

A legal framework for voluntary assisted dying in Queensland

A voluntary assisted dying law gives individuals who are **suffering and dying** an additional **end of life choice**.

It allows **eligible people** who are dying to choose the timing and circumstances of their death.

It gives an option that can **limit suffering at the end of life**. It is not a way to end life for those who are not dying.

VOLUNTARY: the decisions to request access and to continue with the process must be made **voluntarily and without coercion** (including improper influence).

ASSISTED by doctors and nurses. If a person is eligible and chooses to go to the final stage, they either **self-administer** a substance **prescribed by a doctor** or have an **experienced doctor or nurse** administer the substance so as to hasten, at the person's request, their death.

DYING: to be eligible the person must be **suffering and dying**.

The person must be **separately and independently assessed by two doctors** (who meet the law's qualification and training rules) to be **eligible**.

To be eligible under the draft Queensland law, the person must:

1. have an **eligible condition**
2. have **decision-making capacity**
3. be acting **voluntarily and without coercion**
4. **be aged at least 18 years**
5. fulfil a **residency** requirement.

To satisfy 1, the person must have been diagnosed with a **disease, illness or medical condition** that is:

- **advanced, progressive and will cause death,**
- expected to cause death **within 12 months**, and
- causing **suffering** that the person considers to be **intolerable**.

The timeframe of 12 months makes it clear that VAD is an option only for those who are at the end of life. The VAD scheme is not a choice between life and death but a choice for those who are in the process of dying and wish to choose the time and circumstances of their death.

The scheme has many **safeguards**. The process of request and assessment involves **three separate requests** that are clear and documented.

The process has a **waiting period of at least 9 days** between the first and final request.

The person must also be told, more than once, that they may decide at any time not to continue the voluntary assisted dying process.

After the request and assessment process, the substance is prescribed and dispensed if the person chooses to proceed to the substance administration stage.

Most people want to live for as long as possible without experiencing intolerable suffering. This includes individuals with a terminal illness who are eligible to access VAD.

Allowing eligible people who are dying to **begin** the process during what is expected to be the last 12 months of their lives does not mean that they will proceed to obtain the substance and administer it as soon as they become eligible. Experience shows they are likely to wait until they are closer to death.

Also, some people may leave the process of assessment until it is too late. They may lose capacity or die before the process can be completed.

Doctors, nurses and other health practitioners who have a **conscientious objection** to VAD will have the right to choose not to participate.

An **Oversight Board** and existing authorities will ensure the law is being complied with.

A **Statewide Care Navigator Service** will give information and assistance to people and help patients, their families and friends, and health practitioners navigate the process.

The Commission was asked to recommend '**the best legal framework for people who are suffering and dying to choose the manner and timing of their death in Queensland**' should voluntary assisted dying become law in this State.

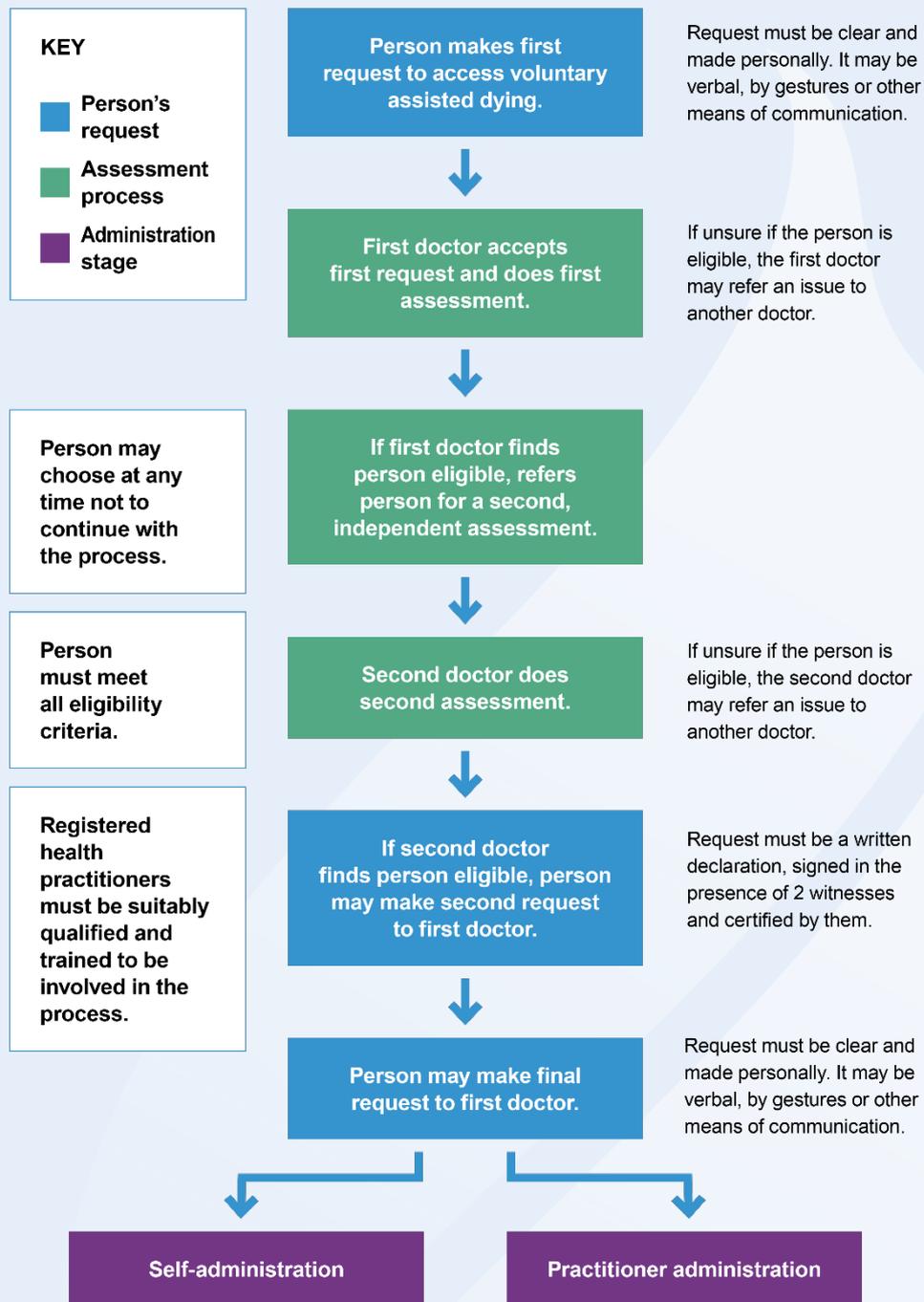
Its **full report** details the principles on which the Bill is based, VAD laws in other places, and how they work in practice in Victoria. The report identifies strengths and weaknesses in those laws so as to inform the democratic process in Queensland. [[Download Full Report](#)]

The Commission has aimed to develop a **draft law** for Queensland that is **compassionate, safe and practical**. [[Download draft Voluntary Assisted Dying Bill 2021](#)]

A **summary** of its substantial report and draft Bill can be located at: [[Download Report Summary](#)]

The process it recommends appears on the following diagrams.

The proposed process



Administration follows choice of process, prescription and supply of substance.

The proposed process in detail

