

**Australian Capital Territory
Legislative Assembly**

Voluntary Assisted Dying Bill 2023

Amendments to be moved by Marisa Paterson to the amendments moved by the Minister for Human Rights

1

Amendment 49

Proposed new clause 60 (2) (a) and (b)

omit proposed new clause 60 (2) (a) and (b), substitute

- (a) if a self-administration decision is in effect for an individual—the individual or their contact person; or
- (b) if a practitioner administration decision or attorney decision is in effect for an individual—the individual’s administering practitioner.

2

Amendment 56

Proposed new clauses 63 (1) (a) and 63C (1) (a)

after

practitioner administration decision

insert

or attorney decision

3

Amendment 56

Proposed new clause 63C (3) and (4)

omit proposed new clause 63C (3) and (4), substitute

- (3) However, the individual’s administering practitioner must not administer the approved substance to the individual unless—
- (a) if a practitioner administration decision is in effect for the individual—the administering practitioner 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; or
 - (b) if an attorney decision is in effect for the individual—the administering practitioner—
 - (i) has seen the original enduring power of attorney, or a certified copy of the original enduring power of attorney, that authorises the VAD attorney to exercise power in relation to the individual accessing voluntary assisted dying; and
 - (ii) is satisfied, immediately before administering the substance, that the individual does not have decision-making capacity in relation to voluntary assisted dying; and
 - (c) the administering practitioner 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 approved substance was administered to the individual in the presence of the witness; and
 - (b) if a practitioner administration decision is in effect for the individual—the individual appeared to be acting voluntarily and without coercion.

omit proposed new clause 64A, substitute

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

- (1) This section applies if—
 - (a) either—
 - (i) an individual revokes their self-administration decision; or
 - (ii) an individual’s self-administration decision is taken to be revoked under section 43A (5); and
 - (b) a relevant person is in possession of an approved substance, or any part of an approved substance, when the self-administration decision is revoked (the *unused substance*).
- (2) The relevant person—
 - (a) may possess the unused substance for the purpose mentioned in paragraph (b); and
 - (b) must give the unused 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 (paragraph (b)): 100 penalty units.

- (3) In this section:

relevant person means—

 - (a) for subsection (1) (a) (i)—the individual or their contact person; and
 - (b) for subsection (1) (a) (ii)—the individual’s contact person or any other person in possession of the unused substance.