
Voluntary assisted dying

Summary

- Victoria's voluntary assisted dying law allows a person in the late stages of advanced disease to take medication prescribed by a doctor that will bring about their death at a time they choose.
 - Under the law, only people who meet the certain conditions will be eligible for voluntary assisted dying.
 - The law sets out the process for asking for and accessing the medication for voluntary assisted dying.
 - A person seeking voluntary assisted dying must communicate three separate requests to their doctor (including one in writing). Two doctors must also agree the person meets the conditions for voluntary assisted dying.
 - The law has many safeguards to make sure that it is the person's own decision and that no one is under any pressure to request voluntary assisted dying.
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In 2015, in response to the issue of how to improve people's experience at the end of their lives, a Parliamentary Committee was established to consider issues about **palliative care**, **advance care planning** and voluntary assisted dying.

The Committee undertook extensive consultation with people in the community as well as medical bodies, consumer and carer groups, disability advocacy groups, legal organisations, mental health providers and health administrators. As a result of its findings, the Committee recommended that voluntary assisted dying should be made law. An expert panel then consulted on what the law should look like before a Bill was brought into the parliament.

Many people said they wanted genuine choices at the end of life. They wanted to make decisions about the treatment and care they needed. They also wanted to choose where they died. Some people also wanted to decide the timing and manner of their death.

In 2017, legislation was passed to allow voluntary assisted dying in Victoria. The law will start to apply from 19 June 2019.

Voluntary assisted dying means a person in the late stages of advanced disease can take a medication prescribed by a doctor that will bring about their death at a time they choose. Only people who meet the all the conditions and follow the process set out in the law can access the voluntary assisted dying medication.

Palliative care and end of life services support people with a life-limiting illness. They help to improve people's quality of life by managing symptoms and providing comfort and assistance. They also provide support to family and carers.

Even with the best palliative and end of life care, some people getting close to the end of their life experience suffering that is unacceptable to them and may want to ask for assistance to die. If these people meet all the conditions, and follow the process set out in the law, they can access voluntary assisted dying.

Frequently asked questions

What is voluntary assisted dying?

Victoria's voluntary assisted dying law allows a person in the late stages of advanced disease to take medications prescribed by a doctor that will bring about their death at a time they choose. Only people who meet all the conditions and follow the process set out in the law can access the voluntary assisted dying medication. A person's decision to ask for voluntary assisted dying must be:

- voluntary (the person's own decision); and
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- consistent (the person makes three separate requests for voluntary assisted dying during the process); and
- fully informed (the person is well-informed about their disease, and their treatment and palliative care options).

What are the conditions for accessing voluntary assisted dying?

The law states that people can only access voluntary assisted dying if they meet all of the following conditions:

1. They must have an advanced disease that will cause their death and that is:
 - likely to cause their death within six months (or within 12 months for neurodegenerative diseases like motor neurone disease) and
 - causing the person suffering that is unacceptable to them.
2. They must have the ability to make and communicate a decision about voluntary assisted dying throughout the formal request process.
3. They must also:
 - be an adult 18 years or over; and
 - have been living in Victoria for at least 12 months; and
 - be an Australian citizen or permanent resident.

Can someone with disability or mental illness access voluntary assisted dying?

People with disability or mental illness who meet the conditions have the same right to ask for voluntary assisted dying as others in the community. However, having disability or mental illness alone is not sufficient reason for a person to receive access to the medications. Like anyone else, people who have disability or mental illness must also have an advanced disease likely to cause death within six months (or 12 months for neurodegenerative diseases) and have the ability to make and communicate a decision about voluntary assisted dying throughout the process.

People who have disability or who have difficulty communicating may use an interpreter or other assistance to communicate their wishes. See also 'What if someone needs an interpreter or assistance with communication?'

Can someone with dementia access voluntary assisted dying?

Having dementia is not sufficient reason for a person to access voluntary assisted dying (the same as disability or mental illness), but a person diagnosed with dementia may be eligible if they meet all of the conditions, including having decision-making ability throughout the entire process.

