

## Voluntary Euthanasia Bill 2010

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**Schedule**

**Part 1 — Applicant's request (Sections 6 and 7 of the Act)**

**Part 2 — Assessing medical practitioners' confirmation (Section 9 of the Act)**

**Part 3 — Second request (Section 10 of the Act)**

**Part 4 — Observing medical practitioner's confirmation (Section 11 of the Act)**

Western Australia

LEGISLATIVE COUNCIL

*(Introduced by Hon. Robin Chapple, MLC)*

## **Voluntary Euthanasia Bill 2010**

**A Bill for**

- 1 An Act to provide for the administration of voluntary euthanasia.**

The Parliament of Western Australia enacts as follows:

1   **1.     Short title**

2           This Act is the *Voluntary Euthanasia Act 2010*.

3   **2.     Commencement**

4           This Act comes into operation on the day on which it receives  
5           the Royal Assent.

6   **3.     Terms used**

7           In this Act, unless the contrary intention appears —

8           ***applicant*** means a person who makes a request for the  
9           administration of euthanasia in accordance with this Act;

10          ***application*** means an applicant’s application for the  
11          administration of euthanasia, which comprises each of the  
12          following documents —

- 13           (1) the request; and  
14           (2) the assessing medical practitioners’ confirmation; and  
15           (3) the second request; and  
16           (4) the observing medical practitioner’s confirmation;

17          ***applicant’s medical practitioner*** means the assessing medical  
18          practitioner who agrees under subsection 8(1) to assess a request  
19          from an applicant;

20          ***assessing medical practitioner*** means a medical practitioner  
21          who assesses an applicant’s request under subsection 9(1), who  
22          is neither a near relative of the relevant applicant, nor —

- 23           (1) an authorised signatory;  
24           (2) a witness;  
25           (3) an observing medical practitioner; or  
26           (4) an independent interpreter,

27          for the purposes of the relevant applicant’s application;

28          ***assessing medical practitioners’ confirmation*** means the  
29          assessing medical practitioners’ confirmation regarding an

1 applicant's request made in accordance with this Act and in the  
2 form set out in Part 2 of the Schedule;

3 **authorised signatory** means —

- 4 (1) the donee of a valid power of attorney created by the  
5 relevant applicant; or  
6 (2) a person authorised by law to make declarations who is  
7 not a near relative of the relevant applicant,  
8 who is neither —  
9 (3) an assessing medical practitioner;  
10 (4) a witness;  
11 (5) an observing medical practitioner; nor  
12 (6) an independent interpreter,

13 for the purposes of the relevant applicant's application;

14 **euthanasia** means a gentle and peaceful death achieved through  
15 the deliberate administration of a recognised drug to an  
16 applicant by that applicant's medical practitioner in  
17 concentrations that will and is intended to cause the death of the  
18 applicant, where the applicant knows and intends that what is  
19 done or omitted to be done will cause his or her death;

20 **independent interpreter** means an interpreter fluent in both  
21 spoken and written forms of the languages spoken by each of  
22 the applicant and the applicant's medical practitioner, who is  
23 neither a near relative of the relevant applicant, nor —

- 24 (1) an authorised signatory;  
25 (2) a witness;  
26 (3) an observing medical practitioner; or  
27 (4) an assessing medical practitioner,

28 for the purposes of the relevant applicant's application;

29 **medical practitioner** means a person who is registered as a  
30 medical practitioner under the *Medical Practitioners Act 2008*  
31 and who has been so registered for the previous 5 consecutive  
32 years;

- 1           **near relative** of an applicant means —
- 2           (1) a parent, child, grandparent, grandchild, brother or sister
- 3           of that applicant (including, for clarity, half-siblings,
- 4           step-parents, step-grandparents, step-grandchildren and
- 5           step-siblings and such relationships created through
- 6           adoption); or
- 7           (2) the spouse or de facto partner of that applicant or of a
- 8           person referred to in paragraph (1); or
- 9           (3) an employee of that applicant or of a person referred to
- 10          in paragraphs (1) or (2);
- 11          **observing medical practitioner** means a medical practitioner
- 12          who performs the functions set out in subsection 11(4) who is
- 13          neither a near relative of the relevant applicant, nor —
- 14          (1) an authorised signatory;
- 15          (2) a witness;
- 16          (3) an assessing medical practitioner; or
- 17          (4) an independent interpreter,
- 18          for the purposes of the relevant applicant’s application;
- 19          **observing medical practitioner’s confirmation** means the
- 20          observing medical practitioners’ confirmation made in
- 21          accordance with this Act and in the form set out in Part 4 of the
- 22          Schedule;
- 23          **recognised drug** means a drug or drugs appropriate to
- 24          administer euthanasia to a person, being those drugs prescribed
- 25          by the regulations, in the quantities prescribed by the
- 26          regulations, administered in the manner prescribed by the
- 27          regulations;
- 28          **request** means an applicant’s request for the administration of
- 29          euthanasia made in accordance with this Act and in the form set
- 30          out in Part 1 of the Schedule;
- 31          **second request** means an applicant’s second request for the
- 32          administration of euthanasia made in accordance with this Act
- 33          and in the form set out in Part 3 of the Schedule; and

1           **terminal illness** means a medically diagnosed illness or  
2           condition that will, in reasonable medical judgement, in the  
3           normal course and without application of extreme measures,  
4           result in the death of the applicant within 2 years of the date on  
5           which the request was made.

