

Voluntary Assisted Dying Oversight Board

Terms of Reference

Acknowledgement of Country

The Health and Community Services Directorate acknowledges the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. We respect the Aboriginal and Torres Strait Islander people, particularly our Aboriginal and Torres Strait Islander staff, and their continuing culture and contribution they make to the Canberra region and the life of our city.

Role

The voluntary assisted dying oversight board (the Oversight Board) is established by the Voluntary Assisted Dying Act 2024 (the Act). The oversight board's functions are:

- to monitor the operation of the Act and advise the Minister for Health on improvement processes and safeguards;
- analyse and monitor requests for voluntary assisted dying;
- maintain appropriate record keeping of board activities;
- refer any potential issues identified to lead agencies;
- report to the Minister for Health and ACT community at least annually.

Values and Behaviours

The oversight board will be guided by the ACT Public Sector values: Respect, Integrity, Collaboration and Innovation; and the Principles, as set out in Part 2 of the Voluntary Assisted Dying Act 2024.

Board members have a responsibility to:

- know and understand the Act and associated legislation;
- know and understand Oversight Board policies and procedures;
- contribute to the decisions of the Oversight Board in alignment with the Act and any other relevant requirements;
- appropriately prepare for and attend meetings of the oversight board;
- provide input into the Oversight Board meeting schedule and agenda as appropriate;
- diligently carry out resolutions made by the oversight board;

- embrace the solidarity principle that applies once a decision has been made and demonstrate collective accountability and responsibility for the decision taken.

Relevant Legislation

Territory and federal legislation relating to voluntary assisted dying include:

- Voluntary Assisted Dying Act 2024
- Voluntary Assisted Dying Regulation 2025

Legislation with implications for statutory bodies and entities

- [The Legislation Act 2001](#)
- [The Public Sector Management Act 1994](#)
- [The Freedom of Information Act 2016](#)
- ACT Governance Principles: Appointments, Boards and Committees
- The Annual Reports (Government Agencies) Act 2004
- The Health Records (Privacy and Access) Act 1997
- The Territory Records Act 2002
- The Information Privacy Act 2014
- The Criminal Code 1995 (Cth)
- The Privacy Act 1988 (Cth)
- The Health Act 1993 (Cth)
- The Criminal Code 1995 (Cth)
- The Privacy Act 1988 (Cth)
- The Health Act 1993 (Cth)

Conflict of Interest

A board member must take all reasonable steps to avoid being placed in a position where a conflict of interest arises during the exercise of the member's functions. The ACT Government Conflict of Interest Policy sets out responsibilities in regard to declaring and managing perceived, potential and actual conflicts of interest. Unless the Board decides otherwise, the member must not be present when the oversight board discusses the issue or take part in a decision of the oversight board.

Membership

The Voluntary Assisted Dying Act 2024 sets out membership of the oversight board. Members are appointed by the Minister for Health.

The oversight board will comprise a Chair, Deputy Chair (if appointed) and at least four but no more than seven members.

Reporting

The oversight board's reporting requirements are mandated in the Act.

An annual report will be completed by the oversight board and provided to the Minister for Health. The annual report is ordinarily required to be presented to the Legislative Assembly within 15 weeks after the end of a reporting year (section 13 of the Annual Reports (Government Agencies) Act 2004). The oversight board is also required to respond to reporting requests from the Minister for Health.

Meeting Frequency and Attendance

Meetings will be held twice a month for the first six months to support the early implementation phase of the Act. This frequency may be reduced to monthly after the initial implementation period.

Board members may also be required to consider matters out of session when necessary, and/or special meetings may be convened as required.

Board members who are unable to attend a board meeting should notify the Secretariat at least one working day prior to the meeting. If a board member is absent for three consecutive meetings without prior approval, their appointment may be terminated.

ToR Review Frequency

Annually and/or as required.

Accessibility

If you have difficulty reading a standard printed document and would like an alternative format, please phone 13 22 81.

If English is not your first language and you need the Translating and Interpreting Service (TIS), please call 13 14 50.

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Approved by - Voluntary Assisted Dying Oversight Board

Date - 11/2025