# VOLUNTARY ASSISTED DYING IN THE ACT

# A SURVEY OF CANDIDATES FOR THE 2024 ACT ELECTION

# Conducted by Canberrans for a Good Death

## **Why are you being asked to reply to this survey?**

Canberrans for a Good Death is a community group which seeks to inform voters in the ACT about what you may be entitled to under the ACT Voluntary Assisted Dying Act, and what the Act excludes.

The results of this survey will be published before the October Election for the Legislative Assembly so that voters will know about the views of candidates on extending the VAD Act to persons currently excluded from VAD.

## **Why is Voluntary Assisted Dying an important issue.**

Voluntary Assisted Dying will be an important issue at the election with 17% of the ACT population 65 years or older, and a significant proportion of people under 65 who may want access to VAD (30% of applications for VAD in Victoria).

In a survey of the attitudes to Canberrans conducted in July 2024 for Canberrans for a Good Death, it was found that 77% of Canberrans support VAD in its present from and only 10% were opposed. Support was across all political parties and religious affiliations.

Even more people supported extension of VAD to a number of groups who are currently excluded from access to VAD. 81% supported extending VAD to people with conditions such as Motor Neurone disease, Parkinsons Disease, ALS, and some forms of advanced Dementia. Support extended across all political groups and all religious affiliations. The greatest increase in support came for groups whose support for VAD was less than the community average. The biggest increase was for Catholics 11%, Liberal supporters 10% and other religious groups ~6%.

77% of Canberrans also supported allowing individuals to make some form of Advance Care Plan to ensure, should they lose decision-making capacity, that they could access VAD if certain health conditions develop.

# Eligibility for Voluntary Assisted Dying in the ACT

The ACT VAD Act is very similar to legislation in all Australian states, with several minor modifications. It is amongst the most restrictive legislation in any country permitting VAD.

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| **Summary of eligibility criteria for access to Voluntary Assisted Dying**For a person to be able to access voluntary assisted dying in the ACT, they must:* be an adult
* have a disease or diseases which will cause death; and,
* be approaching the end of life; and,
* experience intolerable suffering; and,
* have declining function and quality of life.

To get approval for VAD the person must:* make three or four voluntary and uncoerced requests, orally and one in writing; and,
* have decision making capacity relating to voluntary assisted dying at all times; and,
* meet certain residency requirements.

The person must undertake a process which can involve assessments by three of more clinicians.Persons with disability, mental disorder or mental illness, are not eligible for voluntary assisted dying unless they meet all of the eligibility criteria above.For the purposes of ACT law, voluntary assisted dying is defined as not suicide.For more detail see: https://www.justice.act.gov.au/\_\_data/assets/pdf\_file/0003/2527716/Summary-of-ACT-VAD-Framework-July-2024.pdf |

## Shortcomings in the existing VAD Act.

Under the current Act large groups of people are excluded: those who are experience intolerable suffering and diminishing physical, mental, and social capacity for long periods of time but are not close to death; persons who lose decision-making capacity due to accident or disease. Also, should a person have been approved for VAD, but then lose decision-making capacity, they are no longer eligible for VAD and must suffer until they die.

ACT laws on Advance Care Planning provide that a person who is concerned about experiencing health conditions that they would not want to live, can make a direction legally binding on doctors and the health system, to withdraw life support systems and treatment, and stop giving them food or water, so as to hasten their ‘natural death’. This directive comes into force if the person loses decision-making capacity. A ‘natural death’ can take days, weeks or months, and can be associated with trauma for the person and their family. Under an Advance Care Plan, a person cannot direct that they be given a substance to allow them to die peacefully.

The ACT Human Rights Commission and the ACT Ministerial Advisory Council for Multiculturalism, as well as many individuals and community organisations have supported wider eligibility criteria for VAD.

#  Questionnaire

To fill in, and return this questionnaire, please follow these instructions:
Save this document
Open it and choose ‘Enable Editing’
Fill in your answer to each question
Save this document and then email it, or the questionnaire pages, to survey@canberransforagooddeath.net BY **5 PM Thursday, Wednesday 2 October 2024**.