6   **4. Purpose of Act**

7           It is the purpose of this Act to provide immunity from criminal  
8           or civil liability to a person who does or omits to do any thing  
9           that is required to give effect to the provisions of this Act,  
10          provided that what is done or omitted to be done, is done in  
11          accordance with this Act.

12   **5. No obligation**

13          No person may be compelled to do or omit to do any thing  
14          required or permitted under this Act if that act or omission is  
15          contrary to that person's conscience or beliefs.

16   **6. Request**

- 17   (1) A person who —
- 18       (a) is of sound mind; and
  - 19       (b) is aged 21 years or over; and
  - 20       (c) is ordinarily resident in Western Australia and has been  
21           so ordinarily resident for the previous 3 consecutive  
22           years; and
  - 23       (d) can communicate his or her intentions; and
  - 24       (e) has a terminal illness; and
  - 25       (f) is experiencing pain, suffering or debilitation that —
    - 26           (i) is considerable; and
    - 27           (ii) is related to the relevant terminal illness; and
  - 28       (g) has no desire to continue living,

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- 1           may make a request for the administration of euthanasia by  
2           signing a request in the form set out in Part 1 of the Schedule  
3           whilst not in the presence of any near relative.
- 4       (2) Subject to this section, if an applicant is physically unable to  
5       sign a request, an authorised signatory may sign the request on  
6       the applicant’s behalf, provided that —
- 7           (a) the applicant positively indicates to the authorised  
8           signatory at the time the authorised signatory signs the  
9           applicant’s request, that —
- 10           (i) all of the criteria in subsection 6(1) apply to the  
11           applicant; and
- 12           (ii) the applicant desires that the authorised signatory  
13           sign the request on the applicant’s behalf; and
- 14           (b) the authorised signatory —
- 15           (i) is satisfied on reasonable grounds that all of the  
16           criteria in subsection 6(1) apply to the applicant;  
17           and
- 18           (ii) is satisfied on reasonable grounds that the  
19           applicant desires that the authorised signatory  
20           sign the request on the applicant’s behalf; and
- 21           (iii) is satisfied on reasonable grounds that the  
22           applicant is physically unable to sign the request  
23           himself or herself; and
- 24           (iv) signs the request in the presence of the applicant.
- 25       (3) A request is only valid for the purposes of this Act if it is made  
26       in the form prescribed in Part 1 of the Schedule and in  
27       accordance with this Act.
- 28       (4) For the purposes of this Act, a request is made on the date on  
29       which it is signed by the relevant applicant (or authorised  
30       signatory as the case may be) and witnessed in accordance with  
31       this Act.
- 32       (5) Any subsequent request must be treated for all purposes as if it  
33       was an original request.



1   **7.       Witnesses to the request**

2       (1)   Subject to this section, an applicant's signature on a request (or  
3       an authorised signatory's signature as the case may be) must be  
4       witnessed by two persons aged 18 or over, in each other's  
5       presence and in the presence of the applicant (and in the  
6       presence of the authorised signatory if applicable).

7       (2)   For the purposes of subsection (1) —

8           (a)   neither witness may be a near relative of the applicant;  
9           and

10          (b)   neither witness may be an assessing medical practitioner  
11          for the purposes of that particular application; and

12          (c)   neither witness may be an authorised signatory for the  
13          purposes of that particular application; and

14          (d)   neither witness may be an observing medical  
15          practitioner for the purposes of that particular  
16          application; and

17          (e)   neither witness may be an independent interpreter for  
18          the purposes of that particular application.

19       (3)   A request is only validly witnessed for the purposes of this Act  
20       if it is witnessed in the form prescribed in Part 1 of the Schedule  
21       and in accordance with this Act.

22   **8.       Referral of request to medical practitioner**

23       (1)   A request may be referred to a medical practitioner, who may or  
24       may not agree to assess that request.

25       (2)   If a medical practitioner agrees to assess an applicant's request,  
26       he or she must inform the applicant of the following before  
27       assessing the applicant's request under section 9 —

28           (a)   the nature of the applicant's terminal illness and the  
29           applicant's prognosis; and

- 1 (b) the forms of treatment that are reasonably available to  
2 the applicant to treat the applicant's terminal illness and  
3 the risks associated with the treatment; and  
4 (c) the availability of counselling, psychiatric and other  
5 support services for the applicant; and  
6 (d) the forms of palliative care that are available to the  
7 applicant, and their respective risks and side-effects; and  
8 (e) the methods used to administer voluntary euthanasia and  
9 the risks associated with those methods; and  
10 (f) the applicant's ability to revoke a request at any time.
- 11 (3) Where an applicant's first language is different from that of the  
12 applicant's medical practitioner, the applicant's medical  
13 practitioner must engage an independent interpreter to ensure  
14 that the provisions of subsection (2) are given proper and  
15 informed effect.
- 16 (4) If an applicant's medical practitioner has no special  
17 qualifications in the field of palliative care, the applicant's  
18 medical practitioner must ensure that the information he or she  
19 provided to the applicant under subsection (2)(d) is also  
20 provided to the applicant by a medical practitioner who has  
21 special qualifications in the field of palliative care.
- 22 (5) If a particular medical practitioner does not agree to assess a  
23 particular request, an applicant may make that same request to  
24 other medical practitioners.

