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c2022-076C

\*--Other (Hon G J Donnelly)

**LEGISLATIVE COUNCIL**

**Voluntary Assisted Dying Bill 2021**

**Second print**

**Proposed amendments**

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- No. 1      **Decision-making capacity**  
Page 3, clause 6(1)(f), line 20. Omit “in some way”. Insert instead “clearly and unambiguously”.
- No. 2      **Decision-making capacity**  
Page 3, clause 6. Insert after line 20—  
    (1A) Without limiting subsection (1)(e), a patient does not have the capacity to weigh up the factors referred to in paragraphs (a), (c) and (d) for the purposes of making a voluntary assisted dying decision if the person’s capacity to weigh up the factors is significantly impacted by a mental health impairment within the meaning of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*.
- No. 3      **Decision-making capacity**  
Page 3, clause 6(2), lines 21–26. Omit all words on those lines.
- No. 4      **Health care worker not to initiate discussion about voluntary assisted dying**  
Page 4, clause 10(1), line 13. Omit “, while providing the services to the person”.
- No. 5      **Health care worker not to initiate discussion about voluntary assisted dying**  
Page 4, clause 10(2), lines 20–29. Omit all words on those lines.
- No. 6      **Health care worker not to initiate discussion about voluntary assisted dying**  
Page 4, clause 10(3), lines 30–36. Omit all words on those lines.
- No. 7      **Health care worker not to initiate discussion about voluntary assisted dying**  
Page 4, clause 10(4), line 37. Omit “health care worker”. Insert instead “medical practitioner”.
- No. 8      **Referral to psychiatrist or psychologist**  
Page 11, clause 27(1), line 13. Omit “unable to decide”. Insert instead “deciding”.
- No. 9      **Referral to psychiatrist or psychologist**  
Page 11, clause 27(2), lines 21–31. Omit all words on those lines. Insert instead—

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- (2) The coordinating practitioner must refer the patient to one of the following registered health practitioners to decide whether the patient meets the criteria in section 16(1)(e)–(g)—
- (a) a psychiatrist,
  - (b) a clinical psychologist,
  - (c) a clinical neuropsychologist,
  - (d) a forensic psychologist.

No. 10 **Referral to psychiatrist or psychologist**

Page 11, clause 27(3), lines 32–35. Omit all words on those lines. Insert instead—

- (3) If the decision of the registered health practitioner to whom the referral is made is that the patient does not meet all the criteria in section 16(1)(e)–(g), the coordinating practitioner must adopt the decision.
- (3A) If the decision of the registered health practitioner to whom the referral is made is that the patient meets all the criteria in section 16(1)(e)–(g), the coordinating practitioner may adopt the decision.

No. 11 **Referral to psychiatrist or psychologist**

Page 11, clause 27(4), line 36. Omit “psychiatrist, registered health practitioner or other person”. Insert instead “registered health practitioner”.

No. 12 **Referral to psychiatrist or psychologist**

Page 17, clause 38(1), line 5. Omit “unable to decide”. Insert instead “deciding”.

No. 13 **Referral to psychiatrist or psychologist**

Page 17, clause 38(2), lines 13–22. Omit all words on those lines. Insert instead—

- (2) The consulting practitioner must—
  - (a) adopt the decision, made by a registered health practitioner to whom a referral was made under section 27(2), that the patient meets all the criteria in section 16(1)(e)–(g), or
  - (b) refer the patient to one of the following registered health practitioners to decide whether the patient meets the criteria in section 16(1)(e)–(g)—
    - (i) a psychiatrist,
    - (ii) a clinical psychologist,
    - (iii) a clinical neuropsychologist,
    - (iv) a forensic psychologist, or
  - (c) decide the patient does not meet the criteria in section 16(1)(e)–(g).

No. 14 **Referral to psychiatrist or psychologist**

Page 17, clause 38(3), lines 23–26. Omit all words on those lines. Insert instead—

- (3) If the decision of a registered health practitioner to whom a referral is made under subsection (2)(b) is that the patient does not meet all the criteria in section 16(1)(e)–(g), the consulting practitioner must adopt the decision.
- (3A) If the decision of a registered health practitioner to whom a referral is made under subsection (2)(b) is that the patient meets all the criteria in section 16(1)(e)–(g), the consulting practitioner may adopt the decision.

No. 15 **Referral to psychiatrist or psychologist**

Page 17, clause 38(4), line 27. Omit “psychiatrist, registered health practitioner or other person”. Insert instead “registered health practitioner”.