



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON VOLUNTARY ASSISTED DYING BILL

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Submission Cover Sheet

Inquiry into the Voluntary Assisted Dying Bill 2023

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What is your submission about?: Eligibility criteria to access VAD

Congratulations on drafting a Bill which does not prescribe a time limit on the suffering of patients! This is a wonderful improvement over the various States' Bills. Some patients suffer terribly from incurable conditions which are not terminal, but can be just as unbearable as some painful, terminal illnesses. I hope that your lead is followed by the States when they review their legislation. I acknowledge that my following remarks are probably going to be unheeded prior to the introduction of your legislation, but it is my earnest hope that it will be considered when your legislation is reviewed after a few year's operation. I will of course be delighted if you can see the logic in my submission, and consider it now... One difficult condition which I am particularly concerned about is the possibility of patients suffering from Dementia one day being able to access VAD.suffered from Alzheimer's for 20 years, the condition which she had previously most feared. She once told me: "Knock me on the head if I ever get Dementia, won't you?!" She made a similar comment to my father and 3 brothers. She was spoon-fed for the last 7 years of her life (to age 95), despite our family asking her carers to let nature take its course, in accordance with her Enduring Guardianship document. The Head Nurse at her ACF in Newcastle ignored us because "It would upset the staff too much!" Advance Care Directives (ACDs) were not very common in 2005 before she lost legal competence. Our family was traumatised, watching our mother deteriorate for so long. It is possible to have an ACD in which legally competent adults can decline future life-extending treatment in circumstances specified in the ACD. The case of "Brightwater Care Group (Inc) v Rossiter" [2009] WASC 229 gave a legally competent patient the right to deny medical services (a Percutaneous Endoscopic Gastronomy - PEG tube) when his carers wanted to keep him alive. It is logical that the same legal right to refuse medical services should apply to enforce the wishes set out in legally valid ACDs. I have a very strongly worded ACD which states that, if in future I suffer from dementia (or similar permanent and incurable life constraining condition), then I do not want to be given and life sustaining medications, nor to be spoon-fed when I can no longer feed myself, even if I

Your

submission: appear to accept it (via the 'snout reflex'). I request access to VAD 3 days after I last feed myself if VAD becomes available in future to patients in this situation. I also stipulate that my Enduring Guardian has my advance authority to sue for assault anyone who tries to medicate or spoon-feed me when I am suffering from the advanced stages of a terminal, incurable condition. I strongly believe that this is Nature's (God's) way of saying it is time to die. I am confident that I have thus averted the very circumstances that my mother endured for 7 years!! I am as confident as possible that I will not be kept alive against my wishes when I can no longer feed myself. I know that, in such circumstances, my death will be imminently inevitable after a few weeks of suffering from starvation and dehydration. My contention is that it should be possible to request access to VAD to avoid the imminently inevitable death that awaits me from the unpleasant starvation and dehydration. The law will already have served my purpose of evading years of living oblivion like my mother endured, so it should be possible to prevent the weeks of suffering from the legally enforceable death I have ensured. Your proposed Bill does not allow patients in the early stages of dementia to access VAD because, prior to losing legal competence, they will not be suffering unbearably. By the time they are suffering, they will have lost legal competence. Dementia is an ever increasing cause of long, tedious death which competent people greatly fear. Some people who have been diagnosed with dementia take the horrible option of committing suicide years earlier than the disease would otherwise make their life unbearable. They believe they have no choice because all of the existing and proposed VAD laws in Australia do not permit dementia patients to access VAD when the appropriate time comes. I know this for a fact! My niece's husband's grandfather diagnosed himself with dementia when he lost his way when driving home. Being aware of my mother's predicament, he got his affairs in order and then jumped off a cliff!! He could have enjoyed several more years of life if he had been confident that he wouldn't have to eventually endure years of oblivion. By refusing to enable dementia patients to access VAD in carefully prescribed circumstances, other similar deaths by suicide might result. Yours faithfully, Geoffrey Williams Bowral, NSW