

**House of Assembly—No 54**

As laid on the table and read a first time, 16 September 2010

South Australia

**Consent to Medical Treatment and Palliative Care  
(End of Life Arrangements) Amendment Bill 2010**

A BILL FOR

An Act to amend the *Consent to Medical Treatment and Palliative Care Act 1995*.

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**The Parliament of South Australia enacts as follows:**

**Part 1—Preliminary**

**1—Short title**

This Act may be cited as the *Consent to Medical Treatment and Palliative Care (End of Life Arrangements) Amendment Act 2010*.

**5 2—Commencement**

This Act will come into operation—

- (a) on a day to be fixed by proclamation; or
- (b) 6 months after the day on which it is assented to by the Governor,

whichever is the sooner.

### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## Part 2—Amendment of *Consent to Medical Treatment and Palliative Care Act 1995*

### 4—Amendment of long title

Long title—after "dying;" insert:

to regulate the administration of voluntary euthanasia;

### 5—Amendment of section 1—Short title

Section 1—delete the section and substitute:

#### 1—Short title

This Act may be cited as the *Medical Treatment Act 1995*.

### 6—Amendment of section 3—Objects

Section 3—after paragraph (c) insert:

and

(d) to allow certain adult persons—

- (a) who are in the terminal phase of a terminal illness; or
- (b) who have an illness, injury or other medical condition (other than a mental illness within the meaning of the *Mental Health Act 2009*) that—

- (i) results in permanent deprivation of consciousness; or

- (ii) irreversibly impairs the person's quality of life so that life has become intolerable to that person,

to end their suffering by means of voluntary euthanasia administered in accordance with this Act.

### 7—Insertion of Part 2 Division A1

Part 2—before Division 1 insert:

#### Division A1—Application of Part

##### 5A—Application of Part

- (1) This Part does not apply to, or in relation to, medical treatment consisting of the administration of voluntary euthanasia to a person.

(2) This Part does not authorise the administration of medical treatment for the purpose of causing the death of the person to whom the treatment is administered (whether such treatment consists of the administration of voluntary euthanasia to the person or otherwise).

5 (3) This Part does not authorise a person to assist the suicide of another.

(4) In this section—

*voluntary euthanasia* has the same meaning as in Part 4.

## 8—Amendment of section 14—Register

Section 14(1)(a)—delete "section 7" and substitute:

10 section 7 or 21

## 9—Repeal of section 18

Section 18—delete the section

## 10—Substitution of Part 4

Delete Part 4 and substitute:

# 15 **Part 4—End of life arrangements**

## **Division 1—Preliminary**

### **18—Interpretation**

(1) In this Part—

*active request*—see section 35;

20 *active request form*—see section 35(3)(e)(i);

*adult* means a person of or over 18 years of age;

*advance request*—section 36;

*advance request form*—see section 36(2)(e)(i);

*approved interpreter*, in relation to a language, means—

25 (a) a person accredited as a translator or interpreter (or both) in that language by the National Accreditation Authority for Translators and Interpreters Ltd; or

(b) a person approved by the Minister as an interpreter in that language under section 20;

30 *Board* means the Voluntary Euthanasia Board of South Australia established under Division 3 Subdivision 1;

*prescribed witness*, in relation to a request for voluntary euthanasia, means an adult person of sound mind but does not include the following persons:

35 (a) a medical practitioner to whom the request is, or is to be, made;

- (b) a person who is a direct beneficiary of, or who otherwise has a direct interest in, the estate of the person the subject of the request;
- (c) a person who is the owner or operator (however described) of a hospital, hospice, nursing home or other institution for the care of the sick or infirm in which the person the subject of the request resides at the time the request is made, or an employee or agent of such a facility;
- (d) any other person excluded from the ambit of this definition by the regulations;

**psychiatrist** means a medical practitioner registered under the law of this State as a specialist in psychiatry;

**Register** means the Register required to be kept under section 33;

**Registrar** means the Registrar appointed under section 32;

**request for voluntary euthanasia** means an active request or advance request;

**request practitioner**, in relation to a particular person's request for voluntary euthanasia, means the medical practitioner to whom the request is to be made and who has agreed to accept the request;

**specialist practitioner**—see section 35(3)(c)(ii);

**treating practitioner** of a person means—

- (a) in relation to a person who is in the terminal stage of a terminal illness—a medical practitioner who is currently treating the person for the terminal illness of which the person is in the terminal phase; and
- (b) in relation to a person who is suffering from an illness, injury or other medical condition referred to in section 35(1)(b) or 36(1)—a medical practitioner who is currently treating the person for the illness, injury or condition; and
- (c) in any case—a medical practitioner currently responsible (whether solely or otherwise) for the primary care of the person;

**voluntary euthanasia** means the administration of medical treatment, in accordance with this Part, to bring about the death of a person who has made a request for voluntary euthanasia.

- (2) For the purposes of this Part, a reference to administering voluntary euthanasia includes a reference to self-administration of voluntary euthanasia, and assisting a person to self-administer voluntary euthanasia.
- (3) For the purposes of this Part, a reference to a medical practitioner does not include a reference to—
- (a) a dentist; or

(b) a medical practitioner of a class prescribed by the regulations for the purpose of this subsection.

(4) For the purposes of the *Health Practitioner Regulation National Law (South Australia) Act 2010* and the *Health Practitioner Regulation National Law*, a failure by a medical practitioner to comply with this Part will be taken to constitute proper cause for disciplinary action against the medical practitioner.

## 19—Object and principles

(1) The object of this Part is to reform the law—

(a) to allow adult persons of sound mind to make decisions about the refusal of medical treatment (including life sustaining measures) where such refusal would be likely to cause the person's death;

(b) to allow adult persons of sound mind to formally request that their life be ended at the time of their choosing, by the administration of voluntary euthanasia should the person satisfy the requirements under this Part;

(c) to allow adult persons of sound mind to formally request that voluntary euthanasia be administered at some future time should the person satisfy the requirements under this Part;

(d) to provide that—

(i) the refusal of medical treatment in accordance with this Part; or

(ii) participation in, or in relation to, the making of a request for, and the administration of, voluntary euthanasia,

does not amount to a criminal offence or, of itself, cause a person to suffer any other discrimination or liability.

(2) The following principles must be taken into account in relation to the operation of this Part:

(a) subject to this or any other Act or law, every person has the right to choose how he or she should live his or her life;

(b) in accordance with his or her right to autonomy or self-determination, an adult person of sound mind is entitled—

(i) to make lawful arrangements in respect of the end of his or her life; and

(ii) to bring about the end of his or her life should life become intolerable for the person;

- 5
- (c) medical practitioners and other persons should be able to provide assistance to persons wanting to make and implement lawful arrangements in respect of the end of their life without exposing themselves to civil or criminal liability or other detriment;
  - (d) the arrangements that a person may make under this Act in respect of bringing his or her life to an end are, and should be able to be implemented as, a medical issue.

