

## ASSISTED DYING REFORM IN VICTORIA

Information sheet | September 2016

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*In mid-2016, the Victorian Parliament's Legal and Social Issues Committee reported on an inquiry into end of life choices, recommending that Victoria introduce a legal framework for assisted dying. The Victorian Government is now deciding whether to implement the recommended reforms.*

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### **Inquiry into end of life choices**

In May 2015, the Legal and Social Issues Committee was asked to conduct an inquiry into end of life choices. The aim of the inquiry was to consider the need for laws to allow Victorians to make informed decisions about their own end of life choices.

The inquiry received more than 1,000 submissions from individuals and organisations, and heard evidence from over 150 experts and citizens at public hearings.

The Committee analysed this evidence and, in June 2016, released a final report with its findings and recommendations.

### **A legal framework for assisted dying**

The Committee's report recommended that the Victorian Government introduce a legal framework for assisted dying. Under the framework, adults would be able to request and be given assistance to die.

### ***Who would be eligible?***

Under the proposal, to be eligible to request assisted dying, a person would need to be:

- a Victorian resident and an Australian citizen or permanent resident
- an adult (18 years and over) with full decision-making capability about their own medical treatment
- terminally ill with a serious and incurable illness
- at the end of their life – within the final weeks or months
- suffering unbearable physical pain, as determined by the person who is dying.

### ***Requesting assisted dying***

The Committee recommended a three-step process for requesting assisted dying. Firstly, the person would need to make a verbal request, followed by a formal written request. Lastly, they would need to again verbally confirm their wish for assisted dying. The terminally ill person would need to make their request freely, without coercion.

### Approval

The person's request would need to be approved by two doctors: the person's primary doctor and a second doctor with no connection to the patient or primary doctor.

Both doctors would need to be satisfied that the person was properly informed about their treatment options and palliative care. The patient's request would have to be assessed as 'enduring' and not ambivalent. The patient would have to be told about the results and potential risks of taking a lethal drug.

### Safeguards

The Committee also proposed safeguards, including two new bodies:

- **an Assisted Dying Review Board** would review each approved request to make sure doctors were complying with all steps and conditions
- **End of Life Care Victoria**, a new statutory body, would oversee the Assisted Dying Review Board and advise health services and the community about end of life care.

### The approach

The Committee's recommendations try to balance rights and protections, considering both:

- end of life choices for patients
- protections and safeguards for doctors and for patients who are vulnerable to coercion and pressure.

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The report supports an approach to end of life care that is patient-centred, recognising the autonomy and individual needs of each patient.

### What happens next?

The Victorian Government has six months – until December 2016 – to respond to the Committee's recommendations.

While the government does not have to accept any of the recommendations, it is likely to make at least some changes.

#### Find out more

##### *The report*

Download the **final report** or **summary booklet** from the Parliament of Victoria website.

##### *Advance care planning*

See our Information Sheet *Advance Care Planning Reform in Victoria* for information about the inquiry's recommendations on advance care planning.