# 8. VAD Regulations

Project summary

## What is the project?

The *Voluntary Assisted Dying Act 2017* comes into effect on 19 June 2019. The Act provides for the making of regulations which need to be drafted and in place prior to the commencement of the Act.

## What is the project goal?

To establish the regulations that are set out in the Voluntary Assisted Dying Act to give effect to operation of those provisions.

## Why is it important?

While the Act sets out detailed requirements relating to voluntary assisted dying, it also allows for some of the details to be prescribed in regulations. These regulations will need to be settled so that the obligations under the Act are clear before it comes into operation. The requirements are primarily administrative, such as the type of form to be used to apply for a permit.

The Act requires regulations for:

- The form of an application for a self-administration permit (s47(2)(a))
- The form of an application for a practitioner administration permit (s478(2)(a))
- The period of time within which the Secretary must determine an application for a voluntary assisted dying permit (s49(1))
- The form of a voluntary assisted dying permit (s49(5))
- The form of a voluntary assisted dying substance labelling statement (s59)
- The specifications of the locked box in which the voluntary assisted dying substance must be stored (s61)
- The body by which an interpreter who assists a person must be accredited (s114).

The specifications for the locked box for the safe storage of the substance will need to be set out in the Regulations. For example, the Regulations may specify that the box is constructed of steel or any other robust material that is not easily penetrable and is locked with a lock of sturdy construction (in a similar way to secure firearms storage as specified in Schedule 4 of the *Firearms Act 1996*).

The prescribing of an accreditation body for interpreters supports quality assurance and provides clear standards. Accreditation bodies already exist: a translator in Australia must be accredited by National Accreditation Authority for Translators and Interpreters. While NAATI covers languages, including Auslan, the need to prescribe other accreditation bodies in regulations is to respond to the communication needs of other groups of people. For example, those with communication difficulties, such as people with a disability, may require interpreting by a speech pathologist who has undertaken an accredited qualification.

## How will the project achieve its goal?

The permit application process in the Act reflects existing permit processes which are set out in the *Drugs Poisons and Controlled Substances Regulations 2017*. It is intended that the forms which are set out in VAD Regulations will reflect these existing forms which are familiar to health practitioners. These are illustrated in Schedule 2 Forms 3 and 4 of the *DPCS Regulations* which relate to Schedule 8 Poisons.

The Secretariat will work with the Drugs and Poisons Regulation Unit to establish a permit application process in accordance with the Act.

## How will the project be organised?

While the project is auspiced by the Taskforce, DHHS Legal Services Branch will lead the project for the development of regulations as per usual practice. The work will be supported by the Secretariat with advice from the Drugs and Poisons Regulations Unit.

The Office of the Commission for Better Regulation will be consulted in the early stages to confirm the assessment of regulatory impact of the regulations.

Wider consultation will be required to support the development of regulations and it is anticipated that the Taskforce will facilitate this process.