## 20—Approval of interpreters

- 10
- (1) The Minister may, by notice in writing, approve a person as an interpreter in a particular language for the purposes of this Part.
  - (2) The following provisions apply in relation to an approval of a person under this section:
    - 15 (a) the approval only applies in relation to a request for voluntary euthanasia made by a person specified in the approval;
    - (b) the approval may only be granted if an interpreter of a kind referred to in paragraph (a) of the definition of *approved interpreter* is not reasonably available in relation to the specified person's request for voluntary euthanasia;
    - 20 (c) the Minister must, as soon as is reasonably practicable, notify the Board of an approval;
    - (d) an approval may be made subject to any conditions specified in the approval;
    - 25 (e) the approval, or a condition of the approval, may be varied or revoked at any time by the Minister by further notice in writing.
  - (3) A person who contravenes a condition of an approval under this section is guilty of an offence.  
30 Maximum penalty: \$5 000.

## Division 2—End of life arrangements other than voluntary euthanasia

### 21—Refusal of future medical treatment so as to bring about death

- 35
- (1) An adult person of sound mind may give a direction under this section that—
    - (a) he or she refuses to consent to specified medical treatment (including life sustaining measures); and
    - (b) that he or she be allowed to die,
- 40 should he or she be incapable of making decisions about medical treatment when the question of administering the treatment arises.



- (2) A direction under this section—
- (a) must be in the form prescribed by regulation; and
  - (b) must be witnessed by an authorised witness who completes a certificate in the form prescribed by regulation,
- 5 (however a direction under this section may be combined with a direction under section 7).

- (3) If—
- (a) a person by whom a direction has been given under this section is incapable of making decisions about his or her
  - 10 medical treatment; and
  - (b) there is no reason to suppose that the person has revoked, or intended to revoke, the direction,
- the person is to be taken to have refused any medical treatment that is contrary to the wishes expressed in the direction.

## 15 **22—False or misleading statements**

A person who makes a false or misleading statement in, or in relation to, a direction under section 21 is guilty of an offence.

Maximum penalty:

- 20 (a) in the case where a person has died as a consequence of the statement—imprisonment for 20 years; or
- (b) in any other case—imprisonment for 10 years.

## **Division 3—Voluntary euthanasia**

### **Subdivision 1—Administration**

#### **23—Establishment of Board**

- 25 (1) The Voluntary Euthanasia Board of South Australia is established.
- (2) The Board—
  - (a) is a body corporate; and
  - (b) has perpetual succession and a common seal; and
  - (c) is capable of suing and being sued in its corporate name; and
  - 30 (d) has all the powers of a natural person that are capable of being exercised by a body corporate; and
  - (e) has the functions and powers assigned or conferred under this Act.
- 35 (3) If a document appears to bear the common seal of the Board, it will be presumed, in the absence of proof to the contrary, that the common seal of the Board was duly affixed to the document.

## 24—Composition of Board

- (1) The Board consists of 7 members appointed by the Governor of whom—
- (a) at least 3 must be medical practitioners; and
  - (b) at least 2 must be legal practitioners of at least 7 years standing; and
  - (c) 2 must be persons nominated by the Minister.
- (2) At least 1 member of the Board must be a woman and at least 1 must be a man.
- (3) The Governor may appoint a person to be a deputy of a member and a person so appointed may act as a member of the Board in the absence of the member.
- (4) The requirements of qualification and nomination (if applicable) made by this section in relation to the appointment of a member extend to the appointment of a deputy of that member.
- (5) An act or proceeding of the Board is not invalid by reason only of a defect in the appointment of a member.

## 25—Terms and conditions of membership

- (1) A member of the Board will be appointed on conditions determined by the Governor and for a term, not exceeding 3 years, specified in the instrument of appointment and, at the expiration of a term of appointment, is eligible for reappointment.
- (2) However, a member of the Board may not hold office for consecutive terms that exceed 9 years in total.
- (3) A member of the Board is entitled to remuneration, allowances and expenses determined by the Governor.
- (4) The Governor may remove a member of the Board from office—
- (a) for breach of, or non-compliance with, a condition of appointment; or
  - (b) for misconduct; or
  - (c) for failure or incapacity to carry out official duties satisfactorily.
- (5) The office of a member of the Board becomes vacant if the member—
- (a) dies; or
  - (b) completes a term of office and is not reappointed; or
  - (c) resigns by written notice to the Minister; or
  - (d) ceases to satisfy the qualification by virtue of which the member was eligible for appointment to the Board; or
  - (e) is removed from office under subsection (4).

- (6) If a member of the Board's term of office expires, or the member resigns, before a matter currently before the Board is completed, the member may, for the purpose of continuing and completing that matter, continue to act as a member of the Board.

## 26—Presiding member

The Minister must appoint a member of the Board to preside at meetings of the Board (the *presiding member*).

## 27—Functions of Board

The functions of the Board are as follows:

- (a) to provide advice to the Minister as the Board considers appropriate;
- (b) to carry out other functions assigned to the Board under this Act or by the Minister.

### Note—

It is not a function of the Board to approve or otherwise authorise each request for voluntary euthanasia.

## 28—Board's procedures

- (1) Subject to this Act, 4 members (of whom 1 must be a medical practitioner and 1 must be a legal practitioner) constitute a quorum of the Board.
- (2) A meeting of the Board will be chaired by the presiding member or, in his or her absence, the members present at a meeting of the Board must choose 1 of their number to preside at the meeting.
- (3) A decision carried by a majority of the votes cast by members of the Board at a meeting is a decision of the Board.
- (4) The Board must have accurate minutes kept of its meetings.
- (5) Subject to this Act, the Board may determine its own procedures.

## 29—Conflict of interest etc

A member of the Board will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector (Honesty and Accountability) Act 1995* by reason only of the fact that the member has an interest in the matter that is shared in common with persons in the medical or legal professions generally, or a substantial section of persons in the medical or legal professions.

## 30—Other staff of Board

- (1) There will be such other staff of the Board as the Board thinks necessary for the proper performance of its functions.
- (2) A member of the staff of the Board is not, as such, an employee of the Public Service, but the Board may employ a person who is on leave from employment in the Public Service or with an instrumentality or agency of the Crown.

- (3) The Board may, under an arrangement established by a Minister administering an administrative unit of the Public Service, make use of the services or staff of that administrative unit.

### **31—Annual report**

- (1) The Board must, on or before 30 September in each year, deliver to the Minister a report on the work of the Board during the financial year ending on the preceding 30 June.
- (2) The report must include the information required by the regulations.
- (3) The Minister must, within 12 sitting days after receiving a report under this section, have copies of the report laid before both Houses of Parliament.