25 **9. Procedure following agreement to assess a request**

- 26 (1) If an applicant's medical practitioner has informed the applicant  
27 in accordance with subsection 8(2), the applicant's medical  
28 practitioner, together with a second assessing medical  
29 practitioner, must then assess the applicant's request in  
30 accordance with this section.
- 31 (2) The applicant's medical practitioner and the second assessing  
32 medical practitioner must each, separately and independently of

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- 1           one another, examine the applicant, and the applicant's medical  
2           files (if any), and determine whether the following apply to the  
3           applicant —
- 4           (a)   that all of the criteria in subsection 6(1) apply to the  
5           applicant;
  - 6           (b)   that the applicant's request is not wholly or substantially  
7           referable to, or wholly or substantially a symptom of, a  
8           state of clinical depression;
  - 9           (c)   that the applicant's request is not wholly or substantially  
10          referable to a desire by the applicant to cease to be a  
11          burden to family, friends or others;
  - 12          (d)   that the applicant does not appear to be acting under  
13          duress;
  - 14          (e)   that the applicant has made his or her request —
    - 15               (i)   freely and voluntarily; and
    - 16               (ii)  with full knowledge of the consequences;
  - 17          (f)   that the applicant's request is not the result of external  
18          pressure;
  - 19          (g)   that the applicant has consulted with every person with  
20          whom he or she reasonably wishes to consult; and
  - 21          (h)   if the applicant's request was not signed by the  
22          applicant, that the applicant is physically unable to sign  
23          the request.
- 24       (3)   If the applicant's medical practitioner —
- 25           (a)   independently determines on reasonable grounds that all  
26           of the criteria in subsection (2) apply to the applicant;  
27           and
  - 28           (b)   has informed the applicant in accordance with  
29           subsection 8(2); and
  - 30           (c)   has no reason to believe that any person (including  
31           himself or herself) will directly or indirectly receive any  
32           financial or other benefit (other than reasonable payment

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- 1                   for services) as the result of doing or omitting to do any  
2                   thing required or permitted under this Act; and  
3           (d)       determines on reasonable grounds that the applicant's  
4                   request complies with the requirements of this Act,  
5                   the applicant's medical practitioner must promptly sign the  
6                   assessing medical practitioners' confirmation in the form  
7                   prescribed in Part 2 of the Schedule.
- 8       (4)       If the second assessing medical practitioner independently  
9                   determines on reasonable grounds that all of the criteria in  
10                  subsection (2) apply to the applicant, the second assessing  
11                  medical practitioner must promptly sign the assessing medical  
12                  practitioners' confirmation in the form prescribed in Part 2 of  
13                  the Schedule.
- 14       (5)       The confirmations of the assessing medical practitioners made  
15                  in accordance with this section are only valid for the purposes of  
16                  this Act if they are made in the form prescribed in Part 2 of the  
17                  Schedule and in accordance with this Act.
- 18       (6)       If subsections (3) and (4) have been completed, the applicant's  
19                  medical practitioner must take all reasonable steps to promptly  
20                  place the signed assessing medical practitioners' confirmation  
21                  on the applicant's medical file.  
22                  Penalty: \$1 000.
- 23       (7)       Where an applicant's first language is different from that of  
24                  either or both assessing medical practitioners, the applicant's  
25                  medical practitioner must engage an independent interpreter to  
26                  ensure that the provisions of subsections (2), (3) and (4) are  
27                  given proper and informed effect.

28       **10.       Second request**

- 29       (1)       An applicant who —  
30                  (a)       possesses an application which includes —  
31                          (i)       a request signed by that applicant (or by an  
32                          authorised signatory as the case may be) in

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- 1                                   accordance with section 6 and witnessed in  
2                                   accordance with section 7 and
- 3                                   (ii) an assessing medical practitioners' confirmation  
4                                   signed by the applicant's medical practitioner in  
5                                   accordance with subsection 9(3); and
- 6                                   (iii) an assessing medical practitioners' confirmation  
7                                   signed by a second assessing medical practitioner  
8                                   in accordance with subsection 9(4); and
- 9                                   (b) is of sound mind; and
- 10                                   (c) can communicate his or her intentions; and
- 11                                   (d) has a terminal illness; and
- 12                                   (e) is experiencing pain, suffering or debilitation that —
- 13                                   (i) is considerable; and
- 14                                   (ii) is related to the terminal illness; and
- 15                                   (f) has no desire to continue living; and
- 16                                   (g) desires that euthanasia be administered to him or her  
17                                   promptly,
- 18                                   may sign a second request in the form set out in Part 3 of the  
19                                   Schedule whilst not in the presence of any near relative,  
20                                   provided that the applicant's request was made at least 14 days  
21                                   previously.
- 22                                   (2) Subject to this section, if an applicant is physically unable to  
23                                   sign the second request, an authorised signatory may sign the  
24                                   second request on the applicant's behalf, provided that —
- 25                                   (a) the applicant positively indicates to the authorised  
26                                   signatory at the time the authorised signatory signs the  
27                                   applicant's second request, that —
- 28                                   (i) all of the criteria in subsection 10(1) apply to the  
29                                   applicant; and
- 30                                   (ii) the applicant desires that the authorised signatory  
31                                   sign the second request on the applicant's behalf;  
32                                   and

