

Submission into the Voluntary Assisted Dying Bill 2021

Submission No.: 1240

Submitted by: Australian Health Practitioner Regulation Agency

Publication: Making the submission and your name public

Position: I/We support the Voluntary Assisted Dying Bill but recommend some changes to it.

Comments in relation to: Other

Attachments: See attachment

Submitter Comments:

2 July 2021

Mr. Aaron Harper MP
Chair
Health and Environment Committee
Parliament House Queensland
George Street
BRISBANE QLD 4000

Via email: hec@parliament.qld.gov.au

Dear Mr. Harper

Inquiry into the Voluntary Assisted Dying Bill 2021

I write to provide a short submission from the from the Australian Health Practitioner Regulation Agency (Ahpra) to the Health and Environment Committee's inquiry and detailed consideration of the Voluntary Assisted Dying Bill 2021 (the Bill).

Background to the National Registration and Accreditation Scheme

As the Committee is aware, Ahpra works with 15 National Boards to protect the public by regulating Australia's registered health practitioners. Together, as the National Registration and Accreditation Scheme (National Scheme) for the health professions, we adopt a risk-based approach to our regulatory decision making for the approximately 800,000 registered health practitioners regulated across 16 recognised health professions.

Each registered health practitioner is required to meet national standards and can register once and practice across Australia. The community can easily access our national on-line register at <https://www.ahpra.gov.au/> to check a health practitioner is registered and inform their health care choices.

Ahpra is the statutory authority responsible for administering the National Scheme. Each health profession that is part of the National Scheme is regulated by a National Board. Ahpra provides support to each National Board. Ahpra and National Boards have different and complementary roles and responsibilities across the core regulatory functions of the National Scheme: accreditation, registration, notifications, compliance, and professional standards.

The Committee is also aware of the co-regulatory environment that exists in Queensland for the management of complaints regarding the health, performance or conduct of registered health practitioners. In Queensland, the Office of the Health Ombudsman (OHO) is the primary point of contact for all complaints regarding registered health practitioners, non-registered practitioners and health services. National Boards and Ahpra only manage complaints about registered health practitioners that the OHO refers to us. The Ahpra and OHO working relationship is strong, cooperative and reciprocal.

Health practitioner's professional ethics and conduct

It is noted that the Bill provides eligibility requirements for health practitioners, such as a medical practitioner, nurse practitioner or nurse, to lawfully assist in ending a person's life. Eligibility requirements to act as a coordinating practitioner or consulting practitioner or administering practitioner are placed on registered practitioners in order to ensure the legislative provisions are upheld. We understand that the proposed provisions of section 82 (1) will capture all medical specialties. A list of medical specialties is available from [the website of the Medical Board of Australia](#).

The Bill also provides for registered health practitioners who have a conscientious objection to voluntary assisted dying to have the right to refuse to participate in the process and imposes requirements on these practitioners. A decision by a registered practitioner in response to a person requesting access to voluntary assisted dying and/or to assist in the ending of another person's life may raise questions about the practitioner's professional ethics and conduct. All professions regulated in the National Scheme have a Code of Conduct that sets out the expectations for professional conduct by registered practitioners within the profession which may be relevant to implementation of voluntary assisted dying. For example, the Medical Board of Australia's [Good Medical Practice: A Code of Conduct for Doctors in Australia](#), provides that good medical practice involves registered medical practitioners being aware of their right not to provide treatment for which they conscientiously object, but also not using this objection to impede access to treatments that are legal.

Similarly, section 3.6 of the [Nursing and Midwifery Board of Australia's Code of conduct for nurses](#) sets out the requirements of registered nurses in providing culturally appropriate end-of-life care, including to accept the rights of people to refuse treatment and to facilitate the provision of end-of-life care where relevant and in accordance with local policy and legislation.

We note the offence provisions in Part 9 of the Bill and protections from liability contained in Part 10. Specifically, we support the provisions of section 150 that enable the making of mandatory or voluntary notifications about a person under the *Health Practitioner Regulation National Law (Queensland)*.

Roles and responsibilities of the Voluntary Assisted Dying Review Board

Ahpra notes that The Voluntary Assisted Dying Review Board (the Board) is to be established to: monitor the operation of the Act to enable voluntary assisted dying; to review each completed request for voluntary assisted dying including whether the registered health practitioners, suppliers, disposers and contact persons assisting with the process complied with the Act. We highlight that the National Scheme provides a well-established notification and complaint system for registered health practitioners and works closely with the OHO in the management of notifications regarding registered health practitioners in Queensland. Should the Bill be passed, we would welcome early consultation with the Board in conjunction with the OHO to assist in ensuring that appropriate regulatory mechanisms are in place to support the operation of such arrangements.

I trust this information is of assistance to the Committee. We are pleased to be able to provide further information as requested by the Committee at its public hearing of 16 July 2021. Our contact for this engagement is Heather Edwards, Queensland State Manager Ahpra. Heather can be contacted at

Yours sincerely



Martin Fletcher

Chief Executive Officer

Australian Health Practitioner Regulation Agency