When dementia affects a person's ability to make a decision about voluntary assisted dying, they will not meet the conditions to receive assistance to die.

Can a person request voluntary assisted dying in an advance care directive?

An **advance care directive** guides medical treatment decision-making for people if they lose the ability to make their own medical decisions. A person cannot request voluntary assisted dying in an advance care directive. It was decided that people requesting voluntary assisted dying need to have decision-making ability throughout the entire process to make sure their decision remains voluntary and consistent.

How does a person request voluntary assisted dying?

There are several steps a person needs to take to access voluntary assisted dying. This process makes sure only people who meet the requirements can access voluntary assisted dying. The steps are:

1. Ask for information – Ask your doctor for information about voluntary assisted dying.
2. First request – If you decide you want to access voluntary assisted dying, ask your doctor to help you access it. Tell them that you want to go through the steps that will allow you to access voluntary assisted dying.
3. First assessment – A doctor will assess you to see if you meet the requirements.
4. Second assessment – A second doctor will assess you to see if you meet the requirements.
5. Written declaration – Complete a form requesting voluntary assisted dying.
6. Final request – At least ten days (including weekends) after the first request, ask the first doctor to help you

access voluntary assisted dying for the final time.

7. Appoint a contact person – Appoint a person who will return unused medication to the pharmacy if you die before taking the medication, or decide not to take it.
8. Doctor applies for a permit to prescribe the medication – The doctor will apply for a permit to prescribe the medication. This will allow either self-administration or practitioner administration of the medication.
9. Receive the medication – Once the doctor has written the prescription, you will receive the medication.

Both of the doctors involved in the assessment process (Steps 3 and 4) must have completed approved training in assessing people for voluntary assisted dying.

Each doctor must:

- make sure that the person is fully informed about their disease, and their treatment and palliative care options
- make sure that voluntary assisted dying is the person's own choice
- let the person know that they can change their mind about accessing voluntary assisted dying at any time.

To make sure the decision is not rushed, the process to access voluntary assisted dying cannot be completed in less than 10 days, unless the person is expected to die within 10 days.

Who can help a person access voluntary assisted dying?

Only a general practitioner (GP) or specialist doctor can help a person through the process to seek voluntary assisted dying. Other health practitioners, such as nurses and residential aged care staff, can give information but cannot help the person access the medications.

How will a person take the voluntary assisted dying medication?

Most people will take the medication themselves, by swallowing it. If a person cannot swallow or cannot otherwise physically take the medication themselves, they can ask for a doctor to give them the medication.

Do all doctors or other health practitioners have to participate in voluntary assisted dying?

No. The law protects doctors and other health practitioners, such as nurses and pharmacists, who do not want to participate in voluntary assisted dying because they have a conscientious objection. This means they cannot be forced to:

- provide information or support about voluntary assisted dying; or
- assess a person for voluntary assisted dying; or
- supply or give the medication used for voluntary assisted dying.

Do all health services have to participate in voluntary assisted dying?

Victorian health services can choose whether or not they will participate in voluntary assisted dying. Health services do not have to participate if they do not want to. Some health services may not be in a position to offer voluntary assisted dying, for example, if they do not already provide care to people at the end of life.

Even if a health service is not participating, people can still ask its doctors or health practitioners where they can go to get information about voluntary assisted dying.

Can a person's carer, family, friend or other support person ask for voluntary assisted dying for them?

No, only the person deciding to seek voluntary assisted dying can ask for it. This is an important part of making sure the person's decision is voluntary. A person may ask their carer, family, friend or other support person to go with them when they visit the doctor. At the visit, the doctor may want to talk to the person on their own first, and then together with their support person, if the person seeking voluntary assisted dying chooses.

If a person has a medical treatment decision-maker, can that decision-maker ask for voluntary assisted dying?

No, only the person deciding to seek voluntary assisted dying can ask for it. A **medical treatment decision maker** can only make decisions about a person's treatment when a person cannot make a decision for themselves, for example, if they are unconscious. A person requesting voluntary assisted dying must be able to

make their own decisions throughout the process.