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- 1                   (b) the authorised signatory —
- 2                   (i) is satisfied on reasonable grounds that all of the
- 3                   criteria in subsection 10(1) apply to the
- 4                   applicant; and
- 5                   (ii) is satisfied on reasonable grounds that the
- 6                   applicant desires that the authorised signatory
- 7                   sign the second request on the applicant’s behalf;
- 8                   and
- 9                   (iii) is satisfied on reasonable grounds that the
- 10                  applicant is physically unable to sign the second
- 11                  request himself or herself; and
- 12                  (iv) signs the second request in the presence of the
- 13                  applicant.
- 14           (3) Subject to the remainder of this section, an applicant’s signature
- 15           on the second request (or an authorised signatory’s signature as
- 16           the case may be) must be witnessed by two persons aged
- 17           18 years and over, in each other’s presence and in the presence
- 18           of the applicant (and in the presence of the authorised signatory
- 19           if applicable).
- 20           (4) For the purposes of subsection (3) —
- 21           (a) neither witness may be a near relative of the applicant;
- 22           and
- 23           (b) neither witness may be an assessing medical practitioner
- 24           for the purposes of that particular application; and
- 25           (c) neither witness may be an authorised signatory for the
- 26           purposes of that particular application; and
- 27           (d) one witness must not have previously acted as a witness
- 28           for the purposes of that particular application; and
- 29           (e) neither witness may be an observing medical
- 30           practitioner for the purposes of that particular
- 31           application; and
- 32           (f) neither witness may be an independent interpreter for
- 33           the purposes of that particular application.

- 1 (5) For the purposes of this Act, a second request is made on the  
2 date on which it is signed by the relevant applicant (or  
3 authorised signatory as the case may be) and witnessed in  
4 accordance with this Act.
- 5 (6) The second request is only valid for the purposes of this Act if it  
6 is made in the form prescribed in Part 3 of the Schedule and in  
7 accordance with this Act.

8 **11. Administration of euthanasia**

- 9 (1) Subject to this Act, if —
- 10 (a) an applicant presents the relevant applicant's medical  
11 practitioner with an application which includes —
- 12 (i) a request signed by that applicant (or by an  
13 authorised signatory as the case may be) in  
14 accordance with section 6 and witnessed in  
15 accordance with section 7 and
- 16 (ii) an assessing medical practitioners' confirmation  
17 signed by that applicant's medical practitioner in  
18 accordance with subsection 9(3); and
- 19 (iii) an assessing medical practitioners' confirmation  
20 signed by a second assessing medical practitioner  
21 in accordance with subsection 9(4); and
- 22 (iv) a second request signed by that applicant (or by  
23 an authorised signatory as the case may be) in  
24 accordance with section 10 and witnessed in  
25 accordance with section 10 and
- 26 (b) the applicant's medical practitioner is satisfied on  
27 reasonable grounds that all of the criteria in  
28 subsection 10(1) apply to the applicant; and
- 29 (c) the applicant's medical practitioner has no reason to  
30 believe that any person (including himself or herself)  
31 will directly or indirectly receive any financial or other  
32 benefit (other than reasonable payment for services) as

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- 1                   the result of doing or omitting to do any thing required  
2                   or permitted under this Act; and
- 3           (d)   the applicant’s medical practitioner is satisfied on  
4           reasonable grounds that the applicant’s application  
5           complies with the requirements of this Act; and
- 6           (e)   at least 14 days has elapsed between the date on which  
7           the request was made and the date on which the second  
8           request was made,
- 9           that applicant’s medical practitioner may then administer  
10           euthanasia to the applicant by administration of a recognised  
11           drug.
- 12       (2)   An applicant’s medical practitioner must use his or her  
13       reasonable endeavours to ensure that the wishes of the applicant  
14       set out in paragraph 2 of the second request, are carried out.
- 15       (3)   An applicant’s medical practitioner must remain with the  
16       relevant applicant until death has ensued.
- 17       (4)   An applicant’s medical practitioner must ensure that, prior to  
18       the administration of euthanasia to an applicant, an observing  
19       medical practitioner —
- 20           (a)   sights the applicant’s application and confirms that —
- 21               (i)   the identity of the applicant matches the name set  
22               out in the application; and
- 23               (ii)  the applicant’s application appears to be properly  
24               and entirely completed; and
- 25               (iii) at least 14 days has elapsed between the date on  
26               which the request was made and the date on  
27               which the second request was made; and
- 28           (b)   observes the type and quantity of recognised drug given  
29           to the applicant in order to administer euthanasia and the  
30           method used to administer the recognised drug; and
- 31           (c)   is present for the administration of euthanasia to the  
32           applicant; and



1 (d) remains with the applicant until death has ensued.

2 (5) An observing medical practitioner who performs the functions  
3 set out in subsection (4) must sign the observing medical  
4 practitioner's confirmation in the form set out in Part 4 of the  
5 Schedule promptly following the death of the applicant.

6 (6) It is unlawful for any person who is not the applicant's medical  
7 practitioner to administer euthanasia to the applicant.

8 **12. Revocation of request**

9 (1) A request may be revoked by an applicant at any time and in  
10 any manner which indicates revocation.

11 (2) Once an applicant has revoked his or her request, that request  
12 immediately becomes void and the applicant's medical  
13 practitioner must take no further action to implement, assess or  
14 assist with that request.

15 (3) If an applicant's medical practitioner suspects on any grounds  
16 that an applicant might have revoked his or her request, the  
17 applicant's medical practitioner must take all reasonable steps to  
18 ascertain whether or not that request has been revoked before  
19 taking any further action to implement, assess or assist with that  
20 applicant's request.

