

# Understanding voluntary assisted dying

Community and consumer information

## Summary

Victoria's voluntary assisted dying law allows a person in the late stages of advanced disease to take a medication prescribed by a doctor that will bring about their death at a time they choose.

Under Victoria's Voluntary Assisted Dying law, access is limited to people who:

- have an advanced disease that is expected to cause death within 6 months (or within 12 months for neurodegenerative diseases like motor neurone disease)
- have the ability to make a decision about voluntary assisted dying
- are adults 18 years and over
- and have been living in Victoria for at least 12 months.

There are several steps to access voluntary assisted dying.

The law has many safeguards to make sure that it is the person's own decision and that no one is under any pressure to access voluntary assisted dying.

## Introduction

In 2017, legislation was passed to allow voluntary assisted dying in Victoria. The law will start from 19 June 2019.

Voluntary assisted dying means a person in the late stages of advanced disease can take a medication prescribed by a doctor that will bring about their death at a time they choose. Only people who meet the [requirements](#) and follow the [steps](#) set out in the law can access voluntary assisted dying. A person's choice to access voluntary assisted dying must be:

- **voluntary** (the person's own choice)
- **continuing** (their choice stays the same)
- **fully informed** (the person is well-informed about their disease, and their treatment and palliative care options).

End of life issues can be distressing and difficult for many people. There is also a range of views in the community about death and dying and how to improve the experience of people at the end of their lives. For these reasons, a Parliamentary Committee considered issues about palliative care, advance care planning and voluntary assisted dying. There was a lot of consultation with people in the community including experts. The Committee recommended that voluntary assisted dying should be made law. An expert panel then consulted on what the law should look like before the Bill was brought into the parliament. Across this time, many people said they wanted genuine choices at the end of life. They wanted to make decisions about the treatment and care they needed. They also wanted to choose where they die. Some people also wanted to decide the timing and manner of their death.

Most people will find palliative care and end of life services give them the support they need at the end of their life. Palliative care and end of life services help to improve the quality of life for people with advanced disease. They also provide support to their family and carers.

But even with the best care, some people approaching the end of their life experience suffering that is unacceptable to them and may want to access voluntary assisted dying. Some of these people will now have the choice to control the timing and manner of their death by taking medication that will bring about their death.

The choice must be the person's own. Only the person accessing voluntary assisted dying can ask for it. It is against the law to pressure someone to ask for voluntary assisted dying.

## Frequently asked questions

### What is voluntary assisted dying?

Victoria's voluntary assisted dying law allows a person at the late stages of advanced disease to take a medication prescribed by a doctor that will bring about their death at a time they choose. Only people who meet the [requirements](#) and follow the steps set out in the law can access voluntary assisted dying. A person's choice to access voluntary assisted dying must be:

- **voluntary** (the person's own choice) and
- **continuing** (their choice stays the same) and
- **fully informed** (the person is well-informed about their disease, and their treatment and palliative care options).

### Who can access voluntary assisted dying?

People choosing to access voluntary assisted dying must meet the following requirements:

1. They must have an advanced disease that will cause their death and is:
  - likely to cause their death within 6 months (or within 12 months for neurodegenerative diseases like motor neurone disease) and
  - causing the person suffering that is unacceptable to them.
2. They must have the ability to make a decision about voluntary assisted dying throughout the [process](#).
3. They must also:
  - be an adult 18 years or over
  - have been living in Victoria for at least 12 months
  - be an Australian citizen or permanent resident.

### Can someone with a disability or mental illness access voluntary assisted dying?

People with a disability or mental illness who meet all of the [requirements to access](#) voluntary assisted dying have the same right to access voluntary assisted dying as other members of the community. However, having a disability or mental illness is not sufficient reason in itself for a person to access voluntary assisted dying. Like anyone else, people with a disability or mental illness must also have an advanced disease likely to cause death within 6 months (or 12 months for neurodegenerative diseases) and have the ability to make a decision about voluntary assisted dying throughout the process.

### Can someone with dementia access voluntary assisted dying?

When dementia affects a person's ability to make a decision about voluntary assisted dying, they will not meet the [requirements](#) to access voluntary assisted dying. To access voluntary assisted dying, a person needs to have the ability to make decisions throughout the [process](#).

### Can a person request assisted dying in an advance care directive?

A person cannot make a request for voluntary assisted dying in an advance care directive. The law says that you cannot include anything about voluntary assisted dying in an advance care directive.

## How does someone access voluntary assisted dying?

There are several steps to access voluntary assisted dying. This process makes sure only people who meet the [requirements](#) can access voluntary assisted dying.

The first step for a person choosing to access voluntary assisted dying is to ask their doctor about it. It is likely that most people will have a conversation with their doctor to get more information before they decide to go ahead. To access voluntary assisted dying, the person needs to tell the doctor that they want to go through the steps that would allow them to access voluntary assisted dying.

