



# NORTHERN TERRITORY OF AUSTRALIA

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No. 5 of 1996

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## AN ACT

to amend the *Rights of the Terminally Ill Act*

[Assented to 20 March 1996]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

### 1. Short title

This Act may be cited as the *Rights of the Terminally Ill Amendment Act 1996*.

### 2. Principal Act

The *Rights of the Terminally Ill Act* is in this Act referred to as the Principal Act.

### 3. Interpretation

Section 3 of the Principal Act is amended by inserting after the definition of "medical practitioner" the following:

"qualified psychiatrist" means -

- (a) a person entitled under a law of a State or Territory of the Commonwealth to practise as a specialist in the medical speciality of psychiatry ;

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- (b) a specialist whose qualifications are recognised by the Royal Australian and New Zealand College of Psychiatrists as entitling the person to fellowship of that College;
- (c) a person employed by the Commonwealth or a State or Territory of the Commonwealth, or an Agency or authority of the Commonwealth or a State or Territory, as a specialist or consultant in the medical specialty of psychiatry;"

**4. Conditions under which medical practitioner may assist**

Section 7 of the Principal Act is amended -

- (a) by omitting from subsection (1) paragraph (c) and substituting the following:
  - "(c) two other persons, neither of whom is a relative or employee of, or a member of the same medical practice as, the first medical practitioner or each other -
    - (i) one of whom is a medical practitioner who holds prescribed qualifications, or has prescribed experience, in the treatment of the terminal illness from which the patient is suffering; and
    - (ii) the other who is a qualified psychiatrist,  
have examined the patient and have -
      - (iii) in the case of the medical practitioner referred to in subparagraph (i), confirmed -
        - (A) the first medical practitioner's opinion as to the existence and seriousness of the illness;
        - (B) that the patient is likely to die as a result of the illness; and
        - (C) the first medical practitioner's prognosis; and
      - (iv) in the case of the qualified psychiatrist referred to in subparagraph (ii) - that the patient is not suffering from a treatable clinical depression in respect of the illness;"
- (b) by omitting from subsection (1)(k) "paragraph (c)" and substituting "paragraph (c)(i) ";

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- (c) by omitting from subsection (3) "subsection (1)(c)" and substituting "subsection (1)(c)(i)";
- (d) by inserting in subsection (4), after "any other medical practitioner", the words "or qualified psychiatrist"; and
- (e) by omitting from subsection (4) all words after "who holds" and substituting "a prescribed professional qualification for interpreters in the first language of the patient".

### **5. Palliative care**

Section 8(1) of the Principal Act is amended by omitting "section 7(1)(c)" and substituting "section 7(1)(c)(i)".

### **6. Patient who is unable to sign certificate of request**

Section 9(1) of the Principal Act is amended by omitting "the medical practitioner referred to in section 7(1)(c)," and substituting "a medical practitioner or qualified psychiatrist referred to in section 7(1)(c)".

### **7. Medical records to be kept**

Section 12 of the Principal Act is amended -

- (a) by omitting from paragraph (d) "report of the medical practitioner" and substituting "reports of the medical practitioner and qualified psychiatrist"; and
  - (b) by omitting from paragraph (e)(i) "the medical practitioner" and substituting "the medical practitioner and qualified psychiatrist".
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