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New South Wales Parliamentary Working Group on Assisted Dying

Voluntary Assisted Dying Bill 2017 (NSW) – Overview

NSW Parliamentary Working Group on Assisted Dying

The Voluntary Assisted Dying Bill 2017 (NSW) is a Bill that has been drafted by the NSW Parliamentary Working Group on Assisted Dying consisting of Trevor Khan MLC (Nationals), Lee Evans MP (Liberal), Alex Greenwich MP (Independent), Lynda Voltz MLC (Labor), and Mehreen Faruqi MLC (Greens).

Eligibility under the Voluntary Assisted Dying Bill 2017 (NSW)

The Bill establishes a right for certain terminally ill persons to request and receive assistance to end their lives voluntarily. To be eligible to request and receive assistance from a medical practitioner, a patient must:

- Be at least 25 years of age and ordinarily resident in New South Wales,
- Be suffering from a terminal illness which in reasonable medical judgement will result in the death of the patient within 12 months, and
- Be experiencing severe pain, suffering or physical incapacity to an extent deemed unacceptable to the patient.

The patient must be provided information by their primary medical practitioner relating to the medical treatment, including palliative care, counselling and psychiatric support and measures for keeping the patient alive, that might be available to the patient.

Framework under the Voluntary Assisted Dying Bill 2017 (NSW)

In order to receive assistance, eligible patients must be assessed by:

- A primary medical practitioner,
- A secondary medical practitioner (who must be a specialist), and
- An independent qualified psychiatrist or psychologist (to confirm the patient is of sound mind, has decision-making capacity, and is making their decision freely and voluntarily and after due consideration).

Patients may self-administer, or be assisted by their medical practitioners or a nominated person to administer, a lethal substance (as prescribed by regulations) to end their lives, after having gone through the required process outlined in the Bill. This includes a cooling off period of 48 hours elapsing between the completion of the certificate of request and the provision of assistance.

Additional protections under the Voluntary Assisted Dying Bill 2017 (NSW)

The Bill provides for a right for persons or health care providers to conscientiously object to being involved in the provision of assistance, and no criminal or civil liability will be incurred by protected people who act in good faith who participate in the provision of assistance or refuse to participate in the provision of assistance.

The Bill establishes a framework for judicial review by the Supreme Court for any applications arising from the Act.

Difference between voluntary assisted dying and voluntary euthanasia

The Voluntary Assisted Dying Bill 2017 (NSW) is a Bill that provides for physician-assisted dying, not voluntary euthanasia.

Physician-assisted dying involves a medical practitioner making a substance available to an eligible patient (after having gone through a process) which the patient then uses to end their lives at a time and place of their choosing. The patient is in control at all stages of the process. Whereas voluntary euthanasia involves, in all cases, a medical practitioner carrying out a patient's request to end their life up until the point of death.

Consultation on the Voluntary Assisted Dying Bill 2017 (NSW)

The PWGAD has consulted extensively since 2015 with key stakeholder organisations and parliamentarians in NSW on the Bill.

The PWGAD will also be consulting further on the Draft Bill by opening the consultation process up to the public at large for 3 months.

The Draft Bill is available at: <http://www.legislation.nsw.gov.au/-/browse/bills/consultation/V>

Any person or organisation can make a submission or provide comment via the voluntaryassisteddying@parliament.nsw.gov.au email address.

The Dying with Dignity NSW campaign video and petition is available at www.change.org/annie

The PWGAD will be hosting, in collaboration with Dying with Dignity NSW and other organisations, a series of community information sessions in Sydney and in key regional centres across NSW, which will provide an opportunity for people to contribute their thoughts on the Bill.