



Our Ref: 67-13550

Attorney General; Minister for Commerce

Hon Christian Porter MP
Attorney-General for Australia
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Attorney-General

VOLUNTARY ASSISTED DYING BILL 2019 (WA) AND THE CRIMINAL CODE ACT 1995 (CTH)

As you are aware, the Voluntary Assisted Dying Bill 2019 ("the Bill") is currently before the Western Australian Parliament.

The Western Australian Department of Health has recently received a communication from the Attorney-General's Department asking whether consideration has been given to the interaction between the Bill and sections 474.29A and 474.29B of the *Criminal Code Act 1995* (Cth) ("the Cth Criminal Code") relating to a carriage service and suicide-related material.

I can assure you that careful consideration has indeed been given to that issue.

The Cth Criminal Code provisions which were introduced in 2005 to deal with the "cybersuicide" phenomenon were taken into account in the drafting process. I have taken advice at the highest level and it is my view that communications about voluntary assisted dying via a carriage service do not contravene the Cth Criminal Code. Clause 11 of the Bill makes it clear that voluntary assisted dying is not suicide. Further, I note that clauses 156 and 157 of the Bill state that those clauses do not authorise the use of a method of communication if, or to the extent that, the use is contrary to or inconsistent with a law of the Commonwealth.

I note that leading legal experts who have examined the Western Australian Bill have noted that it explicitly states that VAD is not suicide, which the Victorian Bill does not do.

Officers from my Office, the Department of Justice, and the Department of Health would welcome discussions with officers from the Commonwealth Attorney General's Department to explain the clauses in the Bill that deal with any potential interaction with the Cth Criminal Code.

Yours sincerely

Hon. John Quigley MLA
ATTORNEY GENERAL; MINISTER FOR COMMERCE

CC: Ms Elizabeth Brayshaw
Assistant Secretary Security and Criminal Justice Branch

28 AUG 2019