



End of Life Choice

Newsletter on current debates

Premier Daniel Andrews endorses Voluntary Assisted Dying

Victoria's Premier Daniel Andrews has accepted the 66 recommendations of the Ministerial Advisory Panel on Voluntary Assisted Dying* (The Panel) and expects the matter to be decided by the end of the year. The Premier argued that regardless of an individuals' view on end of life choices

"The time has come to make some profound change and to no longer deny to those who want a more dignified end to their life, or at least want to know that that option is available to them. The time has come to stop denying them that." He continued "I've come to the conclusion that whether you would avail yourself of this option isn't really the point."

The recommendations in the expert panel's 257 page report were framed by Victoria's *Charter of Human Rights and Responsibilities Act 2006*. The Panel considered each human right and found seven to be particularly relevant to voluntary assisted dying. (see below)

Human Rights Charter and VAD

- the right to recognition and equality before the law (s8)
- the right to life (s9)
- the right to protection from torture and cruel, inhuman or degrading treatment (s10)
- the right to privacy and reputation (s13(a))
- the right to freedom of thought, conscience, religion and belief (s14(1))
- the right to protection of the best interests of the child (s17(2))
- the right to liberty and security of the person (s21(1)).

The Panel presented the recommendations in four parts, covering eligibility criteria, request and assessment processes, oversight, and implementation. Each recommendation of the June 2016 Parliamentary Committee report is discussed, and The Panel report "aims to take the reader through the recommended voluntary assisted dying process step by step, describing and explaining the

considerations, conclusions and recommendations made by the Panel at each point in this process". (p47)

Recommendation 1 provides the guiding principles to aid interpretation.

- Every human life has equal value.
- A person's autonomy should be respected.
- A person has the right to be supported in making informed decisions about their medical treatment and should be given, in a manner that they understand, information about treatment options, including comfort and palliative care.
- Every person approaching the end of life has the right to quality care to minimise their suffering and maximise their quality of life.
- The therapeutic relationship between a person and their health practitioner should, wherever possible, be supported and maintained.
- Open discussions about death and dying and peoples' preferences and values should be encouraged and promoted.
- Conversations about treatment and care preferences between the health practitioner, a person and their family, carers and community should be supported.
- Providing people with genuine choices must be balanced with the need to safeguard people who might be subject to abuse.
- All people, including health practitioners, have the right to be shown respect for their culture, beliefs, values and personal characteristics.

Recommendation 2 establishes the eligibility criteria, whereby a person must

- be an adult, 18 years and over, ordinarily resident in Victoria and an Australian citizen or permanent resident
- have decision-making capacity in relation to voluntary assisted dying
- be diagnosed with an incurable disease, illness or medical condition, that
 - is advanced, progressive and will cause death
 - is expected to cause death within weeks or months, but not longer than 12 months
 - is causing suffering that cannot be relieved in a manner the person deems tolerable.

The policy intent is to ensure that voluntary assisted dying is limited only to the people for whom it is intended, and to

provide clear guidance to the community and health practitioners. Two detailed case studies - for a person with cancer and a person with motor neurone disease - document how the proposed law would work.

The Panel affirmed that no medical practitioner or health service can be forced to participate. In cases of conscientious objection, the practitioner should inform their patient as soon as reasonably possible and ensure their personal objection does not impede that person's access to medical treatment.

Further recommendations include:

R46 establishes a Voluntary Assisted Dying Review Board to review every case and report on the operation of voluntary assisted dying in Victoria.

R52 sets the role of the Review Board to report to Parliament every six months in the first two years, and then annually.

R53 proposes that the Act be reviewed after five years.

R54 outlines protection against criminal, civil or professional liability providing a health practitioner complies with the legislation.

R58 explains how voluntary assisted dying is to be implemented within the context of existing care available to people at the end of life, and to ensure that it is embedded within existing safety and quality processes.

The report includes seven detailed pages documenting the step by step process for voluntary assisted dying. (Appendix 1)

The Panel expresses confidence that "the recommendations it has made will inform safe and compassionate voluntary assisted dying legislation that embeds safeguards, checks and balances at every point of the voluntary assisted dying process". (p48)

*The Report was presented to the Victorian Government on July 31 by the Chairperson, immediate past president of the AMA and neurosurgeon, Prof Brian Owler. Two of the seven member panel were South Australian palliative care physicians, Em Prof Ian Maddocks, AM, and Dr Roger Hunt. (see over)

References

Panel Report <https://www2.health.vic.gov.au/about/publications/researchandreports/ministerial-advisory-panel-on-voluntary-assisted-dying-final-report>
ABC News, 25.7.17
The Australian, Sue Hutchinson, 25.7.17

SAVES

South Australian Voluntary Euthanasia Society

saves.asn.au



Compassion for suffering
The freedom to choose
Add your voice to the call



SAVES was established in 1983 to campaign for legal, medically assisted choice in end-of-life arrangements. The aim is to relieve suffering by providing choice for people at the end of their life. SAVES works in the community and with Members of Parliament to achieve law reform.

