

Voluntary Assisted Dying

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ACKNOWLEDGMENT OF OUR
TRADITIONAL OWNERS

We acknowledge
Aboriginal people and
Torres Strait Islanders as
this country's First Nations
people.

We recognise First Nation
people and communities
as traditional and cultural
custodians of the lands on
which we work to provide
safe and quality health
services. We pay our
respect to Elders past,
present and emerging.

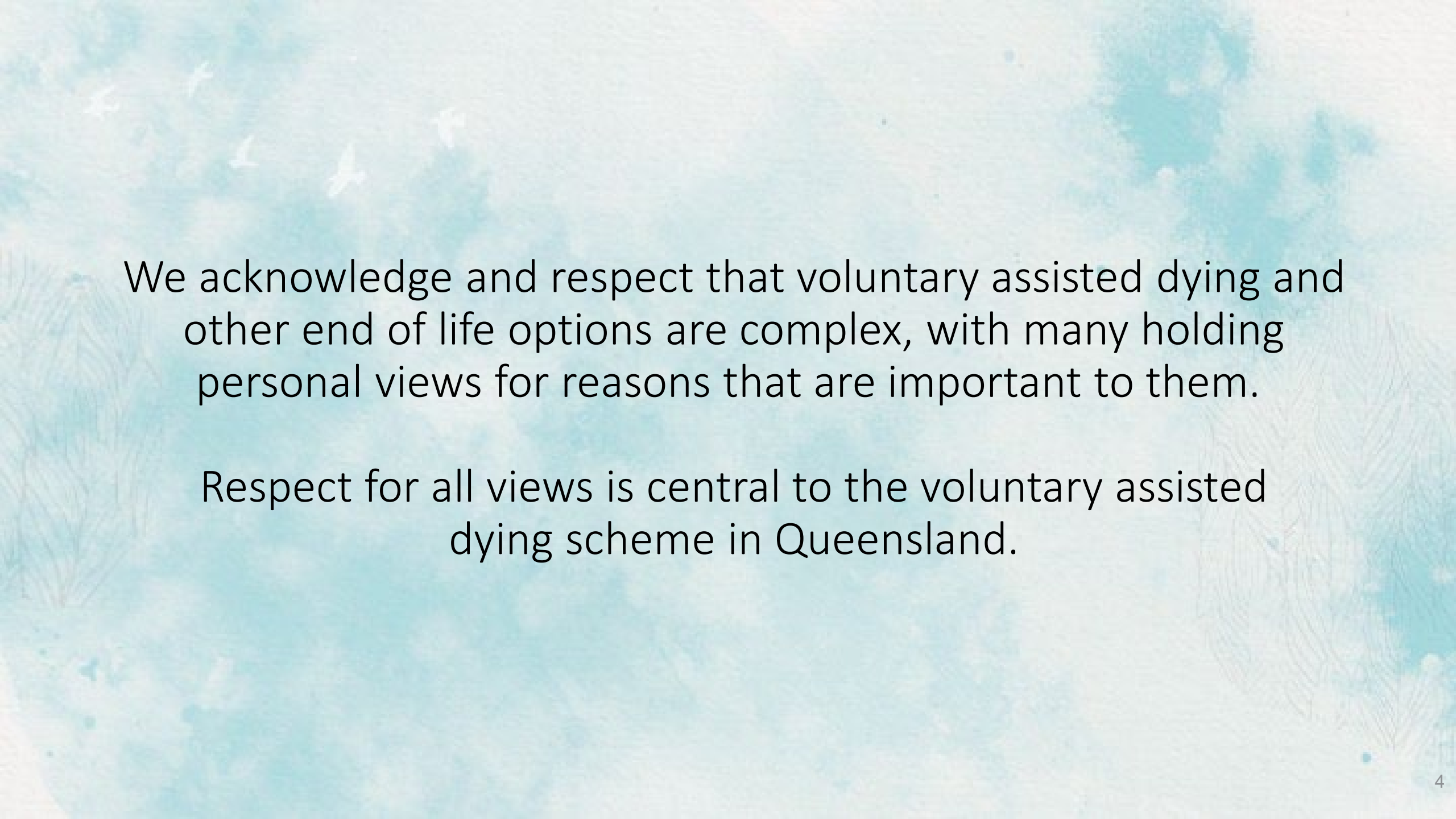
Artwork produced for Cairns and
Hinterland Hospital and Health Service by
Jedess Hudson



OUR VALUES




We acknowledge our Cairns and Hinterland HHS Values of Compassion, Accountability, Respect and Integrity, and take this opportunity to remind everyone to keep our values front of mind as we conduct ourselves during this meeting



We acknowledge and respect that voluntary assisted dying and other end of life options are complex, with many holding personal views for reasons that are important to them.