### **Subdivision 2—Register**

#### **32—Registrar of Board**

- (1) There will be a Registrar of the Board.
- (2) The Registrar will be appointed by the Board on terms and conditions determined by the Board.

#### **33—Register**

- (1) The Registrar must keep a register in relation to requests for voluntary euthanasia made in accordance with this Act (the *Register*).
- (2) The Register must, in relation to each request for voluntary euthanasia, contain the information required by the regulations and may contain any other information the Registrar thinks fit.
- (3) In addition to the information required under subsection (2), the Registrar must keep, in relation to each entry in the Register, the following:
  - (a) the active request form or advance request form (as the case requires) relating to the entry;
  - (b) any other document required under this Part to accompany the relevant active request form or advance request form;
  - (c) information relating to any order made by the Board under section 41(7) in respect of the request to which the entry relates;
  - (d) any other document provided to the Registrar in relation to the entry;
  - (e) any other document required by the regulations.
- (4) If the Registrar is advised under this Part, or otherwise becomes aware, of a revocation or purported revocation of a request for voluntary euthanasia, the Registrar must, as a matter of urgency, inquire into the revocation or purported revocation.

- 5
- (5) If, after due inquiry, the Registrar suspects that a request for voluntary euthanasia has been revoked, the Registrar must remove the relevant entry from the Register.
- (6) The Register must be kept available for inspection by a person who, in the opinion of the Registrar, has proper grounds for inspecting the Register.
- 10
- (7) The Registrar must impose conditions in relation to inspection of the Register protecting the privacy of persons other than the person forming the subject of the relevant inspection, and may impose any other condition the Registrar thinks fit in relation to such inspection.
- 15
- (8) A certificate stating that a request for voluntary euthanasia was, or was not, registered on the Register and purporting to be signed by the Registrar will, in the absence of proof to the contrary, be accepted in legal proceedings as proof of the registration, or of the fact that the request was not so registered.

### **34—Registrar may require information**

- 20
- (1) The Registrar may, by notice in writing, for the purpose of preparing and administering the Register, require a person to provide the Registrar with such information as the Registrar may require.
- (2) A person must not refuse or fail to comply with a requirement under subsection (1).  
Maximum penalty: \$10 000 or imprisonment for 6 months.
- 25
- (3) If a person is required under this section to provide information to the Registrar, the Registrar may require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been verified in accordance with the requirements of the Registrar.

### **Subdivision 3—Voluntary euthanasia**

#### **35—Active requests**

- 30
- (1) This section applies to the following persons:
- (a) an adult person who is in the terminal phase of a terminal illness;
- 35
- (b) an adult person who is suffering from an illness, injury or other medical condition (other than a mental illness within the meaning of the *Mental Health Act 2009*) that irreversibly impairs the person's quality of life so that life has become intolerable to that person.

#### **Note—**

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This section does not apply to a person solely on the grounds of old age.

- (2) A person to whom this section applies may, at any time, make a request (an **active request**) for voluntary euthanasia to be administered.
- (3) The following provisions apply in relation to an active request:
- 5 (a) the request must be made by the person who is the subject of the request;
- (b) the person intending to make the request must either—
- 10 (i) have had his or her principal place of residence in the State for a period of not less than 12 months immediately preceding the making of the request; or
- (ii) be the subject of a request for voluntary euthanasia (however described) that is in force under a law of the Commonwealth, or of another State or
- 15 Territory, that regulates the administration of voluntary euthanasia;
- (c) the person intending to make the request must—
- (i) at a preliminary appointment with the request practitioner, be given the following information:
- 20 (A) a diagnosis and prognosis of the person's illness, injury or condition;
- (B) information explaining the forms of treatment that are reasonably available to treat the person's illness, injury or
- 25 condition, and the risks associated with such treatment;
- (C) information explaining the extent to which appropriate palliative care may alleviate the person's suffering;
- 30 (D) information setting out the procedures that may be used to administer voluntary euthanasia;
- (E) information explaining the risks associated with those procedures;
- 35 (F) information setting out the effect of section 40;
- (G) any other information required under the regulations; and
- 40 (ii) be independently examined by a medical practitioner registered under a law of this State as a specialist in respect of the kind of illness, injury or other medical condition that the person intending to make the request has (the **specialist practitioner**) and obtain a report from the specialist setting out—

- 5
- (A) the information specified in paragraph (c)(i)(A), (B) and (C); and
- (B) whether or not, in the opinion of the specialist practitioner—
- the person intending to make the request is of sound mind; or
  - the decision-making ability of the person is adversely affected by the person's state of mind; or
  - the person intending to make the request is acting under any form of duress or inducement (including that due solely to a perception or mistake on the part of the person); and
- 10
- (C) any other information required under the regulations;
- 15
- (d) if either the request practitioner or the specialist practitioner suspects that—
- (i) the person intending to make the request is not of sound mind; or
  - (ii) the decision-making ability of the person is adversely affected by the person's state of mind; or
  - (iii) the person intending to make the request is acting under any form of duress, inducement or undue influence (including that due solely to a perception or mistake on the part of the person),
- 20
- then, before making the request, the person must obtain a certificate from a psychiatrist certifying that, in the psychiatrist's opinion—
- 25
- (iv) the person is of sound mind; and
  - (v) the person's state of mind is unlikely to adversely affect the person's ability to decide to request that voluntary euthanasia be administered; and
  - (vi) the person is not acting under any form of duress, inducement or undue influence (including that due solely to a perception or mistake on the part of the person);
- 30
- (e) the request—
- (i) subject to this section, must be made in writing in the form prescribed by Schedule 1 (the *active request form*); and
- 35
- 40

- (ii) must be made at a separate appointment with the request practitioner (being an appointment taking place not less than 24 hours after the preliminary appointment referred to in paragraph (c)(i)); and
- 5 (iii) must be made in the presence of a prescribed witness (and may be made in the presence of any other persons); and
- (iv) must be accompanied by a copy of the report from the specialist practitioner under paragraph (c)(ii); and
- 10 (v) if a certificate from a psychiatrist is required under paragraph (d)—must be accompanied by the certificate; and
- (vi) if a certificate from an approved interpreter is required under subsection (5)(c)—must be accompanied by the certificate;
- 15 (f) the request may include any other condition or instruction that the person who is the subject of the request wishes to be satisfied or given effect in relation to the administration of voluntary euthanasia.
- 20 (4) In the case of a person who is unable to write, an active request may be made orally but, if the request is made orally—
  - (a) an audio-visual record of the making of the request must be made, and a certified copy of the record must accompany the active request form; and
  - 25 (b) the request practitioner must reduce the request to writing and the request practitioner and the prescribed witness must each sign the form (and in such a case the written form will be taken to be the active request form).
- 30 (5) In the case of a person who is not, in the opinion of the request practitioner, reasonably fluent in English—
  - (a) the information required to be given to the person under subsection (3)(c) must be given with the assistance of an approved interpreter in relation to a language in which the person is fluent; and
  - 35 (b) an active request may be made orally but, if the request is made orally—
    - (i) an audio-visual record of the making of the request must be made, and a certified copy of the record must accompany the active request form; and
    - 40 (ii) the request must be made with the assistance of an approved interpreter in relation to a language in which the person is fluent; and