21 (4) In whichever way revocation is made, the applicant's medical  
22 practitioner must, promptly following notice of the revocation,  
23 take all reasonable steps to note the applicant's medical file  
24 accordingly.

25 Penalty: \$10 000.

26 (5) The revocation of a request does not prevent the making of a  
27 subsequent request.

28 **13. Cessation of sound mind**

29 If, at any time after a request is made, an applicant's medical  
30 practitioner concludes on reasonable grounds that an applicant

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1           has ceased to be of sound mind, or has been rendered incapable  
2           of communicating his or her intentions —

- 3           (1) the applicant’s request lapses immediately upon the  
4           applicant’s medical practitioner reaching that  
5           conclusion; and  
6           (2) the applicant’s medical practitioner must promptly take  
7           all reasonable steps to note the applicant’s medical files  
8           accordingly.

9           Penalty: \$10 000.

10   **14. Reporting**

- 11       (1) A death that ensues as a result of euthanasia administered in  
12       accordance with this Act is not, by reason only of that fact, a  
13       reportable death within the meaning of section 3 of the  
14       *Coroners Act 1996* or any provision in substitution of that  
15       section.
- 16       (2) The applicant’s medical practitioner is the person responsible  
17       for the applicant’s medical care immediately before the  
18       applicant’s death for the purposes of section 44 of the *Births*  
19       *Deaths and Marriages Registration Act 1998* and any provision  
20       in substitution of that section.
- 21       (3) After euthanasia is administered to an applicant, the applicant’s  
22       medical practitioner must, within 4 working days of the  
23       applicant’s death, give to the Coroner —
- 24           (a) a written notice setting out the following information —
- 25               (i) the applicant’s medical practitioner’s name and  
26               address; and
- 27               (ii) the applicant’s name; and
- 28               (iii) the applicant’s, sex, weight and age; and
- 29               (iv) the applicant’s time, date and place of death; and
- 30               (v) the nature of the applicant’s terminal illness; and
- 31               (vi) the bases on which the applicant’s medical  
32               practitioner reached the conclusion that each of

- 
- 1 the criteria in subsection 9(2) applied to the  
2 applicant; and
- 3 (vii) the bases on which the applicant's medical  
4 practitioner reached the conclusion that each of  
5 the criteria in subsection 10(1) applied to the  
6 applicant; and
- 7 (viii) the manner in which euthanasia was  
8 administered to the applicant including the  
9 amount and type of recognised drug used; and
- 10 (b) a copy of the applicant's completed application.
- 11 Penalty: \$1 000.
- 12 (4) A death that ensues as a result of euthanasia administered in  
13 accordance with this Act is to be recorded as a death caused by  
14 the terminal illness of the applicant.
- 15 (5) The Coroner must annually provide a report to the Minister  
16 which sets out —
- 17 (a) any general information regarding the operation of this  
18 Act about which the Coroner wishes to report; and
- 19 (b) a statistical report regarding each of item of information  
20 provided to the Coroner under subsections 14(3)(a)(iii)  
21 to 14(3)(a)(viii) in the previous 12 months,
- 22 and the Minister must promptly table the report in Parliament.
- 23 (6) The Coroner may also, at any time, report to the responsible  
24 Minister, and the Minister must promptly table the report in  
25 Parliament.
- 26 (7) The making of a request by an applicant does not of itself  
27 constitute fulfilment of the criteria set out in subsections 43(1)  
28 or 43(2a) of the *Guardianship and Administration Act 1990* or  
29 any provision in substitution of those sections.

1    **15.    Immunity from criminal or civil liability**

2       (1)   An applicant, the applicant’s medical practitioner, the second  
3       assessing medical practitioner, the observing medical  
4       practitioner and any other person who does or omits to do any  
5       thing required or permitted under this Act:

- 6           (a)   does not incur any criminal or civil liability; and  
7           (b)   is not liable to any disciplinary proceeding; and  
8           (c)   is not liable to any other negative action from any  
9           relevant professional bodies,

10       if what the person did, or omitted to do, in relation to the  
11       relevant applicant, was done in accordance with this Act.

12       (2)   A person who does not do any thing required or permitted under  
13       this Act, but who provides incidental practical or emotional  
14       support to the applicant, does not incur any criminal or civil  
15       liability by reason of having provided that support.

16    **16.    Certain persons not to benefit from an applicant's death**

17       A person (other than the donee of a valid power of attorney  
18       created by the applicant who acts as authorised signatory for the  
19       applicant in accordance with this Act) who does anything  
20       required or permitted under this Act to or for an applicant  
21       forfeits any direct or indirect financial or other benefit (other  
22       than reasonable payment for services) that would otherwise  
23       have accrued or been vested in that person following the death  
24       of that applicant.

25    **17.    Contracts and insurance**

26       (1)   Subject to section 16 any right or obligation existing under a  
27       will, contract or other agreement, whether made before or after  
28       the commencement of this Act, is not affected by the making or  
29       rescinding of a request or by the administration of euthanasia to  
30       an applicant in accordance with this Act.

- 1 (2) A policy of insurance or annuity is not affected by the making  
2 or rescinding of a request or by the administration of euthanasia  
3 to an applicant in accordance with this Act.
- 4 (3) An insurer may not refuse to make a payment payable under an  
5 insurance policy to an applicant, or avoid an applicant's  
6 insurance policy on the grounds that the cause of death of the  
7 applicant was euthanasia.
- 8 (4) A death which results from the administration of euthanasia in  
9 accordance with this Act is not a death by suicide for the  
10 purposes of a policy of insurance or annuity.

