



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

Submission Number: 018

Date Authorised for Publication: 14 December 2023

Thank you for the opportunity to comment on the *Voluntary Assisted Dying Bill 2023*.

My previous submission on the VAD proposal raised three important reservations:

- Both a terminal prognosis and the timeframe in which this will occur may not be correct;
- Palliative treatments can be effective but are not always accessed in a timely manner;
- There is a risk that the provisions in VAD legislation will expedite death by those who may seek to benefit from it.

I have lived experience of the concerns raised in my earlier submission. This includes a cancer diagnosis (self), and an incorrect diagnosis of terminal cancer (my mother) when there was actually no cancer present.

The main intent of the legislation is to relieve "intolerable suffering" for those with a terminal diagnosis. My earlier submission gave several examples of errors in such diagnoses. These cases may be rare, but are important to consider. One of the reasons for the abolition of capital punishment was the lack of absolute certainty of guilt and the impossibility of reversing a judgement. This consideration also applies to VAD legislation.

Turning to terminal diagnoses which are correct, patients typically use average life expectancy to establish their expectations. This is despite the fact that the time of death is uncertain.

One legislative requirement which would help address these concerns is that any terminal diagnosis that leads to action under the VAD legislative provisions be required to be independently confirmed by at least one more specialist, and that the specialist(s) also provide separate advice on the possible timeframe for progression of the disease.

Secondly, it seems that the intent of the legislation is to relieve both intolerable suffering and also the fear of it (Explanatory Statement pages 3, 16). This relates to the adequacy of palliative care. The June 2023 review of palliative services in the ACT found such services lacking, with unmet needs and service gaps. (<https://health.act.gov.au/sites/default/files/2023-10/ACT%20Palliative%20Care%20Service%20Function%20Review%20Report.pdf2023>).

Until the ACT Government adopts the recommendations of the review it cannot credibly claim, as stated in the Explanatory Statement (page 2), that 'VAD is not considered to be a replacement for, or alternative to, effective palliative care.'

Thank you for your consideration.

Yours sincerely,