- 5 (iii) the request practitioner must reduce the request to writing and the request practitioner, the prescribed witness and the approved interpreter must each sign the form (and in such a case the written form will be taken to be the active request form); and
- (c) the approved interpreter must certify that—
- 10 (i) the information required to be given to the person under subsection (3)(c) was given to, and appeared to be understood by, the person; and
- (ii) the information recorded in the active request form accurately reproduces in English the original information supplied by the person in the course of making the request.
- 15 (6) The request practitioner and the prescribed witness must, on the making of an active request, each certify, in accordance with any requirement set out in the regulations—
- (a) in the case of a oral request—that the active request form was completed in accordance with the wishes of the person who is the subject of the request; and
- 20 (b) in any case—that the person who is the subject of the request appeared to understand the nature and implications of the request; and
- (c) in any case—that he or she, after making reasonable enquiries, formed the opinion that the person was not acting under any form of duress, inducement or undue influence (including that due solely to a perception or mistake on the part of the person).
- 25 (7) The validity and legality of a certification of a psychiatrist that a person is of sound mind, or that the person's state of mind is unlikely to adversely affect the person's ability to decide to make an active request, cannot be challenged or questioned in any proceedings seeking to prevent or delay the administration of voluntary euthanasia to the person (other than proceedings under this Part).
- 30 (8) An active request has effect from the time that the request is entered on the Register.
- 35 **Note—**
- The Board is not required to approve or otherwise authorise an active request for it to have effect.
- 40 (9) An active request remains in force until it is revoked in accordance with this Act.

### 36—Advance requests

- 5
- (1) An adult person may, at any time, make a request in accordance with this section (an *advance request*) for voluntary euthanasia to be administered should the person suffer a permanent deprivation of consciousness.
- (2) The following provisions apply in relation to an advance request:
- (a) the request must be made by the person who is the subject of the request;
- (b) the person intending to make the request must either—
- 10 (i) have had his or her principal place of residence in the State for a period of not less than 12 months immediately preceding the making of the request; or
- 15 (ii) be the subject of a request for voluntary euthanasia (however described) that is in force under a law of the Commonwealth, or of another State or Territory, that regulates the administration of voluntary euthanasia;
- (c) the person intending to make the request must—
- 20 (i) at a preliminary appointment with the request practitioner, be given the following information:
- (A) information setting out the procedures that may be used to administer voluntary euthanasia;
- 25 (B) information explaining the risks associated with those procedures;
- (C) information setting out the effect of section 40;
- 30 (D) any other information required under the regulations; and
- (ii) be independently examined by another medical practitioner and obtain a report from that medical practitioner setting out—
- 35 (A) whether or not, in the opinion of that medical practitioner—
- the person intending to make the request is of sound mind; or
  - the decision-making ability of the person is adversely affected by the person's state of mind; or
- 40

- 5
- the person intending to make the request is acting under any form of duress or inducement (including that due solely to a perception or mistake on the part of the person); and
- (B) any other information required under the regulations;
- 10 (d) if either the request practitioner or the other medical practitioner suspects that—
- (i) the person intending to make the request is not of sound mind; or
  - (ii) the decision-making ability of the person is adversely affected by the person's state of mind; or
  - 15 (iii) the person intending to make the request is acting under any form of duress, inducement or undue influence (including that due solely to a perception or mistake on the part of the person),
- then, before making the request, the person must obtain a certificate from a psychiatrist certifying that, in the psychiatrist's opinion—
- 20
- (iv) the person is of sound mind; and
  - (v) the person's state of mind is unlikely to adversely affect the person's ability to decide to request that voluntary euthanasia be administered; and
  - 25 (vi) the person is not acting under any form of duress, inducement or undue influence (including that due solely to a perception or mistake on the part of the person);
- 30 (e) the request—
- (i) subject to this section, must be made in writing in the form prescribed by Schedule 2 (the *advance request form*); and
  - 35 (ii) must be made at a separate appointment with the request practitioner (being an appointment taking place not less than 7 days after the preliminary appointment referred to in paragraph (c)(i)); and
  - (iii) must be made in the presence of a prescribed witness (and may be made in the presence of any other persons); and
  - 40 (iv) must be accompanied by a copy of the report of the other medical practitioner under paragraph (c)(ii); and

(v) if a certificate from a psychiatrist is required under paragraph (d)—must be accompanied by the certificate; and

5

(vi) if a certificate from an approved interpreter is required under subsection (5)(c)—must be accompanied by the certificate;

10

(f) the request may include any other condition or instruction that the person who is the subject of the request wishes to be satisfied or given effect in relation to the administration of voluntary euthanasia.

(3) In the case of a person who is unable to write, an advance request may be made orally but, if the request is made orally—

15

(a) an audio-visual record of the making of the request must be made, and a certified copy of the record must accompany the advance request form; and

(b) the request practitioner must reduce the request to writing and the request practitioner and the prescribed witness must each sign the form (and in such a case the written form will be taken to be the advance request form).

20

(4) In the case of a person who is not, in the opinion of the request practitioner, reasonably fluent in English—

25

(a) the information required to be given to the person under this section must be given with the assistance of an approved interpreter in relation to a language in which the person is fluent; and

(b) an advance request may be made orally but, if the request is made orally—

30

(i) an audio-visual record of the making of the request must be made, and a certified copy of the record must accompany the advance request form; and

(ii) the request must be made with the assistance of an approved interpreter in relation to a language in which the person is fluent; and

35

(iii) the request practitioner must reduce the request to writing and the request practitioner, the prescribed witness and the approved interpreter must each sign the form (and in such a case the written form will be taken to be the active request form); and

40

(c) the approved interpreter must certify that—

(i) the information required to be given to the person under this section was given to, and appeared to be understood by, the person; and

- (ii) the information recorded in the advance request form accurately reproduces in English the original information supplied by the person in the course of making the request.

