



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON VOLUNTARY ASSISTED DYING BILL

Ms Suzanne Orr MLA (Chair), Ms Leanne Castley (Deputy Chair),
Mr Ed Cocks MLA, Dr Marisa Paterson MLA

Submission Cover Sheet

Inquiry into the Voluntary Assisted Dying Bill 2023

Submission Number: 021

Date Authorised for Publication: 06 December 2023

From: [REDACTED]
To: [LA Committee - VAD](#)
Cc: [REDACTED]
Subject: ACT draft Voluntary Assisted Dying Bill, 2023
Date: Monday, 4 December 2023 5:26:19 PM

You don't often get email from harley.powell@optusnet.com.au. [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Dear Select Committee

Congratulations on the draft Bill on Voluntary Assisted Dying for the ACT, 2023. We note that your Bill has many improvements on the various State VAD legislations and it attempts to reduce the problems with those State laws. The lack of a specified life expectancy of less than 6 or 12 months as an eligibility requirement in the ACT Bill is a very desirable improvement and will allow patients with early dementia, who desperately wish to avoid the suffering and indignity of late dementia, to access VAD before progressive loss of mental capacity renders them ineligible to do so.

We anticipate that there will be considerable opposition to the ACT draft Bill because of the subjective interpretation of the proposed eligibility criterion, “in the last stages of their life”, in section 11 (4) (c). This is neither a recognised medical expression nor an established legal phrase. To many people “in the last stages of life” means the last few days of life but it could also be argued that anyone over 80 years of age is in the last stages of life (although they may still have many years of healthy existence ahead). Therefore we propose defining the phrase a little differently.

We propose that the phrase “in the last stages of life” be modified to read: “in the opinion of the individual, after discussion with their coordinating practitioner, consulting practitioner, or treating medical practitioner, they are in the last stage of their life, or are in the last stage of their life with decision-making capacity”.

An alternative eligibility criterion could be “any medical treatment reasonably available and acceptable to the patient is confined to relief of pain, suffering and/or distress, with the object of allowing the patient to die a comfortable death; that is, the only available treatment is palliative”.

Either of these eligibility criteria would allow dying patients access to VAD at a time which did not specify a particular length of life expectancy.

Yours faithfully,

Harley Powell, Victorian Convenor, Doctors for Assisted Dying Choice
John Willoughby, South Australian Convenor, Doctors for Assisted Dying Choice
Jack Havill, New Zealand Convenor, Doctors for Assisted Dying Choice

Sid Finnigan, Queensland Convenor, Doctors for Assisted Dying Choice
Richard Lugg, Western Australian Convenor, Doctors for Assisted Dying choice,
Robert Douglas, ACT Convenor, Doctors for Assisted Dying Choice

Sent from my iPhone
Sent from my iPhone