

2 working

*substitute*

4 business

---

**105**  
**Clause 150 (1) and (2)**  
**Page 103, lines 7 and 9—**

*omit*

a relevant provision of

---

106

Clause 150 (3), definition of *relevant provision*

Page 103, line 14—

*omit*

---

107

Clause 152

Page 104, line 23—

*omit clause 152, substitute*

**152 Requirements for health professionals when raising voluntary assisted dying as an end of life choice**

- (1) A doctor or nurse practitioner may raise voluntary assisted dying with an individual for the individual to consider their end of life choices only if the doctor or nurse practitioner—
  - (a) knows or believes on reasonable grounds that the individual has been diagnosed with a condition or conditions mentioned in section 11 (1) (b); and
  - (b) is satisfied that they have the expertise to appropriately discuss treatment and palliative care options with the individual; and
  - (c) takes reasonable steps to ensure the individual knows of—
    - (i) the treatment options available for the condition or conditions; and
    - (ii) the likely outcome of the treatment options; and
    - (iii) the palliative care options available to the individual; and
    - (iv) the likely outcome of the palliative care options.
- (2) A relevant health professional may raise voluntary assisted dying with an individual for the individual to consider their end of life choices only if the relevant health professional—
  - (a) knows or believes on reasonable grounds that the individual has been diagnosed with a condition or conditions mentioned in section 11 (1) (b); and

- (b) takes reasonable steps to ensure the individual knows that—
  - (i) treatment and palliative care options are available to the individual; and
  - (ii) the individual should discuss the options with their treating doctor.
- (3) In this section:  
*relevant health professional* means—
  - (a) a counsellor who meets the requirements prescribed by regulation; or
  - (b) a health practitioner other than a doctor or nurse practitioner who may raise voluntary assisted dying with an individual under subsection (1); or
  - (c) a social worker who meets the requirements prescribed by regulation; or
  - (d) any other health professional prescribed by regulation.

---

**108**  
**Clause 159 (2)**  
**Page 110, line 19—**

*omit clause 159 (2), substitute*

- (2) The first review must include a review in relation to the following matters:
  - (a) section 11 (2A), definition of *advanced*;
  - (b) whether an individual should be allowed access to voluntary assisted dying under this Act if the individual—
    - (i) has lived in the ACT for less than 12 months and is not eligible for an exemption under section 151; or
    - (ii) is a child with decision-making capacity in relation to voluntary assisted dying; or
    - (iii) seeks to access voluntary assisted dying through advanced care planning.

*omit schedule 1, substitute*

## **Schedule 1      Reviewable decisions— coordinating practitioner, consulting practitioner and administering practitioner decisions**

(see pt 10)

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 reviewable decision</b>	<b>column 4 decision-maker</b>
1	16 (1) (a)	individual meets the eligibility requirement mentioned in s 11 (1) (d)	individual's coordinating practitioner
2	16 (1) (a)	individual does not meet the eligibility requirement mentioned in s 11 (1) (d)	individual's coordinating practitioner
3	16 (1) (a)	individual meets the eligibility requirement mentioned in s 11 (1) (e)	individual's coordinating practitioner
4	16 (1) (a)	individual does not meet the eligibility requirement mentioned in s 11 (1) (e)	individual's coordinating practitioner
5	16 (1) (a)	individual meets the eligibility requirement mentioned in s 11 (1) (f) (i)	individual's coordinating practitioner
6	16 (1) (a)	individual does not meet the eligibility requirement mentioned in s 11 (1) (f) (i)	individual's coordinating practitioner
7	23 (1) (a)	individual meets the eligibility requirement mentioned in s 11 (1) (d)	individual's consulting practitioner

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 reviewable decision</b>	<b>column 4 decision-maker</b>
8	23 (1) (a)	individual does not meet the eligibility requirement mentioned in s 11 (1) (d)	individual's consulting practitioner
9	23 (1) (a)	individual meets the eligibility requirement mentioned in s 11 (1) (e)	individual's consulting practitioner
10	23 (1) (a)	individual does not meet the eligibility requirement mentioned in s 11 (1) (e)	individual's consulting practitioner
11	23 (1) (a)	individual meets the eligibility requirement mentioned in s 11 (1) (f) (i)	individual's consulting practitioner
12	23 (1) (a)	individual does not meet the eligibility requirement mentioned in s 11 (1) (f) (i)	individual's consulting practitioner
13	35	individual meets the final assessment requirement mentioned in s 31 (a)	individual's coordinating practitioner
14	35	individual does not meet the final assessment requirement mentioned in s 31 (a)	individual's coordinating practitioner
15	35	individual meets the final assessment requirement mentioned in s 31 (b)	individual's coordinating practitioner
16	35	individual does not meet the final assessment requirement mentioned in s 31 (b)	individual's coordinating practitioner
17	59 (1) (f) (i)	individual meets the final assessment requirement mentioned in s 31 (a)	individual's coordinating practitioner
18	59 (1) (f) (i)	individual does not meet the final assessment requirement mentioned in s 31 (a)	individual's coordinating practitioner

column 1 item	column 2 section	column 3 reviewable decision	column 4 decision-maker
19	59 (1) (f) (i)	individual meets the final assessment requirement mentioned in s 31 (b)	individual's coordinating practitioner
20	59 (1) (f) (i)	individual does not meet the final assessment requirement mentioned in s 31 (b)	individual's coordinating practitioner

---

**110**  
**Schedule 3, part 3.3**  
**Amendment 3.5**  
**Page 117, line 21—**

*omit amendment 3.5, substitute*

**[3.5] New section 13 (1A)**

*insert*

- (1A) However, subsection (1) (i) does not apply in relation to a person who has self-administered, or been administered, an approved substance in accordance with the *Voluntary Assisted Dying Act 2023*.

**[3.5A] Section 13 (4), definition of *operation or procedure*, except note**

*substitute*

***operation or procedure—***

- (a) means—
- (i) an operation of a medical, surgical, dental or similar nature; or
  - (ii) an invasive medical or diagnostic procedure; but
- (b) does not include the administration of an approved substance by or to a person in accordance with the *Voluntary Assisted Dying Act 2023*.

---

111  
Schedule 3, proposed new part 3.4A  
Page 118, line 10—

*insert*

## Part 3.4A Medicines, Poisons and Therapeutic Goods Act 2008

### [3.6A] Section 20 (1), examples for par (b), new example 3

*insert*

- 3 the person is authorised under the *Voluntary Assisted Dying Act 2023*, s 63C to administer the medicine

---

112  
Dictionary, note, proposed new dot point  
Page 119, line 8—

*insert*

- business day

---

113  
Dictionary, definition of *practitioner administration decision*  
Page 122, line 7—

*omit the definition, substitute*

*practitioner administration decision* means a decision made by an individual under section 42 (1) (b) or section 43 (1) (a).

---

114  
Dictionary, definition of *self-administration decision*  
Page 123, line 7—

*omit the definition, substitute*

*self-administration decision* means a decision made by an individual under section 42 (1) (a) or section 43 (1) (b).

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**115**  
**Dictionary, definition of *working day***  
**Page 123, line 11—**

*omit*

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