Voluntary Assisted Dying Process

Victoria, Ministerial Advisory Panel Report, Appendix 1, p146

Ministerial Advisory Panel Membership

Professor Brian Owlser, Chair

Neurosurgeon and immediate past President, AMA

Professor Margaret O'Connor AM Deputy Chair

Professor of Nursing, Monash University, with a palliative care background

Ms Mary Draper, Member

Background in health administration and clinical governance

Mr Julian Gardner AM, Member

Lawyer, immediate past Victorian Public Advocate

Dr Roger Hunt, Member

Palliative Medicine Consultant

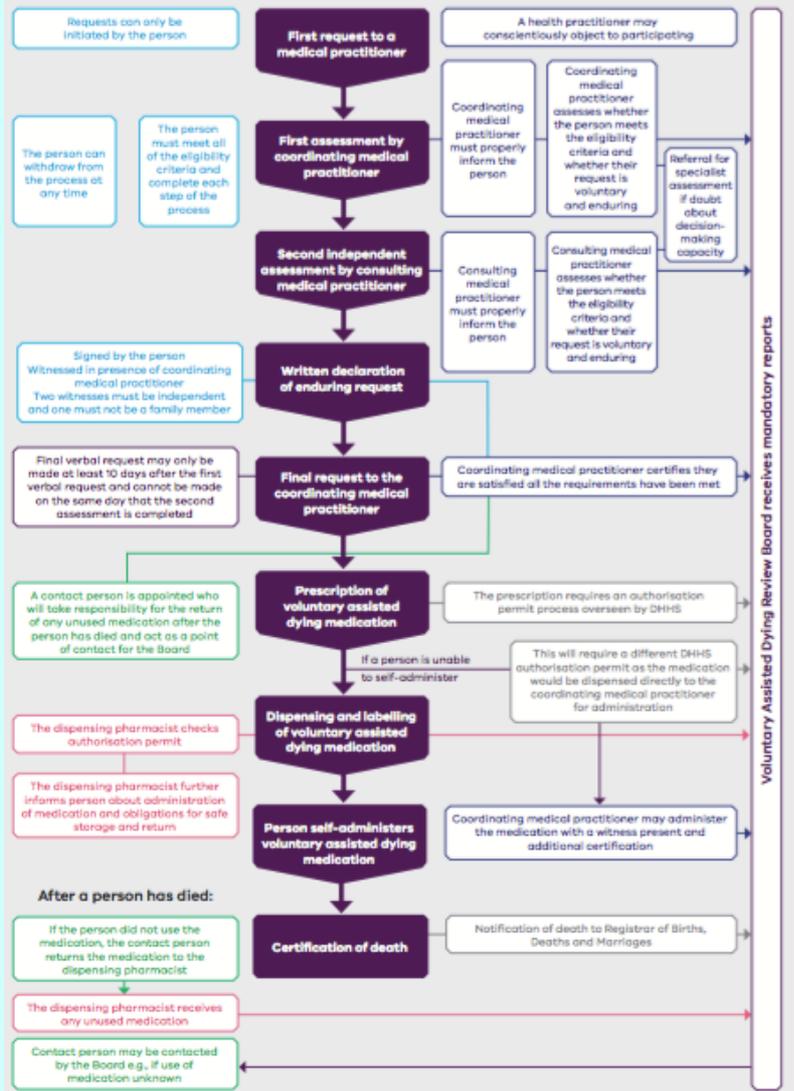
Emeritus Professor Ian Maddocks, AM, Member

First Chair of Palliative Medicine in Australia, first President Australian Association for Hospice and Palliative Care

Ms Tricia Malowney OAM, Member

Health advocate for women with disabilities

The voluntary assisted dying process: an overview



Voluntary Euthanasia Advocacy Groups

Christians Supporting Choice for Voluntary Euthanasia
christiansforve.org.au

Doctors for Assisted Dying Choice
drs4assisteddyingchoice.org

South Australian Nurses Supporting Choices in Dying
facebook: SA Nurses Supporting Choices in Dying
My Body My Choice

facebook: facebook.com/pages/MY-BODY-MY-Choice-VE

Voluntary Euthanasia Youth Advocates
facebook: Support SAVE-YA Law Reform

Lawyers for Death with Dignity
saves.asn.au/lawyers

Resources

Andrew Denton's GoGentleAustralia website
<http://gogentleaustralia.org.au>

SAVES End of Life Choice Newsletters
<http://www.saves.asn.au/newsletters.php>

The Wheeler Centre podcasts Better Off Dead
<http://www.wheelercentre.com/broadcasts/podcasts/better-off-dead>

The Voluntary Euthanasia Story: the epic journey to make it legal - Adelaide forum, June 2015
<http://www.saves.asn.au/resources.php>

