

Submission
No 98

**INQUIRY INTO PROVISIONS OF THE VOLUNTARY
ASSISTED DYING BILL 2021**

Organisation: Dying with Dignity Queensland

Date Received: 26 November 2021



DWDQ submission in support of the NSW VAD Bill 2021

22 November 2021

[Dying with Dignity Queensland](#) supports the legalisation of Voluntary Assisted Dying in NSW as has happened in all other Australian states.

The Queensland Parliament voted to legalise Voluntary Assisted Dying in Queensland on 16 September 2021.

The Queensland Voluntary Assisted Dying Law received Royal Assent on 23 September 2021.

Queenslanders who meet strict criteria will be able to access Voluntary Assisted Dying (VAD) from 1 January 2023. [Voluntary Assisted Dying Bill 2021](#)

DWDQ believes that overly stringent eligibility criteria and safeguards could unnecessarily limit an individual's access to Voluntary Assisted Dying.

As the most recent state to legalise VAD, Queensland was able to benefit from the experience of other states, especially Victoria, where eligible Victorians have been able to access VAD from 19 June 2019.

After a lengthy Queensland-wide inquiry, which reported that Queenslanders overwhelmingly supported legalising VAD in our state, and with the benefit of Victoria's experience, a Queensland VAD Bill was drafted by Professors Ben White and Lindy Wilmott. This draft VAD Bill was then subjected to a further three-month Queensland-wide inquiry before being referred to the Queensland Law Reform Commission for further scrutiny.

DWDQ believes that the Queensland VAD Act is superior to the NSW VAD Bill in a number of areas:

1. The Queensland VAD Act allows a Medical Practitioner to initiate a discussion with their patient about VAD as one of a suite of end-of life options

DWDQ strongly disagrees with any prohibition on a health practitioner initiating a discussion with their patient about VAD. The discussion of VAD should be able to be initiated by the patient, **OR** by the medical practitioner as part of providing all available treatment options as:

- this would serve to normalise the legal status of VAD as an option in end-of-life care.
 - some patients may be reluctant to initiate discussion of VAD or be unaware that VAD is an option.
2. The Queensland VAD Act states that a person is eligible for access to VAD if they have been diagnosed with a disease that this is expected to cause death within twelve months. The NSW bill proposes that people must be suffering from a disease that is expected to cause death within six months, except for people suffering from a neurodegenerative disease, in which case it is twelve months.

DWDQ believes that limiting access to VAD to people who are expected to die within six months is unreasonably restrictive. Prognostications are notoriously incorrect. In Victoria, a number of people who have requested VAD have died before they could access it. A twelve-month window of eligibility would allow eligible people to complete the requirements before they become acutely unwell. Once the requirements have been fulfilled the person would be able to go about their last months, secure in the knowledge that requirements for VAD have been met.

3. The Queensland VAD Act does not accept an entity's position to not offer VAD as a service when an otherwise similar entity does so.

DWDQ holds the above position for the following reasons.

- a. Once Voluntary Assisted Dying is legislated, it is a legal health service.
- b. Entities receiving government funding or privileged taxation status, or other privileged financial status should provide health services in line with community expectations.
- c. Entities with monopoly status in regard to geographical locality, should not be able to disadvantage their community by withholding a health service for idiosyncratic reasons not in line with community needs and expectations.
- d. Health service entities that are in effect a person's home under the contract between the person and the entity should not impose an idiosyncratic caveat that is not in line with community needs and expectations.
- e. Otherwise, should the situation arise in an entity that does not offer Voluntary Assisted Dying for a person who wants it, DWDQ strongly recommends including in the legislation, the requirements, that the objecting institution immediately inform the patient of the objection, and within 24 hours, refer the patient to another institution where VAD is provided or to the government VAD navigation service.
- f. Given that the person requesting Voluntary Assisted Dying is experiencing grievous and irremediable suffering, then that person needs legislative protection against any unreasonable delay in implementing a referral and actioning that referral.

Correspondence with our Queensland members and supporters has indicated strong support for VAD and for Members of Parliament (MPs) who voted to legalise VAD in Queensland. There is also anger at MPs who did not represent their constituents' wishes and threats from constituents that at the next State election, they will not vote for MPs who did not represent the wishes of the overwhelming majority of their constituents.

Thank you for considering Dying With Dignity Queensland's submission.

Regards

Jos Hall

Dying With Dignity Queensland President