- 5
- (5) The request practitioner and the prescribed witness must, on the making of an advance request, each certify, in accordance with any requirement set out in the regulations—
- 10
- (a) in the case of an oral request—that the advance request form was completed in accordance with the wishes of the person who is the subject of the request; and
  - (b) in any case—that the person who is the subject of the request appeared to understand the nature and implications of the request; and
  - (c) in any case—that he or she, after making reasonable enquiries, formed the opinion that the person was not acting under any form of duress, inducement or undue influence (including that due solely to a perception or mistake on the part of the person).
- 15
- (6) The validity and legality of a certification of a psychiatrist that a person is of sound mind, or that the person's state of mind is unlikely to adversely affect the person's ability to decide to make an advance request, cannot be challenged or questioned in any proceedings seeking to prevent or delay the administration of voluntary euthanasia to the person (other than proceedings under this Part).
- 20
- (7) An advance request has effect from the time that the request is entered on the Register.
- 25

**Note—**

The Board is not required to approve or otherwise authorise an active request for it to have effect.

- 30
- (8) An advance request remains in force until it is revoked in accordance with this Act.

### **37—Request form etc to be forwarded to Registrar**

- 35
- (1) A request practitioner to whom a request for voluntary euthanasia is made must, as soon as is reasonably practicable, forward the active request form or the advance request form (as the case requires) and any document or record required under this Part to accompany the request, or the active request form or advance request form, to the Registrar.
- 40
- (2) A request practitioner who, without reasonable excuse, refuses or fails to comply with a requirement under this section is guilty of an offence.

Maximum penalty: Imprisonment for 10 years.

### 38—Variation of requests

- 5
- (1) A person who has made a request for voluntary euthanasia may, with the written authority of the Board, by notice in writing given to the Registrar, vary an instruction or matter set out in the request (being an instruction or matter of a kind referred to in section 35(3)(f) or section 36(2)(f) (as the case requires).
- (2) The Board must not authorise a proposed variation under this section if, in the opinion of the Board, the proposed variation significantly changes the nature of the request for voluntary euthanasia.

10 **Note—**

In the event of a desire to significantly change the nature of the request (such as significantly moving forward the administration of voluntary euthanasia) the request must be revoked and a new request made.

- 15
- (3) If the Board refuses to authorise a variation of a person's request for voluntary euthanasia under this section, the Board must, as soon as is reasonably practicable, give notice in writing to the person setting out the reasons for the refusal.

### 39—Interaction between requests

20 A request for voluntary euthanasia made by a person revokes all earlier requests for voluntary euthanasia made by the person.

### 40—Revocation of requests

- 25
- (1) A person who has made a request for voluntary euthanasia may revoke the request at any time.
- (2) A written, oral or any other indication of revocation of, or of a wish to revoke, a request for voluntary euthanasia is sufficient to revoke the request (whether or not the person is mentally competent when the indication is given).
- 30
- (3) A medical practitioner or other person who becomes aware that a person who has made a request for voluntary euthanasia has revoked the request must, as soon as is practicable, advise the Registrar of the revocation.
- (4) A medical practitioner or other person who, without reasonable excuse, refuses or fails to comply with a requirement under this section is guilty of an offence.
- 35

**Maximum penalty:**

- (a) in the case where a person has died as a consequence of the refusal or failure—imprisonment for 20 years; or
- (b) in any other case—imprisonment for 10 years.

(5) A medical practitioner or other person who (whether voluntarily or pursuant to a requirement of this Act) advises the Registrar of a suspicion that a person has revoked a request for voluntary euthanasia—

- 5
- (a) cannot, by virtue of doing so, be held to have breached any code of professional etiquette or ethics, or to have departed from any accepted form of professional conduct; and
  - (b) insofar as he or she has acted in good faith, incurs no civil or criminal liability in respect of the advice.

10 **Subdivision 4—Board declarations and orders**

**41—Board declarations and orders**

(1) This section applies, in respect of a particular request for voluntary euthanasia, to the following persons:

- 15
- (a) the person who made the request;
  - (b) the treating practitioner of the person who made the request;
  - (c) the request practitioner;
  - (d) in the case of an active request—the specialist practitioner;
  - (e) in the case of an advance request—the medical practitioner referred to in section 36(2)(c)(ii);
  - 20 (f) a medical practitioner who is, or is likely, to administer voluntary euthanasia to the person;
  - (g) the Registrar;
  - (h) a person authorised in writing for the purposes of this section by a person referred to in a preceding paragraph.

25 (2) A person to whom this section applies may apply to the Board to make 1 or more of the following declarations in relation to a request for voluntary euthanasia which has not been revoked:

- 30
- (a) a declaration that the person who made the request is, or is not, a person to whom section 35 applies;
  - (b) in the case of an advance request—a declaration that the person who made the request is suffering from a permanent deprivation of consciousness;
  - (c) a declaration that a condition specified in the request has, or has not, been satisfied;
  - 35 (d) a declaration that a requirement under this Act in relation to the making of the request has, or has not, been satisfied.

(3) An application under this section must be made in a manner and form determined by the Board.

40 (4) No fee may be charged in relation to an application under this section.

(5) If a person (not being the person who is the subject of the relevant request for euthanasia) makes an application under this section, the Board—

5 (a) must, in accordance with any requirement set out in the regulations, give notice of the application, and of the time and place at which it intends to conduct any relevant proceedings, to the person who is the subject of the relevant request for euthanasia; and

10 (b) must afford to the person who is the subject of the relevant request for euthanasia a reasonable opportunity to call and give evidence, to examine or cross-examine witnesses, and to make submissions to the Board.

(6) Subject to this section, if an application is made under this section for a declaration that—

15 (a) a person is a person to whom section 35 applies; or

(b) a person is suffering from a permanent deprivation of consciousness; or

(c) a relevant condition has been satisfied,

20 the Board must inquire into the subject matter of the application and, if satisfied beyond reasonable doubt that the person is a person to whom section 35 applies or is permanently deprived of consciousness, or that the relevant condition has been satisfied, the Board must grant the application.

25 (7) If, after due inquiry in relation to a particular request for voluntary euthanasia (whether such inquiry was a result of an application for a declaration under this section or was conducted on the Board's own motion), the Board is of the opinion that it is appropriate to do so, the Board may make 1 or more of the following orders:

30 (a) an order declaring the request to be void and of no effect;

(b) an order postponing the administration of voluntary euthanasia for a specified period (being a period not exceeding 1 month) to enable further inquiries to be made in relation to the request;

35 (c) an order imposing such conditions as the Board thinks fit on the administration of voluntary euthanasia to the person;

(d) any other order the Board thinks fit in relation to the request (including an order that the person submit to an examination by a medical practitioner, or by a medical practitioner of a class, specified by the Board).

40 (8) If the Board makes a declaration or order under this section, the Board must, as soon as is reasonably practicable, make reasonable efforts to give each person to whom this section applies notice in writing of the making, and the terms, of the declaration or order.



(9) If the Board makes an order under subsection (7)(a), the Registrar must remove the relevant entry from the Register.

(10) A person who contravenes, or fails to comply with—

(a) an order under this section; or

(b) a condition imposed under this section on the administration of voluntary euthanasia to a person,

is guilty of an offence.