After a person has asked their doctor, there are several more steps before they can access voluntary assisted dying. These steps include being assessed by two doctors to make sure they meet the [requirements](#). Both of these doctors must have completed approved training in assessing people for voluntary assisted dying. Each doctor must make sure the person is fully informed about their disease, and their treatment and palliative care options. Both doctors must also assess that voluntary assisted dying is the person's own choice. The doctors must let the person know that they can change their mind about accessing voluntary assisted dying at any time. To make sure the decision is not rushed, the process to access voluntary assisted dying cannot be completed in less than 10 days, unless the person is expected to die within 10 days.

## How will a person take the medication?

In most cases, people will take the medication themselves, by swallowing it. If a person cannot swallow or cannot otherwise physically take the medication themselves, they can ask the doctor who first assessed their request to administer medication that will bring about their death. This request must be made in person. The doctor must then apply for a special permit to allow them to administer the medication.

## Who can provide access to voluntary assisted dying?

Only a doctor can provide access to voluntary assisted dying. Other health practitioners, such as nurses, and residential aged care staff, can give support but cannot give the person access to the medication.

## Can someone's doctor suggest they access voluntary assisted dying?

No, it is against the law for a doctor to suggest a person accesses voluntary assisted dying. A doctor cannot talk about voluntary assisted dying unless the person raises it first. If the person asks about it, a doctor is then able to give information about voluntary assisted dying and can discuss it with them. Once a person has asked to access voluntary assisted dying, the doctor needs to follow the [process](#) set out in the law. During the process, they cannot persuade a person to access voluntary assisted dying. The doctor will remind them that they don't have to go ahead if they change their mind along the way.

## Do all doctors or other health practitioners have to participate in voluntary assisted dying?

No, the law protects doctors and other health practitioners, such as nurses, who do not want to participate in voluntary assisted dying because they have a conscientious objection. This means they cannot be forced to:

- Provide information or support about voluntary assisted dying
- Assess a person for voluntary assisted dying
- Supply or give the medication used for voluntary assisted dying

## Can someone's family member (or carer or friend) ask for voluntary assisted dying for them?

No, only the person choosing to access voluntary assisted dying can ask for it. This is an important part of making sure the person's choice is voluntary. A person may ask their family, friends or carers to go with them when they visit the doctor. At the visit, the doctor may want to talk to the person on their own first, and then altogether with their family, friends or carers.

## **If a person has a medical treatment decision-maker, can that decision-maker ask for voluntary assisted dying?**

No, only the person choosing to access voluntary assisted dying can ask for it. A [medical treatment decision maker](#) can make decisions about a person's treatment only when a person cannot make a decision for themselves, for example, they are unconscious. But a person accessing voluntary assisted dying needs to be able to make their own decisions throughout the [process](#).

## **What if someone needs an interpreter or assistance with communication?**

People who speak a language other than English, or need communication assistance because of a disability, can use an interpreter or people with skills in communication aids to ask for voluntary assisted dying. The interpreter must be independent and approved by a professional body. Family members cannot be interpreters.

During the doctor's visit, the interpreter can help the person to ask for voluntary assisted dying. They can also support the person to understand information given by the doctor.

## **Can someone be pressured into accessing voluntary assisted dying?**

There are strong safeguards to make sure a person's choice to access voluntary assisted dying is their own choice, and that they are not pressured by others.

Only the person choosing to access voluntary assisted dying can ask for it. Their family, friends or carers cannot ask for them. Also, a doctor cannot suggest a person accesses voluntary assisted dying. They can only respond when a person asks for it.

As part of the [process](#) to access voluntary assisted dying, two doctors must decide the person is well-informed about their disease and their treatment and palliative care options. Both doctors have to assess that no-one is forcing or influencing them to do this. Both of these doctors must have completed approved training in assessing a person for voluntary assisted dying.

Even after a person has started the [process](#), they can change their mind at any time. A person cannot complete the steps to access voluntary assisted dying in less than 10 days, except in some very special circumstances.

## **Is there a danger someone will access voluntary assisted dying because they can't get palliative care?**

Voluntary assisted dying is not an alternative to palliative care services. Palliative care and end of life services are widely available in Victoria. Most people who access voluntary assisted dying will be supported by palliative care and end of life services and will be encouraged to receive this support if they are not already using these services.

## **Who will oversee Victoria's voluntary assisted dying law?**

The Voluntary Assisted Dying Review Board will oversee voluntary assisted dying in Victoria. The Board will make sure the law provides a compassionate outcome while addressing the concerns of the community. It will review every case of voluntary assisted dying in Victoria and make suggestions for changes or improvements in the law. There are also other organisations, such as Victoria Police, the Coroner and the Australian Health Practitioner Regulation Agency that make sure that laws and professional standards are observed.

## **The law will start in June 2019. Will there be more information available for people considering voluntary assisted dying?**

Yes, detailed information is currently being written for people considering voluntary assisted dying. This information will explain more about the process for accessing voluntary assisted dying and the support available. It will be available in early 2019, before the law starts on 19 June 2019.

## **I find end of life issues distressing. Who can I talk to?**

Some people find it upsetting to think about their death and end of life care. If reading this information has raised issues of grief, stress or personal crisis, the services listed below can provide telephone support and counselling 24 hours a day, 7 days a week. They may also provide online assistance:

[Lifeline](#) Tel: 13 11 14

[Australian Centre for Grief and Bereavement](#) Tel: 1800 642 066

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