

House of Representatives

Supplementary Order Paper

Tuesday, 24 September 2019

End of Life Choice Bill

Proposed amendments to SOP No 259

Simon O'Connor, in Committee, to move the following amendments:

Clause 27

In *clause 27(1)*, replace “A person who is a medical practitioner, nurse practitioner, or psychiatrist” (page 24) with “Any person”.

In *clause 27(1)*, replace “the medical practitioner, nurse practitioner, or psychiatrist” (page 24) with “the person”.

Explanatory note

This Supplementary Order Paper amends Supplementary Order Paper No 259 amending the End of Life Choice Bill by ensuring that wilfully failing to comply with any requirement of the legislation isn't an offence that applies only to certain categories of persons.

First, it should be noted that there is no good reason to exempt pharmacists who are wilfully non-compliant. That anomaly is likely the result of poor drafting rather than deliberate omission.

The second and more fundamental point, however, is that any person who is wilfully non-compliant should be regarded as having committed an offence. Consider the case of a doctor who performs assisted dying services but does not hold a current practising certificate (as is required by the legislation). That doctor would not have committed an offence under *clause 27(1)*, precisely because they do not meet the definition of “medical practitioner”, which is surely an unintended consequence of the drafting of this clause.