Respect for all views is central to the voluntary assisted dying scheme in Queensland.



Voluntary assisted dying gives people who are suffering and dying, and who meet eligibility criteria, the option of requesting medical assistance to end their lives.

It became available to **eligible** Queenslanders on 1st January 2023.

What is VAD?

- The assistance provided to an eligible person by a health practitioner to end their life
 - Self administration
 - Practitioner administration
- It is voluntary
 - Autonomy
 - Choice



VAD legislation in Australia

- Euthanasia is not a legislative power granted to the Federal Government
 - Under Section 51 of the constitution of Australia
- Laws regarding VAD are passed by the state or territory governments
- NT 1995 – Rights of the Terminally Ill Act
 - Repealed 1997



VAD and the law

- Euthanasia Laws Act 1997
- Restoring Territory Rights Bill (Assisted Suicide Legislation) 2022



History of VAD in Australia

- Legalised:
 - Victoria 2019
 - Western Australia 2021
 - Tasmania 2022
 - Queensland 2023
 - South Australia 2023
 - NSW will come into affect November 2023

Offences

Offences (including but not limited to):

- Unauthorised administration of VAD substance (max 14 years in prison)
- Coercion for **or against** VAD – encouraging someone to revoke a request IS an offence (max 7 years in prison)
- Giving the QVAD board false information (max 5 years in prison)
- Making a false or misleading statement (max 5 years in prison)
- Falsifying documents (max 5 years in prison)

Discussion: ethics and VAD



Why is this important?

- Working VAD is not a tick-box job
 - We need to think and assess each case individually
 - Significant legal repercussions if we get it wrong

VAD in Queensland



VAD and QLD Law

- November 2018
- May 2021
- September 2021

Principles of The Act

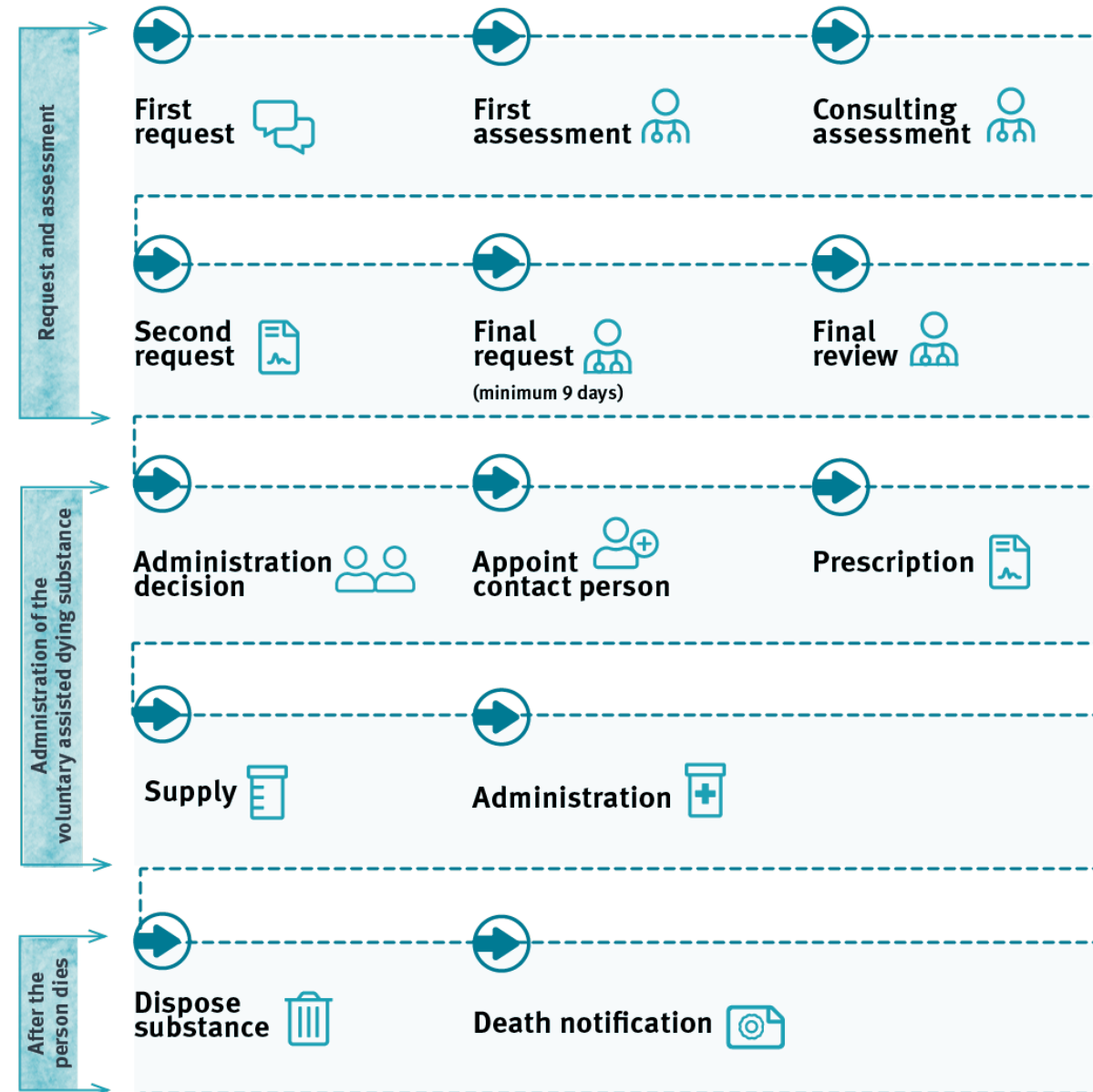
- Human life is of fundamental importance
- Every person has inherent dignity and should be treated with compassion and respect
- A person's autonomy, including in relation to end of life choices should be respected
- Every person approaching end of life should be provided with high quality care and treatment inc palliative care
- Access to VAD should be available regardless of location in QLD
- A person should be supported in making informed end of life choices
- A vulnerable person should be protected from coercion
- A person's freedom of thought, conscience, religion and culture should be respected



