



COMMITTEE SUPPORT

Select Committee on the Inquiry into the
Voluntary Assisted Dying Bill 2023

ANSWER TO QUESTION TAKEN ON NOTICE

Asked by Ms Suzanne Orr on 29 January 2024: Mr Craig Wallace took on notice the following question:

Reference: Hansard [uncorrected] proof transcript 29 January 2024 [PAGE 63-64]

In relation to:

THE CHAIR: Okay. And the unintended consequences that you reference, these are the ones in your submission that likely go to the—I think it is fair to say anecdotal evidence, so far, coming out of the Canadian scheme; is that what we are looking at here? Or is it something more?

Mr Wallace: Well, it is not anecdotal. I mean, like, people have actually been offered medically assisted dying in Canada instead of disability support. So what has happened in Canada is people have gone along saying to their disability or their healthcare provider, “I need a pressure-based water bed,” I think one was of the cases, “and I need some housing modifications and a wheelchair that is sculpted in a way that I am not in pain all of the time,” and the provider has said, “We cannot provide that, but here is some information about medically assisted dying. Why don’t you consider doing that?”

Now, I say that should be illegal. That we should create an offence around the provider actually doing that, and that we should do everything that is possible to ensure that people get the supports, that they are not softly coerced into voluntary assisted dying.

THE CHAIR: Okay. So you say this is not anecdotal. You say there is evidence of this. Are you able to provide any copies of any of the reports, or reporting that goes to this matter, just so the committee has got reference to the example?

Mr Wallace: Yes. I think there may be something in the submissions, but I am happy to do that.

THE CHAIR: Yes.

Mr Wallace: I mean, they will be, sort-of like media reports, but that is enough for us.

THE CHAIR: That is fine. Just so we have got it handy.

Advocacy for Inclusion: The answer to the Member's question is as follows:–

Ms Orr asked me if I could provide reports or reporting of unintended consequences around the Canadian VAD scheme, called Medical Assistance in Dying (MAID, including instances where people with disability reported being offered voluntary assisted dying instead of disability supports and/or have felt coerced due to a lack of supports.

AFI is happy to provide these reports and reporting as follows.

Paralympian trying to get wheelchair ramp says caseworker offered her assisted dying

In December 2022 a women with a physical disability, who has been trying to get a wheelchair ramp installed at her home for the past five years, testified to a Parliamentary Inquiry that a caseworker told her that they could give her assisted dying, offering to supply the assisted dying equipment for her.

<https://www.ctvnews.ca/politics/paralympian-trying-to-get-wheelchair-ramp-says-veterans-affairs-employee-offered-her-assisted-dying-1.6179325>

Ontario man says he was offered medically assisted death after being denied a self directed care team

A landmark lawsuit has been filed by an Ontario man suffering from an incurable neurological disease. He alleges that health officials will not provide him with an assisted home care team of his choosing, instead offering, among other things, medically assisted death.

https://www.ctvnews.ca/health/the-solution-is-assisted-life-offered-death-terminally-ill-ont-man-files-lawsuit-1.3845190#_gus&_gucid=&_gup=Facebook&_gsc=oSjpmH

Women with chemical sensitivities granted assisted dying after she couldn't find a suitable house

A 51-year-old Ontario woman with severe sensitivities to chemicals chose medically-assisted death after her search for affordable and suitable housing free failed, advocates say.

<https://www.ctvnews.ca/health/woman-with-chemical-sensitivities-chose-medically-assisted-death-after-failed-bid-to-get-better-housing-1.5860579>

Woman with disabilities nears medically assisted death after futile bid for affordable housing

A 31-year-old Toronto woman who uses a wheelchair is nearing final approval for a medically assisted death request after being unable to secure an affordable apartment that doesn't worsen her chronic illnesses.

<https://www.ctvnews.ca/health/woman-with-disabilities-nears-medically-assisted-death-after-futile-bid-for-affordable-housing-1.5882202>

Disability advocate says he was being coerced into choosing MAID

In 2020 the Canadian House of Commons Justice Committee heard from a man Roger Foley who said he has been denied proper care and was "coerced" into choosing MAID because his acute care needs were too much for hospital staff to handle. He noted that MAID was easier to access than supports for disabled Canadians.

<https://www.cbc.ca/news/politics/maid-assisted-dying-legislation-disabilities-1.5796697>

MAID assessors admit people accessing voluntary assisted dying due to lack of supports

MAID assessors have admitted people are accessing voluntary assisted dying due to a lack of support. In this piece the vice-president of the Canadian Association of MAID Assessors and Providers admits people have chosen euthanasia because of poverty and a lack of support

<https://thewalrus.ca/assisted-dying/>

Man in poor housing and dealing with pain issues and low income seeks MAID

Report on a man with disability seeking medical assistance in dying as an escape from poverty and pain. He's disabled but not terminally ill.

https://www.thespec.com/news/hamilton-region/no-way-for-a-person-to-live-hamilton-man-would-rather-die-than-struggle-with/article_5cb1305b-1e5e-5e54-9cc7-4d941f33276c.html?utm_medium=social&utm_source=twitter&utm_campaign=user-share

Quadriplegic woman says access to assisted dying is easier than access to disability supports

A woman with Quadriplegia noted it was quicker and easier to seek MAID than disability support. "disability income from the province can take anywhere between six and eight months, and she's not sure she can last that long. However, it's only 91 days for the government-funded healthcare system to assist her in ending her life".

