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**THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA**

**HOUSE OF REPRESENTATIVES**

**Criminal Code Amendment (Telecommunications Offences for Suicide Related  
Material—Exception for Lawful Voluntary Assisted Dying) Bill 2024**

**EXPLANATORY MEMORANDUM  
and  
STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS**

Circulated by authority of  
Kate Chaney MP

# **Criminal Code Amendment (Telecommunications Offences for Suicide Related Material—Exception for Lawful Voluntary Assisted Dying) Bill 2024**

## **OUTLINE**

1. Section 474 Subdivision G was added to the Criminal Code Act 1995 in 2005 and states that a person commits an offence if they access or transmit suicide-related material through a carriage service that directly or indirectly counsels or incites committing or attempting to commit suicide.
2. A carriage service includes internet, email, phone, fax and telehealth.
3. The intention of this section was to stop pro-suicide websites, internet chatrooms and cyberbullying.
4. All Australian states have now passed laws that permit voluntary assisted dying (VAD), where a person with decision-making capacity voluntarily receives assistance from a health practitioner to end their life.
5. The Criminal Code prevails over State VAD laws, effectively prohibiting the use of telehealth to access VAD services.
6. This amendment makes it clear that VAD services are not within the definition of suicide and therefore can be accessed via telehealth according to State VAD laws.

## **FINANCIAL IMPACT**

This Bill will have no financial impact.

## **NOTES ON CLAUSES**

This Bill inserts the following items:

### **Item 1**

Confirms that the offence of using a carriage service to incite committing or attempting to commit suicide (474.29) does not apply to acts or omissions carried out in accordance with State or Territory VAD laws.

### **Item 2**

This amendment applies retrospectively, to ensure VAD practitioners who have acted in accordance with State VAD laws are not guilty of an offence under the Criminal Code Act.

## **STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS**

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

### **Criminal Code Amendment (Telecommunications Offences for Suicide Related Material—Exception for Lawful Voluntary Assisted Dying) Bill 2024**

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Bill**

The purpose of the Bill is to allow patients to access voluntary assisted dying services by carriage services, including telehealth.

#### **Human rights implications**

This Bill does not engage any of the applicable rights or freedoms.

#### **Conclusion**

This Bill is compatible with human rights because it does not raise any human rights issues.

**Kate Chaney MP**