

7 February 2024

Via email: LACommitteeVAD@parliament.act.gov.au

Dear Members of the Standing Committee on Justice and Community Safety

RE: Go Gentle - Clarification Statement

I was privileged to provide evidence to the Inquiry into the Voluntary Assisted Dying Bill 2023 on 1 February 2024 as Chief Executive of the charity Go Gentle. Having reflected on the process, and given the importance of the issue under consultation, I wish to clarify a point raised during my appearance before the Inquiry.

Eligibility requirements

We recommend that s11(4)(c) 'the individual is in the last stages of life' is removed from the bill.
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The eligibility criteria require that a person must be diagnosed with a relevant condition 'expected to cause death' that is advanced, progressive and causing intolerable suffering. Together, these work to ensure that only dying people can access VAD.

What I wish to clarify is that the inclusion of s11(4)(c) runs the risk of effectively reintroducing a timeframe into the VAD process as the term "last stages of life" requires the health professional to form a view about how long it will be until the person will die.

As a doctor, I can tell you we do not prognosticate on the basis of the 'last stages of life'. This is not common terminology and there are no accepted or agreed 'stages of life'. While I understand that this clause may have been designed to provide clarity, in effect it will add confusion and uncertainty. It is undefined, open to wide interpretation and written in language foreign to medical assessors.

In addition, this clause overlaps and is made redundant by the eligibility criteria that requires that a person must be diagnosed with a relevant condition 'expected to cause death'.

As timeframes have been so thoughtfully considered and deliberately removed from the ACT's bill, I urge the panel to remove this clause. What is gained in flexibility through the removal of arbitrary timeframes will be lost if you add in a vague and undefined concept such as the 'last stages of life'.

Thank you for the opportunity to clarify our views. Please let me know if we can provide any further detail.

Yours sincerely

Dr Linda Swan
CEO, Go Gentle Australia