# Question 1 - Your Attitude to Voluntary Assisted Dying

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| **Introductory Text.**  The ACT Legislative Assembly has passed a law to permit voluntary assisted dying for persons who are experiencing intolerable suffering, have a disease that will cause them to die, are approaching the end of life, have declining functioning and quality of life, have decision making capacity, and make repeated voluntary requests for voluntary assisted dying. Persons under 18 years of age, and persons who have a disability, mental disorder or mental illness are excluded.Voluntary Assisted Dying is not available in the ACT until November 2025. |

**Question 1 Do you support or oppose voluntary assisted dying being made available to ACT residents?**

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| Please place a Y (for Yes) or X (to indicate your preference) in the box nearest the answer closest to your view. |
| Support |  |  |  Unsure |  |  |  Oppose |  |  |

# Question 2 - Your attitude to access to Voluntary Assisted Dying for a person with a fatal condition and intolerable suffering and a fatal condition but not close to death

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| **Introductory Text:** There are health conditions which cause death but where people can experience intolerable suffering, diminishing physical, mental and social function for many years, before ‘approaching the end of their life’, and then become eligible to apply for VAD. Motor Neurone Disease, Parkinsons and Dementia are such conditions. People with these conditions are not eligible for voluntary assisted dying until being close to death. |

**Question 2 For people suffering intolerably from health conditions that will eventually cause death, but who are not ‘approaching the end of their life’, do you support or oppose them being allowed to request voluntary assisted dying if they consider their quality of life is significantly diminished?**

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| Please place a Y (for Yes) or X (to indicate your preference) in the box nearest the answer closest to your view. |  |
| Support |  |  |  Unsure |  |  |  Oppose |  |  |

# Question 3 – Access to VAD for persons with intolerable suffering, diminishing capacities, with a condition that will not cause death, but for whom there are no acceptable treatments

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| **Introductory text**: There are health conditions which do not cause death but where people experience intolerable suffering and diminishing physical, mental and social capacities, and declining quality of life for many years. Death often occurs many years early due to health problems associated with their conditions. They also suicide at 2-5 times the rate of the general community. This includes persons with untreatable chronic pain, and persons with mental health issues for which there is no effective treatment. They are excluded from access to VAD. |

**Question 3** **For people who are suffering intolerably, but do not have conditions which will cause death, do you support or oppose them being allowed to request voluntary assisted dying if they consider their quality of life is significantly diminished?**

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| Please place a Y (for Yes) or X (to indicate your preference) in the box nearest the answer closest to your view. |  |
| Support |  |  |  Unsure |  |  |  Oppose |  |  |

# Question 4 - Your attitude to persons giving prior consent to VAD should they lose decision-making capacity.

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| **Introductory Text** The ACT VAD Act requires that a person has decision-making capacity at the time of making a request for access to VAD, and at all stages through the process. Even if a person has been given the VAD substance, they lose entitlement to VAD should they lose decision-making capacity.Many health conditions, such as dementia – a leading cause of death in Australia – can result in loss of decision-making capacity long before a person is close to death. If this does occur, a person cannot request VAD.If a person is part way through the VAD request process and loses decision-making capacity, they are no longer eligible. . |

**Question 4. Do you oppose or support a mechanism being provided to allow a person who has been diagnosed with a terminal condition, but is not close to death, giving prior consent to VAD?**

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| Please place a Y (for Yes) or X (to indicate your preference) in the box nearest the answer closest to your view. |
| Support |  |  |  Unsure |  |  |  Oppose |  |  |

# Question 5 – When should eligibility conditions for VAD be reviewed

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| Introductory text Q5: The ACT Voluntary Assisted Dying Act 2024 provides for a review to be conducted no sooner than November 2028 to examine the issues raised in this survey. |

**Question 5** **Do you think that the ACT Legislative Assembly should move to expand access to voluntary assisted dying?**

Please place a Y (for Yes) or X (to indicate your preference) in the box nearest the answer closest to your view.

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| In the next term of the Legislative Assembly (starting November 2024) |  |  |  |  |
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| In the time frame proposed in the current ACT legislation (~2028) |  |  |  |  |
|  |  |  |  |  |
| Unsure or undecided |  |  |  |  |
|  |  |  |  |  |
| Never |  |  |  |  |

Name………………………………………………………………….. (Please print)

Party Affiliation, Independent………………………………….

Electorate……………………………

Phone number …………………

Date of completion of survey ……………………………

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Save this document
Open it and choose ‘Enable Editing’
Fill in your answer to each question
Save this document and then email it, or the questionnaire pages, to survey@canberransforagooddeath.net

PLEASE RETURN YOUR REPLY **BY 5 PM Thursday, Wednesday 2 October 2024.**