

Tara Cheyne MLA

Minister for the Arts, Culture and the Creative Economy

Minister for City Services

Minister for Government Services and Regulatory Reform

Minister for Human Rights

Member for Ginninderra

Our ref: PRO24/661

Ms Suzanne Orr MLA

Chair of the Select Committee on the Voluntary Assisted Dying Bill 2023

ACT Legislative Assembly

By Email: LACommitteeVAD@parliament.act.gov.au>

17 February 2024

Dear Ms Orr *Suzanne*

Thank you for your letter about the intent of clause 152 of the Voluntary Assisted Dying Bill 2023 (VAD Bill).

The VAD Bill does not prohibit any person, including health professionals, from initiating a discussion about Voluntary Assisted Dying (VAD). Rather it establishes minimum requirements for health professionals who initiate these conversations.

The aim of this provision is to ensure health professionals who are likely to engage in end of life discussions with patients or clients only do so if they provide information on a range of end of life options.

Medical practitioners and nurse practitioners who initiate a discussion on VAD must be satisfied that they have the expertise to appropriately discuss VAD and palliative care, *as well as* ensure the person is informed about treatment and palliative care options available to them, and the likely outcomes of those options. Other Australian Health Practitioner Regulation Agency registered health professions, as well as the self-regulated professions of social workers and counsellors, may have end of life discussions within their scope of practice. Noting that such health professionals do not have the qualifications to discuss medical treatment and palliative care options, they may initiate a discussion about VAD *only* if they understand the person has an eligible condition, *and* they ensure that the person knows there are palliative care and treatment options available, *and* they advise that the person discuss these options with their treating doctor.



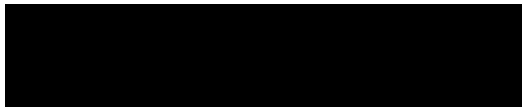
Feedback received during VAD consultation strongly supported health professionals not being restricted in initiating an appropriate discussion about VAD with relevant people they are caring for, if they assess that it is clinically appropriate to do so. Prohibiting or strictly limiting clinical discussions about lawful end of life options, as occurs in other jurisdictions, would limit an individual's ability to make informed end of life choices, particularly for people with lower health literacy. Health professionals should be supported to provide relevant information and advice to patients about all available treatment, and palliative and end-of-life care options, consistent with their legal and ethical obligations.

However, health professionals are in a position of considerable trust and influence in their therapeutic relationship with their patients. In consideration of this, clause 152 of the VAD Bill sets minimum requirements for initiating discussions on VAD for health professionals, in order to establish additional safeguards against persons who may be unduly influenced to access VAD.

The VAD Bill also establishes a number of offences to address coercive and dishonest behaviour in relation to making or revoking a request to access Voluntary Assisted Dying.

I trust this information is of assistance.

Sincerely



Tara Cheyne MLA
Minister for Human Rights

Cc Rachel Stephen-Smith
Minister for Health