<https://www.durhamradionews.com/archives/170434>

Ontario Man applies for MAID as an alternative to being homeless

A 54 year old man with a back injury said he was in the process of applying for medical assistance in dying (MAiD), not because he wants to die, but because social supports are failing him and he fears he may have no other choice.

<https://toronto.citynews.ca/2022/10/13/medical-assistance-death-maid-canada/>

People with disabilities applying for MAID due to cuts in rates of income support

People on Ontario Disability Support Payments report that they have considered applying for voluntary assisted dying because its too hard to live on income support payments which were slashed by over 20% in 1995 and have never been adjusted to base levels.

<https://toronto.citynews.ca/2022/04/21/odsp-payments-ontario-ford-election/>

The #maid #ODSP hashtag

Many people with disabilities have shared their stories of feeling coerced towards MAID due to poor disability supports on the "X" Twitter platform. These can be found by searching #MAID #ODSP. A few examples are here:

LosinghopeinCanada @losinghopein

People with disabilities on #ODSP got their cheque today.

I paid my rent, bank took some charges, covered two bills and now I'm broke. No money for the rest of my bills, basics, medicine, laundry, food or transportation.

#MAiD is coercive when you're forced to live like this.

LosinghopeinCanada @losinghopein Didn't know if I should share this but

My 32 yr old neighbor who is disabled, not terminal, died via MAiD. His family had no idea.

This is what happens when people are unable to access adequate supports

GoldGirly @girly_gold

Aug 4, 2023 You ALL say one thing and do Another! The #PWD stick in #odsp legislative

Poverty are ALWAYS the ones who lose in the end. Do something ppl r choosing #maid cause they Can't afford Rent & Food!!

Exiled New Yorker @exiled_Nyer Feb 10, 2023

Tablet finally died. No more ebooks. So no books at all. Because im blind. So in those little pauses between tasks? In those, I get to listen to my brain trying to convince me to #MAiD myself like #ODSP wants me to. Thats what the books do, drown that out. #odspoverty #cptsd

The Grim Project

In Canada *The GRIM Project* is a group of researchers who gathers the stories of disabled people who have been killed by voluntary assisted dying. The researcher notes “we have heard from people that are being compelled to “choose” MAID because of lack of support—be it housing, or income, or personal supports”

<https://disabilityvisibilityproject.com/2022/03/31/perhaps-they-wont-have-died-in-vain-the-grim-project/>

Conclusion and commentary for the committee’s considerations

There are a range of credible reports that MAID is being seen and experienced as an alternative to the provision of disability supports in Canada. In some instances this is being suggested by services and government agencies and in other people feel they are being coerced through the lack of supports or the withdrawal of supports as well as the relative ease and availability of voluntary assisted dying compared to the complexity of accessing supports.

Canberra is not Toronto but is not far-fetched to imagine elements of the Canadian experience playing out here. The Canadian scheme is looser than any of the Australian schemes and also broader than the draft bill. However it is Advocacy for Inclusions view that the ACT’s Bill resembles the Canada legislation in some key respects and is certainly closer to it than any other Bill we have seen in Australia – the lack of timeframes, with the Canadian legislation only requiring that death is reasonably foreseeable, and the involvement of a range of practitioners are features of both regimes.

Australia currently has a better disability support system than Canada’s. However, that system is fraying. It is also complex to access supports here with peoples supports sometimes being delayed for years in complex appeal cases. Income support has also worsened over time in Australia for people with disability. There is not a single affordable house on the market in Canberra available to a person on income support.

It is the job of an effective Bill to guard against current and future circumstances. The Right to Life and bodily integrity is enshrined in the UN Convention on the Rights of People with Disability.

To avoid unintended consequences AFI *strongly* feels the ACT Bill requires amendment to ensure that no one is offered VAD instead of disability supports. We continue to propose the following amendments which we have set out across the consultation process:

- There should be a legislative requirement to ask a person applying for VAD whether there are any disability, healthcare or psychosocial supports which would avert their decision
- There should be a legislative requirement to maintain an emergency pool of supports for people who indicate that there are supports which would avert their decision.
- An entity or a person who funds a persons supports should not be able to deny their supports and then suggest they apply for VAD or provide information about VAD thereby creating a linkage between support provision and VAD. The Bill should create a criminal offence for a provider of disability or healthcare supports to suggest that a person access VAD in the context of a discussion about access to these supports (or it should be made clear in the explanatory memoranda that this is coercion)

- All medical practitioners involved in the VAD process should undertake mandatory disability training so that they understand that people with disability can live valued lives with the right supports and are aware this is possible.

We also urge action on suicide prevention, access to accessible preventative healthcare and advocacy support to deal with unintended consequences.

Approved for circulation to the Select Committee on the Inquiry into the Voluntary Assisted Dying Bill 2023

Signature:



Date: 8.2.24

By Advocacy for Inclusion, Craig Wallace, Head of Policy