

# Director of Public Prosecutions Direction 2006 (No 2)\*

Notifiable instrument NI2006–356

made under the

*Director of Public Prosecutions Act 1990*, section 20 (Directions and guidelines by Attorney General)

---

## 1 Name of instrument

This instrument is the *Director of Public Prosecutions Direction 2006 (No 2)*.

## 2 Commencement

This instrument commences on the day after notification.

## 3 Preamble

The enactment by the Commonwealth of the *Euthanasia Laws Act 1997* has created uncertainty as to the legality of the withdrawal or withholding of treatment or administration of pain relief and the immunity in respect thereof provided to medical professionals by the *Medical Treatment Act 1994*.

It is in the public interest to avoid or resolve that uncertainty.

## 4 Direction

I, SIMON CORBELL, Attorney General, after consulting with and having regard to the advice of, the Director of Public Prosecutions (who agrees that the giving of a direction is appropriate in these exceptional circumstance), hereby direct that where the death of a person occurs following a health professional:

- withdrawing or withholding treatment of the person in good faith in accordance with the written direction or record of a direction of the person or representative of the person appointed in accordance with the *Medical Treatment Act 1994*;
- withdrawing or withholding treatment of the person in good faith in accordance with a written request or record of a request by the donee of a power of attorney given by the person; or
- providing pain relief in good faith to a person diagnosed as being in the terminal phase of a terminal illness where an incidental effect of the pain relief appears to have been the hastening of death;

\*Name amended under Legislation Act, s 60

and the death is attributed (in whole or part) to such withdrawal or withholding of treatment or provision of pain relief, the Director of Public Prosecutions shall not, by reason only of such withdrawal or withholding of treatment or provision of pain relief (regardless of when it occurs), proceed with a prosecution of the health professional.

Simon Corbell MLA  
Attorney General  
18 October 2006