

PARLIAMENT OF VICTORIA

**Voluntary Assisted Dying Amendment (Telehealth
and Other Matters) Bill 2021**

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PARLIAMENT OF VICTORIA

Introduced in the Council by Stuart Grimley

Voluntary Assisted Dying Amendment (Telehealth and Other Matters) Bill 2021

A Bill for an Act to amend the **Voluntary Assisted Dying Act 2017** to permit certain matters to be dealt with by means of audio visual communication and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

- 5
- (a) to amend the **Voluntary Assisted Dying Act 2017** to permit communication by audio visual means in certain circumstances; and
 - (b) to amend the **Voluntary Assisted Dying Act 2017** in relation to residency.

Voluntary Assisted Dying Amendment (Telehealth and Other Matters)
Bill 2021

Part 1—Preliminary

2 Commencement

This Act comes into operation on 31 December 2021.

3 Principal Act

5 In this Act, the **Voluntary Assisted Dying Act 2017** is called the Principal Act.

Part 2—Amendments of the Voluntary Assisted Dying Act 2017

Division 1—Amendments relating to telehealth

4 Definitions

5 In section 3(1) of the Principal Act **insert** the following definition—

"*audio visual communication* means communication undertaken by electronic means that enables people to see and hear each other simultaneously;"

5 Person may make first request to registered medical practitioner

(1) In section 11(2)(b) of the Principal Act for "personally." **substitute** "personally; and".

15 (2) After section 11(2)(b) of the Principal Act **insert**—

"(c) made in the physical presence of the registered practitioner and not by means of audio visual communication."

6 New Division 7 of Part 3 inserted

20 After Division 6 of Part 3 of the Principal Act **insert**—

"Division 7—Certain communications may be made by audio visual means

25 **44A Registered medical practitioners may carry out certain assessments by audio visual means**

(1) If it is not practicable for a registered medical practitioner to carry out a first assessment or a consulting assessment in respect of a person in the physical presence

of the person, the registered medical practitioner may carry out the assessment by means of audio visual communication.

- 5 (2) In this section, carrying out an assessment in respect of a person includes—
- (a) communicating with and advising the person in relation to any aspect of the assessment; and
- 10 (b) informing the person of the outcome of the assessment.

44B Person may make final request by audio visual means

15 A person may make a final request by means of audio visual communication if it is not practicable for the person to make the final request in the physical presence of the person's co-ordinating medical practitioner.

44C Severability provision

20 Nothing in this Division authorises the use of a means of communication if, or to the extent that, the use is contrary to or inconsistent with a law of the Commonwealth."

7 New section 67A inserted

After section 67 of the Principal Act **insert**—

25 **"67A Voluntary assisted dying not suicide**

- (1) A person who dies after the administration of a voluntary assisted dying substance in accordance with this Act is taken for all purposes not to have committed, or to have attempted to commit, suicide.
- 30 (2) To the extent that a person does a thing that is permitted or required by this Act in accordance with this Act, the person is taken for all purposes not to have counselled or
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incited another person to commit, or to attempt to commit, suicide."

Division 2—Amendment relating to residency

8 Definitions

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In section 3(1) of the Principal Act **insert** the following definition—

"permanent resident means a person who has been ordinarily resident in Australia for at least 3 consecutive years;"

Part 3—Repeal of this Act

Part 3—Repeal of this Act

9 Repeal of this Act

This Act is **repealed** on the first anniversary of its commencement.

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Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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Endnotes

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

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