11 **18. Improper conduct**

- 12 (1) Any person who obtains, or who seeks or agrees to receive, a  
13 bribe (which for clarity does not include reasonable payment for  
14 services), and any person who gives, or who offers or promises  
15 to give, a bribe (which for clarity does not include reasonable  
16 payment for services) to a person in order to persuade or  
17 dissuade that person to do or omit to do any thing required or  
18 permitted under this Act is guilty of a crime and is liable to  
19 imprisonment for 7 years.
- 20 (2) A person who makes any false, dishonest or misleading  
21 statement which that person knows to be false, dishonest or  
22 misleading, in relation to any thing required or permitted under  
23 this Act is guilty of a crime and is liable to imprisonment for  
24 7 years.

25 **19. General**

26 The Governor may make regulations prescribing all matters that  
27 are required or permitted by this Act to be prescribed, or are  
28 necessary or convenient to be prescribed for giving effect to the  
29 purposes of this Act.

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**Schedule**

[Note: Terms defined in the Act have the same meaning in this Schedule.]

**Application**

**Part 1 — Applicant's request (Sections 6 and 7 of the Act)**

**Request**

I [*name of applicant*] (**applicant**), of [*address of applicant*], make this request for the administration of euthanasia. I confirm that:

- (1) I am of sound mind; and
- (2) I am aged 21 years or over; and
- (3) I am ordinarily resident in Western Australia and have been so ordinarily resident for the previous 3 consecutive years; and
- (4) I can communicate my intentions; and
- (5) I have a terminal illness; and
- (6) I am experiencing pain, suffering or debilitation that:
  - (a) is considerable; and
  - (b) is related to my terminal illness; and
- (7) I have no desire to continue living.

I make this request freely and in the knowledge and with the intent that carrying it into effect will result in my death.

\_\_\_\_\_

Signed (Applicant)

\_\_\_\_\_

Date

[*or*]

1 I [*name of authorised signatory*], [*occupation of authorised signatory*] of  
2 [*address of authorised signatory*] confirm that:

3 (1) I am:

- 4 (a) the donee of a valid power of attorney created by [*name of*  
5 *applicant*] (**applicant**); or [*strike out if this does not apply*]  
6 (b) a person authorised by law to make declarations and I am not a  
7 near relative of [*name of applicant*] (**applicant**); and [*strike out*  
8 *if this does not apply*]

9 (2) I am not:

- 10 (a) a witness;  
11 (b) an assessing medical practitioner;  
12 (c) an observing medical practitioner; or  
13 (d) an independent interpreter,  
14 for the purposes of this application; and

15 (3) the applicant has today positively indicated to me that:

- 16 (a) all of the criteria in subsection 6(1) of the Act apply to him or  
17 her; and  
18 (b) he or she desires that I sign this request on his or her behalf; and

19 (4) I am satisfied on reasonable grounds that:

- 20 (a) all of the criteria in subsection 6(1) of the Act apply to the  
21 applicant; and  
22 (b) the applicant desires that I sign this request on his or her behalf;  
23 and  
24 (c) the applicant is physically unable to sign this request himself or  
25 herself.

26 \_\_\_\_\_  
27 Signed in the presence of the applicant  
28 (Authorised signatory)

29 \_\_\_\_\_  
30 Date





- 
- 1 (c) an observing medical practitioner; or  
2 (d) an independent interpreter,  
3 for the purposes of this application; and  
4 (4) I witnessed [the applicant signing this request [or] an authorised  
5 signatory signing this request on behalf of the applicant].

6 \_\_\_\_\_  
7 Signed in the presence of the applicant  
8 and Witness 1 (and authorised signatory if  
9 applicable)

10 \_\_\_\_\_  
11 Date  
12 (Witness 2)

13 **Part 2 — Assessing medical practitioners' confirmation (Section 9 of**  
14 **the Act)**

15 **Confirmation – Applicant's medical practitioner**

16 I [*name of applicant's medical practitioner*] of [*address of applicant's medical*  
17 *practitioner*] having received and agreed to assess a request from [*name of*  
18 *applicant*] (**applicant**) for the administration of euthanasia, confirm the  
19 following:

- 20 (1) I am registered as a medical practitioner under the *Medical*  
21 *Practitioners Act 2008* and have been so registered for the previous 5  
22 consecutive years; and  
23 (2) I am not a near relative of the applicant; and  
24 (3) I am not:  
25 (a) an authorised signatory;  
26 (b) a witness;  
27 (c) an observing medical practitioner; or  
28 (d) an independent interpreter,  
29 for the purposes of this application; and

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**Schedule**

**Part 2**

Assessing medical practitioners' confirmation (Section 9 of the Act)

