

2024

**Legislative Assembly for the
Australian Capital Territory**

**Amendment to the
Voluntary Assisted Dying Bill 2023**

Supplementary Explanatory Statement

Presented by

Ed Cocks MLA

Member for Murrumbidgee

Legislative Assembly for the Australian Capital Territory

AMENDMENTS TO THE VOLUNTARY ASSISTED DYING BILL 2023

This explanatory statement relates to the Voluntary Assisted Dying Bill 2023 as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the bill and to help inform debate on it. It does not form part of the bill and has not been endorsed by the Assembly. The Statement must be read in conjunction with the bill. It is not, and is not meant to be, a comprehensive description of the bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Purpose

The proposed amendments to the bill would amend the Voluntary Assisted Dying Bill 2023 to strengthen conscientious objection protections and expand conscientious objection to private health facilities. This would bring conscientious objection in the ACT in line with the South Australian model.

Clause Notes

Proposed amendment to Clause 94

This clause expands the conscientious objection for health practitioners and health service providers allowing them to object from all parts of the voluntary assisted dying process.

This clause allows operators of private health facilities to conscientiously object to the carrying out of any part of the voluntary assisted dying process in relation to patients at the facility. It also requires patients to acknowledge that they understand and accept the operator's conscientious objection and to not seek or demand Voluntary Assisted Dying at the facility. The clause provides that should a patient at a facility that conscientiously objects wish to access Voluntary Assisted Dying, the facility should take reasonable steps to facilitate a transfer to another health facility.

This amendment promotes people's right to conscientiously object from engaging in Voluntary Assisted Dying. This would support Section 14 of the *Human Rights Act*, the right to Freedom of thought, conscience, religion and belief.

Omit Clause 95

Removing this clause removes the requirement for conscientious objectors to provide contact details for the approved care navigator service where that is in conflict with their conscientious objection.

This amendment promotes people's right to fully conscientiously object from engaging in Voluntary Assisted Dying. This would support Section 14 of the *Human Rights Act*, the right to Freedom of thought, conscience, religion and belief.

Proposed amendment to Clause 96

This clause clarifies that facility operators who conscientiously object to Voluntary Assisted Dying are excluded from the obligations imposed under Clause 96.

This amendment promotes people’s right to fully conscientiously object from engaging in Voluntary Assisted Dying. This would support Section 14 of the *Human Rights Act*, the right to Freedom of thought, conscience, religion and belief.