

Community information about 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 following conditions will be eligible for voluntary assisted dying:

- they have an advanced disease that is expected to cause death within six months (or within 12 months for neurodegenerative diseases like motor neurone disease) and that is causing the person unacceptable suffering
- they are able to make a decision about voluntary assisted dying and communicate it to their doctor
- they are an adult 18 years and over
- they have been living in Victoria for at least 12 months
- they are an Australian citizen or permanent resident.

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.

Introduction

End of life issues can be distressing and difficult for many people. There is also a range of views in the community about death and dying and how to improve the experience of people at the end of their lives. For these reasons, a Parliamentary Committee considered issues about [palliative care](#), [advance care planning](#) and voluntary assisted dying. There was a lot of 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. 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. Across this time, 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 die. 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 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 all the [conditions](#) and follow the [process](#) set out in the law can access the voluntary assisted dying medication.

A person's decision to seek voluntary assisted dying must be:

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

Most people will find [palliative care and end of life services](#) give them the support they need at the end of their life. Palliative care and end of life services help to improve the quality of life for people with advanced disease. They also provide support to their carers and family.

Even with the best 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 the voluntary assisted dying medication.

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

Is voluntary assisted dying the same as euthanasia?

People use different words to talk about voluntary assisted dying, and these words can make you think about the process in different ways. Other countries use different words in their laws. Victoria uses 'voluntary assisted dying' because the new law allows some people near the end of their lives to make their own decision about how and when they die. The person must ask for voluntary assisted dying themselves and remain in control and able to make their own decision throughout the process. This is a key safeguard in the Victorian law. Euthanasia is a broader term and can mean a range of different things.

What are the conditions for receiving voluntary assisted dying?

The law states that people will only receive access to the voluntary assisted dying medication 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)
 - 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
 - have been living in Victoria for at least 12 months
 - be an Australian citizen or permanent resident.

Can someone with a disability or mental illness receive 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, only having a disability or mental illness is not sufficient reason for a person to receive access to the medication. Like anyone else, people who have a 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 a disability or who have difficulty communicating may use an interpreter or other assistance. See also “What if someone needs an interpreter or assistance with communication?”

Can someone with dementia access the voluntary assisted dying medication?

Having dementia is not sufficient reason for a person to receive access to the medication (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?

The first step for a person thinking about seeking voluntary assisted dying is to ask a health practitioner (such as a general practitioner (GP), specialist doctor or nurse) for information about it. A health practitioner can only talk about voluntary assisted dying when a person asks them about it first.

The formal process begins when a person makes the ‘first request’ to their doctor to receive assistance to die.

Two doctors must then agree, after independently assessing the person, that they meet the conditions for voluntary assisted dying. The person must then sign a written request and make a final verbal request before they can receive access to the medication.

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

Who can help a person access the voluntary assisted dying medication?

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 medication.

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
- assess a person for voluntary assisted dying
- 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. Also, 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 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 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 if the person 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 make decisions about a person's treatment only when a person cannot make a decision for themselves, for example, 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 with their doctor through the [process](#) set out in the law. 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 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 on 19 June 2019. Is there more information available for people thinking about seeking voluntary assisted dying?

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 website under 'End of life care'. See *Voluntary assisted dying – Information for people considering voluntary assisted dying* <<https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/voluntary-assisted-dying/community-and-consumers>>.

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 have a GP or other health practitioner who can discuss this with you.

The services listed below may also provide assistance:

- [Lifeline](https://www.lifeline.org.au) <<https://www.lifeline.org.au>> (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](https://www.grief.org.au) <<https://www.grief.org.au>> (Tel: 1800 642 066) provides a state wide specialist bereavement service (including counselling and support groups) for individuals, children and families.

Date of publication: April 2019