Maximum penalty:

(a) in the case where a person has died as a consequence of the contravention or failure—imprisonment for 20 years; or

(b) in any other case—imprisonment for 10 years.

(11) In relation to an application for a declaration, or the making of an order, under this section, the Board—

(a) is not bound by the rules of evidence and may inform itself on any matter as it thinks fit; and

(b) must act according to good conscience and the substantial merits of the case without regard to technicalities and legal forms; and

(c) must deal with the application or inquiry as a matter of urgency; and

(d) may refer any question of law for determination by the Supreme Court.

(12) A person to whom this section applies is entitled to be represented at the hearing of an application for a declaration in respect of the relevant request for voluntary euthanasia.

(13) A hearing of an application for a declaration under this section is not to be open to the public.

#### **42—Powers of Board in relation to witnesses etc**

(1) For the purposes of this Part, the Board may—

(a) by summons signed on behalf of the Board by a member of the Board or the Registrar, require the attendance before the Board of a person whom the Board thinks fit to call before it; or

(b) by summons signed on behalf of the Board by a member of the Board or the Registrar, require the production of relevant documents, records or equipment and, in the case of a document or record that is not in the English language—

(i) a written translation of the document or record into English; and

(ii) a certificate signed by a translator approved by the Board certifying that the translation accurately reproduces in English the contents of the document or record; or

5 (c) inspect documents, records or equipment produced before it, and retain them for such reasonable period as it thinks fit, and make copies of the documents or records or their contents; or

10 (d) require a person to make an oath or affirmation (which may be administered by a member of the Board) to answer truthfully questions put by a member of the Board or a person appearing before the Board; or

15 (e) require a person appearing before the Board (whether summoned to appear or not) to answer questions put by a member of the Board or by a person appearing before the Board.

20 (2) On the receipt of an application for the issue of a summons under this section, a member of the Board or the Registrar may, without referring the matter to the Board, issue a summons on behalf of the Board.

(3) A person who—

25 (a) having been served with a summons to attend, or to produce documents, records or equipment, before the Board, fails, without reasonable excuse, to comply with the summons; or

(b) having been served with a summons to produce—

(i) a written translation of the document or record into English; and

30 (ii) a certificate signed by a translator approved by the Board certifying that the translation accurately reproduces in English the contents of the document or record,

fails, without reasonable excuse, to comply with the summons; or

35 (c) misbehaves before the Board, wilfully insults the Board or 1 or more of the members in the exercise of the member's official duties, or wilfully interrupts the proceedings of the Board; or

40 (d) refuses to be sworn or to affirm, or refuses or fails to answer truthfully a relevant question when required to do so by the Board,

is guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for 6 months.

(4) A person who appears as a witness before the Board has the same protection as a witness in proceedings before the Supreme Court.

### **43—Access to Board records**

5 Except as authorised by the Supreme Court, the records of proceedings for a declaration under section 41 will not be open to inspection by a person other than a person to whom section 41 applies in respect of that declaration.

### **Subdivision 5—Appeal**

#### **44—Right of appeal to Supreme Court**

- 10
- (1) An appeal lies to the Supreme Court against a declaration or order of the Board under Subdivision 4.
- (2) An appeal in relation to a particular request for voluntary euthanasia may only be instituted by a person to whom section 41 applies in respect of the request.
- 15 (3) An appeal must be instituted within 7 days of the person being notified of the making of the declaration or order appealed against under section 41(8), but the Supreme Court may, if satisfied that it is just and reasonable in the circumstances to do so, extend that period (whether or not it has already expired).

### **Subdivision 6—Administration of voluntary euthanasia**

#### **45—Administration of voluntary euthanasia**

- 20 (1) A medical practitioner (whether the patient's treating practitioner or otherwise) may administer voluntary euthanasia to a person if—
- (a) the person has made a request for voluntary euthanasia; and
- (b) the request has not been revoked; and
- 25 (c) —
- (i) in the case of an active request—the person is a person to whom section 35 applies; or
- (ii) in the case of an advance request—
- (A) the person is, in the opinion of the medical practitioner, suffering from a permanent deprivation of consciousness; and
- 30 (B) either—
- at least 1 other medical practitioner acting independently of the medical practitioner has confirmed in writing that, in his or her opinion, the person is suffering from a permanent deprivation of consciousness; or
- 35

- the Board has made a declaration under section 41 that the person is suffering from a permanent deprivation of consciousness; and

- 5 (d) any conditions precedent set by the person in relation to the administration of voluntary euthanasia (whether expressed in the request or otherwise) have, as far as is reasonably practicable, been satisfied; and
- 10 (e) the person has not expressed a desire to postpone the administration of voluntary euthanasia; and
- (f) the medical practitioner has taken the steps prescribed by the regulations to ascertain, as far as is reasonably practicable, whether the person has revoked the request; and
- 15 (g) the medical practitioner has made the prescribed enquiries with the Board in relation to the request; and
- (h) any relevant order made by the Board under section 41 has been complied with; and
- (i) any other requirement set out in the regulations for the purposes of this section has been satisfied.

- 20 (2) A medical practitioner may only administer voluntary euthanasia by the following methods:

- (a) by administering drugs in concentrations likely to end life;
- (b) by prescribing or supplying drugs for self-administration by a person in concentrations likely to end the person's life;
- 25 (c) by withholding or withdrawing medical treatment in circumstances likely to result in an end to life.

- (3) The following provisions apply to a medical practitioner administering voluntary euthanasia by a method referred to in subsection (2)(a) or (2)(b):

- 30 (a) in the case of voluntary euthanasia administered by the method referred to in subsection (2)(b)—
- (i) the medical practitioner may only supply the drugs to the person immediately before the person self-administers the drugs; and
- 35 (ii) the medical practitioner must, while the person self-administers the drugs, be present in the same premises as the person; and
- (iii) if the patient revokes his or her request or indicates a desire to postpone the administration of voluntary euthanasia, the medical practitioner must, as soon as is reasonably practicable after being made aware of the revocation or postponement, retrieve the drugs from the person;
- 40

(b) in any case—the medical practitioner must examine the person immediately following the administration of voluntary euthanasia for the purpose of ensuring that the person has died.

5 (4) For the purposes of this or any other Act or law, a person's request for voluntary euthanasia will, in the absence of evidence to the contrary, be taken to constitute any consent necessary for the administration of voluntary euthanasia to the person.

#### **46—Report to State Coroner**

10 (1) A medical practitioner who administers voluntary euthanasia to a person must make a report to the State Coroner within 48 hours after the person's death.

Maximum penalty: \$5 000.