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- 1           (4) I have informed the applicant of:
- 2                 (a) the nature of the applicant's terminal illness and the applicant's
- 3                         prognosis; and
- 4                 (b) the forms of treatment that are reasonably available to the
- 5                         applicant to treat the applicant's terminal illness and the risks
- 6                         associated with the treatment; and
- 7                 (c) the availability of counselling, psychiatric and other support
- 8                         services for the applicant; and
- 9                 (d) the forms of palliative care that are available to the applicant,
- 10                         and their respective risks and side-effects; and
- 11                 (e) the methods used to administer voluntary euthanasia and the
- 12                         risks associated with those methods; and
- 13                 (f) the applicant's ability to revoke a request at any time; and
- 14           (5) I have separately and independently examined the applicant and the
- 15                 applicant's medical files (if any) and I have independently determined
- 16                 on reasonable grounds that:
- 17                 (a) all of the criteria in subsection 6(1) of the Act apply to the
- 18                         applicant; and
- 19                 (b) the applicant's request is not wholly or substantially referable
- 20                         to, or wholly or substantially a symptom of, a state of clinical
- 21                         depression; and
- 22                 (c) the applicant's request is not wholly or substantially referable to
- 23                         a desire by the applicant to cease to be a burden to family,
- 24                         friends or others; and
- 25                 (d) the applicant does not appear to be acting under duress; and
- 26                 (e) the applicant has made his or her request:
- 27                         (i) freely and voluntarily; and
- 28                         (ii) with full knowledge of the consequences; and
- 29                 (f) the applicant's request is not the result of external pressure; and

- 1 (g) the applicant has consulted with every person with whom he or  
2 she reasonably wishes to consult; and
- 3 (h) if the applicant's request was not signed by the applicant, the  
4 applicant is physically unable to sign the request; and
- 5 (6) I have no reason to believe that any person (including myself) will  
6 directly or indirectly receive any financial or other benefit (other than  
7 reasonable payment for services) as the result of doing or omitting to  
8 do any thing required or permitted under this Act; and
- 9 (7) I have determined on reasonable grounds that the applicant's request  
10 complies with the requirements of this Act.

11 \_\_\_\_\_  
12 Signed (Applicant's medical practitioner)

13 \_\_\_\_\_  
14 Date

15 **Confirmation – Second assessing medical practitioner**

16 I [*name of second assessing medical practitioner*] of [*address of second*  
17 *assessing medical practitioner*] having received and agreed to assess a request  
18 from [*name of applicant*] (**applicant**) for the administration of euthanasia,  
19 confirm the following:

- 20 (1) I am registered as a medical practitioner under the *Medical*  
21 *Practitioners Act 2008* and have been so registered for the previous  
22 5 consecutive years; and
- 23 (2) I am not a near relative of the applicant; and
- 24 (3) I am not:
- 25 (a) an authorised signatory;
- 26 (b) a witness;
- 27 (c) an observing medical practitioner; or
- 28 (d) an independent interpreter,
- 29 for the purposes of this application; and

- 1 (4) I have separately and independently examined the applicant and the  
2 applicant's medical files (if any) and I have independently determined  
3 on reasonable grounds that:
- 4 (a) all of the criteria in subsection 6(1) of the Act apply to the  
5 applicant; and
- 6 (b) the applicant's request is not wholly or substantially referable  
7 to, or wholly or substantially a symptom of, a state of clinical  
8 depression; and
- 9 (c) the applicant's request is not wholly or substantially referable to  
10 a desire by the applicant to cease to be a burden to family,  
11 friends or others; and
- 12 (d) the applicant does not appear to be acting under duress; and
- 13 (e) the applicant has made his or her request:
- 14 (i) freely and voluntarily; and  
15 (ii) with full knowledge of the consequences; and
- 16 (f) the applicant's request is not the result of external pressure; and
- 17 (g) the applicant has consulted with every person with whom he or  
18 she reasonably wishes to consult; and
- 19 (h) if the applicant's request was not signed by the applicant, the  
20 applicant is physically unable to sign the request.

21 \_\_\_\_\_  
22 Signed (Second assessing medical practitioner)

23 \_\_\_\_\_  
24 Date

25 **Part 3 — Second request (Section 10 of the Act)**

26 **Second request**

27 I [*name of applicant*] of [*address of applicant*], having made a request for the  
28 administration of euthanasia on [*insert date on which application was both*  
29 *signed and witnessed*], which date is at least 14 days before the date on which I  
30 make this second request, and having had that request assessed by [*insert name*  
31 *of applicant's medical practitioner*] and [*insert name of second assessing*

1 **medical practitioner**], make this second request for the prompt administration  
2 of euthanasia.

3 I confirm that I:

4 (1) possess:

5 (a) a request signed by myself (or by an authorised signatory as the  
6 case may be) in accordance with section 6 and witnessed in  
7 accordance with section 7; and

8 (b) an assessing medical practitioners' confirmation signed by  
9 **[insert name of applicant's medical practitioner]** in accordance  
10 with subsection 9(3); and

11 (c) an assessing medical practitioners' confirmation signed by  
12 **[insert name of second assessing medical practitioner]** in  
13 accordance with subsection 9(4); and

14 (2) am of sound mind; and

15 (3) can communicate my intentions; and

16 (4) have a terminal illness; and

17 (5) am experiencing pain, suffering or debilitation that:

18 (a) is considerable; and

19 (b) is related to the terminal illness; and

20 (6) have no desire to continue living; and

21 (7) desire that euthanasia be administered to me promptly.

22 I wish for euthanasia to be administered to me on *[date]* at *[place]* in the  
23 presence of *[name(s) (if any)]* if possible.

24 I make this second request freely and in the knowledge and with the intent that  
25 carrying it into effect will result in the administration of euthanasia to me.

