

VICTORIA: VOLUNTARY ASSISTED DYING ACT 2017

Killing under the Victorian legislation can commence on 19th June this year. Whether there is a voluntary suicide or euthanising of a person conducted pursuant to the legislation on its first day of operation, will remain to be seen. Nevertheless the start date is the start day.

For those interested in better understanding how the practice of assisted suicide and euthanasia is going to operate in Victoria the following link will take you to a webpage headed “Voluntary Assisted Dying” on the Health Victoria website <https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/voluntary-assisted-dying>.

The webpage is designed to help people find out if they are eligible, and how to go about accessing assisted suicide and euthanasia in Victoria.

In the bottom half of the webpage there are six boxes with the headings: “Overview, Implementation Taskforce, Implementation Taskforce projects, Review Board, Community and consumer information and Health practitioners and services information”. Each box is worth reviewing in detail. They contain useful information and provide valuable insights into what has started to unfold in Victoria regarding assisted suicide and euthanasia. While access to the [Voluntary Assisted Dying Act 2017](#) is available via the webpage, the Regulations for some unknown reason are not, nor are they available via any of the headings on the webpage. There is no justifiable reason for denying access to the Regulations via the webpage. The only reasonable conclusion that can be drawn from not providing a link to them is that Health Victoria does not want people to readily access them.

Regulations are known as “subsidiary legislation”. Unlike Acts, they are not passed by the Parliament. They are prepared by government’s and apply on and from when they are published in the Government Gazette. Regulations are important in that they incorporate specific details and provisions that are necessary to enable an Act to operate in practice. In lay terms, Regulations fill in the gaps not covered specifically in the legislation (Acts). The following link will take you to the Voluntary Assisting Dying Regulations

2018 http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/93eb987ebadd283dca256e92000e4069/D550921996E9F89BCA258313001B4FE5/%24FILE/18-142sra%20authorised.pdf. The Regulations prescribe the authorised forms and other matters for the purposes of the *Voluntary Assisted Dying Act 2017*. The Victorian Government may issue further Regulations regarding the [Voluntary Assisted Dying Act 2017](#). There will need to be ongoing monitoring of this to see if and when further Regulations are released.

The fifth box heading is entitled Community and consumer information. This section is worth a close examination. It contains information that can be broadly described as factual, opinion and advice. Some of the terminology is interesting. Those looking to avail themselves of accessing assisted suicide and euthanasia are being described as “consumers”. It is a curious term that the Victorian Government has decided to use. It is derived from the fields of economics and consumer law. It is a most awkward fit in the

field of health. One is left wondering why they have decided to use it. A possible reason is that the problem for the Government (Health Victoria) using the word “patient” is that it is suggestive of a person seeking diagnosis, treatment and recovery from an illness, disease or condition. With respect to assisted suicide and euthanasia, recovery is not an option. Assisted suicide and euthanasia is a one way door that you pass through; there is no return!

On the right hand side of the webpage itself, there is provision to subscribe to Health Victoria’s Voluntary Assisted Dying newsletter. One does so by emailing the End of Life Care Unit on endoflifecare@dhhs.vic.gov.au. I encourage you to subscribe to the newsletter.

Thanks to Greg Donnelly, MLC, for this update.