15 (2) The report must be in the prescribed form, and must be accompanied by—

(a) a copy of the relevant active request form or advance request form (as the case requires); and

20 (b) a copy of any other document or record required to accompany the active request form or advance request form (as the case requires) under this Part; and

25 (c) in the case of voluntary euthanasia administered pursuant to an advance request—the written confirmation of an independent medical practitioner or practitioners prepared under section 45(1)(c)(ii)(B) that the person was suffering from a permanent deprivation of consciousness; and

(d) any other information required by the regulations.

(3) The State Coroner must forward to the Board a copy of a report and any accompanying documents, records and information received under this section.

#### **Subdivision 7—Offences**

##### **47—Undue influence etc**

A person who, by dishonesty or undue influence, induces another to make a request for voluntary euthanasia is guilty of an offence.

Maximum penalty:

35 (a) in the case where a person has died as a consequence of the inducement—imprisonment for 20 years; or

(b) in any other case—imprisonment for 10 years.

##### **48—False or misleading statements**

40 (1) A person who makes a false or misleading statement in, or in relation to, a request for voluntary euthanasia is guilty of an offence.

Maximum penalty:

- (a) in the case where a person has died as a consequence of the statement—imprisonment for 20 years; or
- (b) in any other case—imprisonment for 10 years.
- (2) For the purposes of this section, a reference to a request for voluntary euthanasia includes a reference to—
- (a) any preliminary matters required to be undertaken before making a request under section 35 or 36 (as the case requires); and
- (b) a request that has been revoked.

#### **49—Limitation of fees**

- (1) A medical practitioner or other person must not require a fee to be paid (whether by the person the subject of a request for voluntary euthanasia or otherwise) in relation to—
- (a) the making of a request for voluntary euthanasia; or
- (b) the administration of voluntary euthanasia in accordance with a person's request for voluntary euthanasia,
- that exceeds the reasonable costs incurred by the medical practitioner or other person in relation to that act.
- Maximum penalty: \$10 000.
- (2) If a court finds a person guilty of an offence against this section, the court may order the person to pay to the Crown an amount not exceeding the court's estimate of the fee received by the person in contravention of this section.

### **Division 4—Miscellaneous**

#### **50—Certain persons to forfeit interest in estate**

- (1) A person found guilty of an offence against section 47 forfeits any interest that the person might otherwise have had in the estate of the person who was induced to make the relevant request for voluntary euthanasia.
- (2) If a court finds a person guilty of an offence against section 40(4) or 48, the court may, on the application of the prosecution, order that the person forfeits any interest that the person might otherwise have had in the estate of the person who made the relevant request for voluntary euthanasia.

#### **51—Protection from liability**

- (1) A medical practitioner or other person incurs no criminal or civil liability for an act or omission done or made in good faith, without negligence and in accordance with a direction under section 21.

(2) If a medical practitioner or other person—  
(a) takes part in, or is otherwise involved in relation to, the making of a request for voluntary euthanasia in accordance with this Act; or

5 (b) takes part in, or is otherwise involved in relation to, the administration of voluntary euthanasia in accordance with this Act,

the medical practitioner or person—

10 (c) incurs no criminal liability (other than in proceedings for an offence against this Act) for an act or omission in so doing; and

(d) incurs no civil liability for an act or omission in so doing, provided that the act or omission was done or made in good faith and without negligence.

15 (3) For the purposes of this section, a reference to civil liability of a person includes a reference to liability arising under disciplinary proceedings or similar proceedings.

20 (4) For the purposes of this section, a reference to the administration of voluntary euthanasia includes a reference to the attempted administration of voluntary euthanasia.

## **52—Imputation of conduct or state of mind of officer etc**

(1) For the purposes of proceedings for an offence against this Act—

25 (a) the conduct and state of mind of an officer, employee or agent of a body corporate acting within the scope of his or her actual, usual or ostensible authority will be imputed to the body corporate;

(b) the conduct and state of mind of an employee or agent of a natural person acting within the scope of his or her actual, usual or ostensible authority will be imputed to that person,

30 (but not so as to affect any personal liability of the officer, employee or agent).

35 (2) It will be a defence in any criminal proceedings under the Act against a body corporate or a natural person where conduct or a state of mind is imputed to the body or person under subsection (1) if it is proved that the alleged contravention did not result from any failure on the defendant's part to take all reasonable and practicable measures to prevent the contravention or contraventions of the same or a similar nature.

(3) If—

40 (a) a natural person is convicted of an offence against this Act; and

(b) the person would not have been convicted of the offence but for the operation of subsection (1),

the person is not liable to be punished by imprisonment for the offence.

- (4) For the purposes of this section, a reference to *conduct* or *acting* includes a reference to failure to act.

### 53—Liability of directors

- (1) If a corporation commits an offence against this Part, each director of the corporation is guilty of an offence and liable to the same penalty as is fixed for the principal offence unless it is proved that the principal offence did not result from failure on the director's part to take reasonable care to prevent the commission of the offence.
- (2) A director of a corporation may be prosecuted and convicted of an offence under this section whether or not the corporation has been prosecuted or convicted of the offence committed by the corporation.

### 54—Cause of death

- (1) For the purposes of the law of the State, and for any other purpose, the non-application or withdrawal of medical treatment in accordance with a direction under section 21 does not constitute an intervening cause of death.
- (2) For the purposes of the law of the State, and for any other purpose, the death of a person resulting from the administration of voluntary euthanasia—
- (a) will be taken to have been caused by the person's relevant illness, injury or medical condition; and
  - (b) is not suicide or homicide.

### 55—Insurance

- (1) An insurer is not entitled to refuse to make a payment that is payable under a life insurance policy on death of the insured on the ground that the death resulted from—
- (a) the non-application or withdrawal of medical treatment in accordance with a direction under section 21; or
  - (b) the administration of voluntary euthanasia.
- (2) A person is not obliged to disclose a request for voluntary euthanasia to an insurer.
- (3) An insurer must not ask a person to disclose whether the person has made a request for voluntary euthanasia.  
Maximum penalty: \$10 000.
- (4) An insurer must not encourage or in any way promote the administration of voluntary euthanasia as an alternative to any other form of treatment (including palliative care) that may be available in relation to an illness, injury or other medical condition of a particular person.  
Maximum penalty:



- (a) in the case of a natural person—imprisonment for 5 years;
  - (b) in the case of a body corporate—\$600 000.
- (5) This section applies despite an agreement between a person and an insurer to the contrary.

5 **56—Person may decline to administer or assist the administration of voluntary euthanasia**

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- 15
- 20
- (1) A medical practitioner may decline to administer voluntary euthanasia on any grounds without prejudice to the medical practitioner's employment or any other form of discrimination.
  - (2) However, if a medical practitioner declines to administer voluntary euthanasia, he or she must inform the person that another medical practitioner may be prepared to consider the request.
  - (3) A person may decline to assist a medical practitioner to administer voluntary euthanasia on any grounds without prejudice to the person's employment or any other form of discrimination.
  - (4) The administering authority of a hospital, hospice, nursing home or other institution for the care of the sick or infirm may refuse to permit the administration of voluntary euthanasia within the institution but, if it does so, must take steps to ensure that—
    - (a) such refusal is brought to the attention of any person seeking to enter the institution; and
    - (b) the person is given the name of at least 1 institution that does permit the administration of voluntary euthanasia within the institution.