26

27 \_\_\_\_\_  
Signed (Applicant)

28

29

\_\_\_\_\_ Date

30 **[or]**

1 I [*name of authorised signatory*], [*occupation of authorised signatory*] of  
2 [*address of authorised signatory*] confirm that:

3 (1) I am:

4 (a) the donee of a valid power of attorney created by [*name of*  
5 *applicant*] (**applicant**); or [*strike out if this does not apply*]

6 (b) a person authorised by law to make declarations and I am not a  
7 near relative of [*name of applicant*] (**applicant**); and [*strike out*  
8 *if this does not apply*]

9 (2) I am not:

10 (a) a witness;

11 (b) an assessing medical practitioner;

12 (c) an observing medical practitioner; or

13 (d) an independent interpreter,

14 for the purposes of this application; and

15 (3) the applicant has today positively indicated to me that:

16 (a) all of the criteria in subsection 10(1) of the Act apply to him or  
17 her; and

18 (b) he or she desires that I sign this request on his or her behalf; and

19 (4) I am satisfied on reasonable grounds that:

20 (a) all of the criteria in subsection 10(1) of the Act apply to the  
21 applicant; and

22 (b) the applicant desires that I sign this second request on his or her  
23 behalf; and

24 (c) the applicant is physically unable to sign this request himself or  
25 herself.

26

27 \_\_\_\_\_  
28 Signed in the presence of the applicant  
(Authorised signatory)

29

30

\_\_\_\_\_  
Date

1 **Witness declaration – Witness 3**2 I [*name of witness*], of [*address of witness*], confirm that:

- 3 (1) I am aged 18 years or over; and
- 4 (2) I am not a near relative of [*name of applicant*] (**applicant**); and
- 5 (3) I am not:
- 6 (a) an authorised signatory;
- 7 (b) an assessing medical practitioner;
- 8 (c) an observing medical practitioner; or
- 9 (d) an independent interpreter,
- 10 for the purposes of this application; and
- 11 (4) [I am not already a witness for the applicant for the purposes of this
- 12 application; and] [*Strike out if this does not apply. Note that if*
- 13 *Witness 4 has struck this out, then Witness 3 must NOT already be*
- 14 *a witness for the purposes of this request and may NOT strike this*
- 15 *part out.*]
- 16 (5) I witnessed [the applicant signing this second request] [*or*] [an
- 17 authorised signatory signing this second request on behalf of the
- 18 applicant].

19 \_\_\_\_\_

20 Signed in the presence of the applicant

21 and Witness 4 (and authorised signatory if

22 applicable)

23 \_\_\_\_\_

24 Date

25 (Witness 3)

26 **Witness declaration – Witness 4**27 I [*name of witness*], of [*address of witness*], confirm that:

- 28 (1) I am aged 18 years or over; and
- 29 (2) I am not a near relative of [*name of applicant*] (**applicant**); and

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**Part 4** Observing medical practitioner's confirmation (Section 11 of the Act)

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- 1 (3) I am not:  
2 (a) an authorised signatory;  
3 (b) an assessing medical practitioner;  
4 (c) an observing medical practitioner; or  
5 (d) an independent interpreter,  
6 for the purposes of this application; and  
7 (4) [I am not already a witness for the applicant for the purposes of this  
8 application; and] [*Strike out if this does not apply. Note that if*  
9 *Witness 3 has struck this out, then Witness 4 must NOT already be*  
10 *a witness for the purposes of this request and may NOT strike this*  
11 *part out.*]  
12 (5) I witnessed [the applicant signing this second request] [*or*] [an  
13 authorised signatory signing this second request on behalf of the  
14 applicant].

15 \_\_\_\_\_  
16 Signed in the presence of the applicant  
17 and Witness 3 (and authorised signatory if  
18 applicable)  
19

20 \_\_\_\_\_  
21 (Witness 4) Date

22 **Part 4 — Observing medical practitioner's confirmation (Section 11**  
23 **of the Act)**

24 I [*name of observing medical practitioner*] of [*address of observing medical*  
25 *practitioner*] confirm the following:

- 26 (1) I am registered as a medical practitioner under the *Medical*  
27 *Practitioners Act 2008* and have been so registered for the previous  
28 5 consecutive years; and  
29 (2) I am not a near relative of [*name of applicant*] (**applicant**); and



- 1           (3) I am not:  
2               (a) an authorised signatory;  
3               (b) a witness;  
4               (c) an assessing medical practitioner; or  
5               (d) an independent interpreter,  
6           for the purposes of this application; and
- 7           (4) at [*insert time and date euthanasia was administered to the*  
8               *applicant*] at [*insert place where euthanasia was administered to the*  
9               *applicant*] I witnessed [*insert name of applicant's medical*  
10              *practitioner*] administer euthanasia to the applicant; and
- 11           (5) [*insert name of applicant's medical practitioner*] administered  
12               euthanasia to the application by the administration of [*insert amount*  
13               *of recognised drug*] of [*insert name of recognised drug*] by [*insert*  
14               *method of administration of recognised drug*]; and
- 15           (6) prior to the administration of euthanasia by [*insert name of*  
16               *applicant's medical practitioner*] to the applicant, I reviewed the  
17               applicant's application and confirmed that:
- 18               (a) the identity of the applicant matched the name set out in the  
19               application; and
- 20               (b) the applicant's application appeared to be properly and entirely  
21               completed; and
- 22               (c) at least 14 days had elapsed between the date on which the  
23               request was made and the date on which the second request was  
24               made; and
- 25           (7) I witnessed the death of the applicant.

26  
27 \_\_\_\_\_  
Signed (Observing medical practitioner)

28  
29 \_\_\_\_\_  
Date

30 \_\_\_\_\_