What if someone needs an interpreter or assistance with communication?

People who speak a language other than English, including Auslan, can use a suitably qualified interpreter to help them make their requests for voluntary assisted dying. They can also use the interpreter during the doctors' assessments for voluntary assisted dying. Where there is doubt about a person's capacity to understand English, it is necessary to use a suitably qualified interpreter.

People with disability who have difficulty communicating can use their preferred means of communication (for example, a communication aid, writing, gestures) to request voluntary assisted dying. They may also ask a speech pathologist to help them communicate with their doctors during the process, if needed.

When an interpreter or speech pathologist is used, they must be independent and approved by a professional body. Family members cannot be interpreters.

People who have difficulty writing can ask someone else to sign the written declaration requesting voluntary assisted dying for them. The person seeking voluntary assisted dying must be present when the written declaration is signed.

Can a doctor suggest a person seeks voluntary assisted dying?

No, it is against the law for a doctor or other health practitioner to suggest a person seeks voluntary assisted dying. A doctor cannot talk about voluntary assisted dying unless the person asks them about it first.

Once a person has made a decision to seek voluntary assisted dying, they work through the process set out in the law with their doctor. During the process, a doctor is not allowed to talk the person into requesting voluntary assisted dying. They must also remind the person that they do not have to go ahead if they change their mind along the way.

Can someone be pressured into asking for voluntary assisted dying?

There are strong safeguards to make sure a person is making their own decision to seek voluntary assisted dying, and that they are not being pressured by others.

Only the person deciding to seek voluntary assisted dying can ask for it. Their carer, family, friend or support person cannot ask for them. Also, a doctor cannot suggest a person requests voluntary assisted dying. They can only talk about it when the person asks first.

As part of the process, two doctors must decide the person is well-informed about their disease, treatment and palliative care options and can come to their own decision about voluntary assisted dying. Both doctors have to assess that no-one is forcing or influencing the person to request it. Both of these doctors must have completed training in assessing a person for voluntary assisted dying.

Even after a person has started the process, they can change their mind at any time up until they take the medication.

Is there a danger someone will ask for voluntary assisted dying because they cannot get palliative care?

Voluntary assisted dying is not an alternative to palliative care services. **Palliative care and end of life services** are widely available in Victoria. Most people who request voluntary assisted dying will be supported by palliative care and end of life services and will be encouraged to receive this support if they are not already using these services.

Who will oversee Victoria's voluntary assisted dying law?

The **Voluntary Assisted Dying Review Board**, made up of legal and health professionals and a consumer representative, will oversee voluntary assisted dying activity in Victoria. The Board will make sure the law and the related processes provide a compassionate outcome while safeguarding the community. It will review every case of voluntary assisted dying in Victoria and make suggestions for changes or improvements in the law. There are also other organisations, such as Victoria Police, the Coroner and the Australian Health Practitioner Regulation Agency that make sure that laws and professional standards are observed.

The law will start to apply from 19 June 2019. Is there more information available for people thinking about seeking voluntary assisted dying?

betterhealth.vic.gov.au

Yes. Detailed information for people considering voluntary assisted dying, including the process and support available, can be found on the Department of Health and Human Services health.vic website under 'End of life care'. See **[Voluntary assisted dying – Information for people considering voluntary assisted dying](#)**.

I find end of life issues distressing. Who can I talk to?

Some people find it upsetting to think about their death and end of life care. If reading this information has raised issues of grief, stress or personal crisis, you may find it helpful to talk to your GP or other health practitioner.

The services listed below may also provide assistance:

- **Lifeline** (Tel. **13 11 14**) provides telephone or online support and counselling 24 hours a day, 7 days a week.
- **Australian Centre for Grief and Bereavement** (Tel. **1800 642 066**) provides a statewide specialist bereavement service (including counselling and support groups) for individuals, children and families.

This page has been produced in consultation with and approved by:

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