25 **57—Victimisation**

- 30
- 35
- (1) A person commits an act of victimisation against another person (the *victim*) if he or she causes detriment to the victim on the ground, or substantially on the ground, that the victim—
    - (a) takes part in, or is otherwise involved in relation to, the making of a request for voluntary euthanasia in accordance with this Act; or
    - (b) takes part in, or is otherwise involved in relation to, the administration of voluntary euthanasia in accordance with this Act.
  - (2) An act of victimisation under this Act may be dealt with—
    - (a) as a tort; or
    - (b) as if it were an act of victimisation under the *Equal Opportunity Act 1984*,

but, if the victim commences proceedings in a court seeking a remedy in tort, he or she cannot subsequently lodge a complaint under the *Equal Opportunity Act 1984* and, conversely, if the victim lodges a complaint under that Act, he or she cannot subsequently commence proceedings in a court seeking a remedy in tort.

(3) If a complaint alleging an act of victimisation under this Act has been lodged with the Commissioner for Equal Opportunity and the Commissioner is of the opinion that the subject matter of the complaint has already been adequately dealt with by a competent authority, the Commissioner may decline to act on the complaint or to proceed further with action on the complaint.

(4) In this section—

*detriment* includes—

- (a) injury, damage or loss; or
- (b) intimidation or harassment; or
- (c) discrimination, disadvantage or adverse treatment in relation to the victim's employment or business; or
- (d) threats of reprisal.

## 58—Review of Part by Minister

- (1) The Minister must cause a review of the operation of this Part to be conducted and a report on the results of the review to be submitted to him or her.
- (2) The Minister must ensure that, as part of the review, reasonable steps are taken to seek submissions from—
  - (a) State agencies, and agencies of the Commonwealth, that have an interest in the operation of this Part; and
  - (b) relevant industry and community organisations.
- (3) The review and the report must be completed before the second anniversary of the commencement of this Part.
- (4) The Minister must cause a copy of the report submitted under subsection (1) to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

## Part 5—Miscellaneous

### 59—Confidentiality

- (1) A person engaged or formerly engaged in the administration of this Act must not divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—
  - (a) as required or authorised by or under this Act or any other Act or law; or

- (b) with the consent of the person to whom the information relates; or
- (c) in connection with the administration of this Act; or
- (d) to an authority responsible under the law of a place outside this State, where the information is required for the proper administration of that law; or
- (e) to an agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the proper performance of its functions.

Maximum penalty: \$10 000.

- (2) Subsection (1) does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates.
- (3) Information that has been disclosed under subsection (1) for a particular purpose must not be used for any other purpose by—
  - (a) the person to whom the information was disclosed; or
  - (b) any other person who gains access to the information (whether properly or improperly and whether directly or indirectly) as a result of that disclosure.

Maximum penalty: \$10 000.

## 60—Service

- (1) Subject to this Act, a notice or document required or authorised to be given or sent to, or served on, a person for the purposes of this Act may—
  - (a) be given to the person personally; or
  - (b) be posted in an envelope addressed to the person at the person's last known nominated contact, residential, business or (in the case of a corporation) registered address; or
  - (c) be left for the person at the person's last known nominated contact, residential, business or (in the case of a corporation) registered address with someone apparently over the age of 16 years; or
  - (d) be transmitted by fax or email to a fax number or email address provided by the person (in which case the notice or document will be taken to have been given or served at the time of transmission).
- (2) Without limiting the effect of subsection (1), a notice or other document required or authorised to be given or sent to, or served on, a person for the purposes of this Act may, if the person is a company or registered body within the meaning of the *Corporations Act 2001* of the Commonwealth, be served on the person in accordance with that Act.

## 61—Regulations

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) The regulations may—
- 5           (a) be of general application or vary in their application according to prescribed factors;
- (b) make provisions of a saving or transitional nature;
- (c) prescribe fines (not exceeding \$10 000) for offences against the regulations;
- 10           (d) make provisions of an evidentiary nature in respect of the commission of offences against the regulations;
- (e) confer discretionary powers on a specified person or body of persons.
- (3) The regulations may refer to or incorporate, wholly or partially and with or without modification, a code, standard or other document prepared or published by a prescribed body, either as in force at the time the regulations are made or as in force from time to time.
- 15           (4) If a code, standard or other document is referred to or incorporated in the regulations—
- 20           (a) a copy of the code, standard or other document must be kept available for public inspection, without charge and during ordinary office hours, at an office or offices specified in the regulations; and
- (b) evidence of the contents of the code, standard or other document may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code, standard or other document.
- 25

## Schedule 1—Active request form

### 1—Form of active request

30           For the purposes of section 35(3)(e)(i), a form that contains the following information is prescribed:

- (a) that the form is an active request for voluntary euthanasia under the Act;
- 35           (b) the full name, address and date of birth of the person making the active request;
- (c) the full name and business address of the request practitioner;
- (d) the full name and address of the prescribed witness;
- 40           (e) a statement by the person making the active request that—

(i) —

(A) he or she is in the terminal phase of a terminal illness; or

(B) his or her life has become intolerable because of the illness, injury or other medical condition (other than a mental illness within the meaning of the *Mental Health Act 2009*) from which he or she is suffering,

(as the case requires);

(ii) he or she was given the information required under section 35(3)(c)(i);

(iii) he or she is not acting under any form of duress or inducement;

(f) a description of the illness, injury or other medical condition from which the person making the active request is suffering;

(g) any other condition or instruction that the person making the active request wishes to be satisfied or given effect in relation to the administration of voluntary euthanasia;

(h) any other information required by the regulations.

## **2—Schedule may be amended by regulations**

The Governor may, by regulation, amend this Schedule.

## **Schedule 2—Advance request form**

### **1—Form of advance request**

For the purposes of section 36(2)(e)(i), a form that contains the following information is prescribed:

(a) that the form is an advance request for voluntary euthanasia under the Act;

(b) the full name, address and date of birth of the person making the advance request;

(c) the full name and business address of the request practitioner;

(d) the full name and address of the prescribed witness;

(e) a statement by the person making the advance request that—

(i) he or she was given the information required under section 36(2)(c)(i); and

(ii) he or she is not acting under any form of duress or inducement;

- (f) any other condition or instruction that the person making the advance request wishes to be satisfied or given effect in relation to the administration of voluntary euthanasia;
- (g) any other information required by the regulations.

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**2—Schedule may be amended by regulations**

The Governor may, by regulation, amend this Schedule.