Eligibility criteria

1. Have an **eligible condition**:
 - is advanced, progressive and will cause death, and
 - is expected to cause death within 12 months, and
 - is causing suffering that the person considers to be intolerable
2. Have **decision-making capacity**
3. Be **acting voluntarily and without coercion**
4. Be at least **18 years** of age
5. Fulfil **residency and citizenship requirements**

Overview of the process



Mandatory report to the Review Board
at all steps by the relevant practitioner



Conscientious objection

Registered health practitioners

- Have the right to refuse to participate in any stage of the voluntary assisted dying process
- But they must:
 - Immediately inform the patient of their refusal to participate
 - Give the referring medical practitioner a reason for their refusal
 - **Advise of another health who can assist**
 - such as QVAD-Support
 - DO NOT OBSTRUCT ACCESS TO VAD

Speech pathologists

- Have the right to refuse to participate in any stage of the voluntary assisted dying process
- But they must:
 - Inform their employer /patient of their conscientious objection
 - **Advise of another speech pathologist who can assist**
 - Not intentionally prevent someone's access to speech pathology services or VAD

All healthcare workers

- Can conscientiously object to participating in any stage of the VAD process
- Only registered health practitioners and speech pathologists are required to provide information to the patient; **however, it is good clinical practice to:**
 - Inform their employer and the patient of their objection
 - Ensure the patient's access to treatment or care is not impeded: provide information to enable them to obtain services elsewhere

Initiating a discussion about voluntary assisted dying

- Only medical practitioners and nurse practitioners can initiate a discussion if at the same time they inform the person about available:
 - treatment options and likely outcomes
 - palliative care treatment and support options and likely outcomes of that care.

Safeguards

- Prohibition of other health staff initiating a discuss about VAD
- A request must come from the person themselves
- Person needs to make 3 separate requests for VAD
- Must be given information on palliative options, prognosis, disease course
- Waiting period of 9 days ensures request is enduring
- Can change mind at any time
- Criminal offences for persuasion or dissuasion
- Protections for practitioners acting in good faith to provide VAD

Woman found father dead after he took assisted dying drugs meant for someone else, Queensland inquest hears

Man aged in his 80s kept the substance in his home after it was no longer required for another person, coroner told



📷 The substance involved in the man's death was obtained legally after Queensland allowed voluntary assisted dying in January 2023. Photograph: Joe Giddens/PA

Any Questions?