

## VOLUNTARY ASSISTED DYING POSITION STATEMENT June 2021

### BACKGROUND AND POLICY POSITION

Many attempts have been made to introduce 'voluntary assisted dying' (VAD) legislation (or 'voluntary euthanasia') in different Australian states and territories over a number of decades. Prior to 2017, most of these attempts have been unsuccessful, or where successful, in the Northern Territory and the Australian Capital Territory, were made invalid by the passage of overriding legislation by the federal parliament. However, in 2017, Victoria became the first state to pass VAD legislation, with the provisions for assisted dying commencing in 2019.

Since that time, the Western Australian (2019) and Tasmanian (2021) parliaments have passed legislation that will see voluntary assisted dying arrangements commence in late 2021 (WA) and 2022 (Tasmania). VAD arrangements will commence in New Zealand in November 2021 following the success of the national referendum on the issue in September 2020.

In New South Wales, the Parliamentary Working Group on Assisted Dying, through wide community consultation, developed the *Voluntary Assisted Dying Bill 2017* which was narrowly defeated by one vote, when it was debated in the Legislative Council on 16 November 2017. The chair of the working group, Trevor Khan MLC (The Nationals), indicated that it would return to the issue after the NSW state election in March 2019.

Cancer Voices NSW had not previously had an organisational position on voluntary assisted dying (or terms such as 'Voluntary euthanasia' that have been used in the past) until the Executive Committee decided in July 2017 to adopt a position of support for voluntary assisted dying, and that, consistent with its view that people with cancer have the right to understand all of the choices available to them had a role to advocate for greater choice for people with cancer in relation to their treatment options.

In August 2020, Dying With Dignity NSW restarted its campaign to achieve the consideration of VAD legislation by the NSW Parliament in 2021. The renewed campaign included the formation of the NSW Voluntary Assisted Dying Alliance, which Cancer Voices was formally invited to join in February 2021. In December 2020, the Independent member for Sydney, Alex Greenwich, announced that he would introduce draft legislation to the NSW Parliament in 2021. It is expected this will occur in September.

In March 2021, following extensive discussion throughout 2020, and consultation with the Cancer Voices membership through a survey in January 2021, the Executive Committee decided that Cancer Voices would join the NSW Voluntary Assisted Dying Alliance. In doing so, Cancer Voices supports the NSW VAD Alliance Statement:

#### **NSW VAD Alliance Statement**

*We support the guiding principle of autonomy as the first pillar of medical ethics and the right of competent adults to make informed decisions about their own medical care.*

*Voluntary assisted dying (VAD) laws, with clear parameters and strict safeguards, allow eligible adults who are in the end stages of a terminal illness and suffering intolerably, to end their suffering at a time and place of their*

*choosing and in the presence of their loved ones, if they wish.*

*This legal assistance to die must be voluntary for both the person and healthcare professionals. No-one is compelled to participate.*

*We acknowledge that VAD is just one option among many at the end of life. We also support better funding and access for palliative care; however, we recognise that, while palliative care is excellent and can accommodate the needs of the majority of dying people, even the best-resourced care cannot relieve the extreme suffering that some people endure.*

*More than 20 years of data — from overseas jurisdictions and now from Victoria where a VAD law has been in place since June 2019 — demonstrate that assisted dying laws operate safely and effectively.*

*We note the widespread public support for choice at the end of life and we urge the NSW Parliament to adopt a VAD law based on the models passed by Victoria in 2017 and Western Australia in 2019.*

## **AIM**

To achieve the passage of voluntary assisted dying legislation in NSW that will provide a choice for those dying from cancer to make use of provisions for ending their life.

## **OBJECTIVES/STRATEGIES**

- I. work with, and support, the work of organisations that have as their prime objective the achievement of assisted dying legislation in NSW, through membership of the NSW Voluntary Assisted Dying Alliance
- II. when and where appropriate, participate in the debate on voluntary assisted dying in NSW, emphasising that adequate and timely palliative and end-of-life care remains central to the optimising of cancer treatment and care
- III. present Cancer Voices NSW's position on voluntary assisted dying in activities such as forums and panels
- IV. continue to provide information to the Cancer Voices membership through the Cancer Voices Newsletter

## **ACTIONS**

- Continue to emphasise the importance of improved palliative and end-of-life care service provision in NSW as a fundamental right of those affected by cancer
- Contribute to the debate on voluntary assisted dying in NSW, from a cancer consumer perspective, as a member of the NSW Voluntary Assisted Dying Alliance
- Work with appropriate organisations to support their work in furthering the debate on, and achievement of, improved patient choice in relation to voluntary assisted dying
- Meet with decision makers and influencers within government to present specific issues regarding the need for enhanced choice for people with cancer in relation to voluntary assisted dying
- Identify opportunities to include a cancer consumer perspective in research about the need for voluntary assisted dying legislation.

## **KEY RELATIONSHIPS**

- NSW Voluntary Assisted Dying Alliance
- Dying With Dignity NSW
- Go Gentle Australia

Version as at: updated, 20 June 2021