



Dr Marisa Paterson MLA

ACT LEGISLATIVE ASSEMBLY

MEMBER FOR MURRUMBIDGEE

MEDIA RELEASE

Dr Marisa Paterson, MLA, will today announce the start of a public consultation process on possible amendments to the Voluntary Assisted Dying Bill 2023 that she wants to lead a community discussion on.

Dr Paterson was a member of the VAD Bill Inquiry. She stated “We heard stories through the inquiry of families that watched the terrible suffering of their loved ones that deeply impacted me. I am so proud of the current Bill before the assembly, but I think we can go a step further - I want to propose to the community a model that will seek to address a specific situation where a person loses capacity following the final request.”

Dr Paterson used her debate speech to flag a community consultation on some potential amendments to the VAD Bill. The Consultation draft will be released on Friday 17th May. Dr Paterson reserves the right not to move the amendments in the detail stage. Dr Paterson is proposing a model that she wants to put on the public and parliamentary record and to encourage public debate over the coming weeks.

The proposed amendments seek to address a problem.

There is a gap in all Australian VAD legislation to date when an individual has gone through all the requests and approval stages to access VAD, and then they lose capacity. They become ineligible to access VAD. This is often devastating for families who have to support their loved one, without being able to carry out their wishes to access VAD. And often suffering intolerably, without capacity.

There is the other situation that is well reported – individuals will often choose to end their life earlier than they would like, because they are concerned about losing capacity. There is intense pressure on this timeframe.

London Circuit, Canberra ACT 2601 - GPO Box 1020, Canberra ACT 2601

Phone: (02) 6205 1448 - Email: paterson@parliament.act.gov.au

Website: <https://marisapaterson.com.au/>

Facebook: www.facebook.com/MarisaPatersonMLA



Dr Marisa Paterson MLA

ACT LEGISLATIVE ASSEMBLY

MEMBER FOR MURRUMBIDGEE

Dr Paterson states: “The ACT Government community and stakeholder consultation on the VAD Bill, along with the committee inquiry, demonstrated the overwhelming support for addressing the issue of VAD access for people with dementia or other conditions where a person loses capacity. While these amendments will not address early loss of capacity, I believe they would go some way to progress this public debate and will help address a very real issue experienced by people who are dying and their families and carers”.

I am proposing a model in the ACT for members of our community who are suffering intolerably.

To be very clear, the model below is entirely predicated on an individual meeting all eligibility criteria, expressly confirming their willingness to access VAD, going through all approval stages to access VAD – WITH capacity. With all VAD safeguards in place.

The proposed amendments provide an intersecting point between the Voluntary Assisted Dying Bill 2023 and the Powers of Attorney Act 2006.

It is the very final point that the end of the VAD process, if an individual loses capacity – the following amendments are proposed:

- Following the final assessment report, if a person loses capacity (and is unlikely to regain capacity) – their VAD attorney (who holds enduring power of attorney) can exercise power to authorise the individual’s access to VAD.
- The VAD attorney would be aware and consenting of their role. An individual can conscientiously object to being a VAD attorney. A doctor has to be satisfied the individual does not have decision making capacity for the VAD attorney to become operative.

London Circuit, Canberra ACT 2601 - GPO Box 1020, Canberra ACT 2601

Phone: (02) 6205 1448 - Email: paterson@parliament.act.gov.au

Website: <https://marisapaterson.com.au/>

Facebook: www.facebook.com/MarisaPatersonMLA



Dr Marisa Paterson MLA

ACT LEGISLATIVE ASSEMBLY

MEMBER FOR MURRUMBIDGEE

- There is an ACAT referral mechanism at this point, to provide advice and opinion on the authority of the VAD attorney.
- If a VAD attorney is enacted, the administration decision is made in writing and must be made with consultation and advice of the individuals coordinating practitioner.
- The administering practitioner must be satisfied of the authority of the VAD attorney, and that the person does not have capacity before administering.
- At any point, the VAD attorney can simply not to proceed (there is nothing that compels them to proceed) and at any point that an administering practitioner has any concern they can question the authority of the VAD attorney or refer them to another health practitioner.
- The amendments have significant safeguards in place that are drafted to align completely with the VAD Bill. Referral grounds and coercion penalties are consistent with the rest of the Bill and consistent with the Powers of Attorney Act.
- These proposed amendments are designed to spark a discussion about a step forward, a solution to a problem that no other jurisdiction in Australia has progressed to date.

Dr Paterson states: “This is a call to the ACT community to join me to be brave in having the discussion about taking the next steps to supporting people suffering, at their end of their life, to be able to make the choice to die with dignity and compassion.”

London Circuit, Canberra ACT 2601 - GPO Box 1020, Canberra ACT 2601

Phone: (02) 6205 1448 - Email: paterson@parliament.act.gov.au

Website: <https://marisapaterson.com.au/>

Facebook: www.facebook.com/MarisaPatersonMLA



Dr Marisa Paterson MLA

ACT LEGISLATIVE ASSEMBLY

MEMBER FOR MURRUMBIDGEE

Learn more and share your views with Dr Paterson:

Express your feedback on Dr Paterson's website www.marisapaterson.com

Email a submission or feedback to Dr Paterson – paterson@act.gov.au

Email the other Members of the ACT Legislative Assembly your views and feedback.

The consultation will run until the 29th May.

During that time Dr Paterson will be seeking advice from a broad range of stakeholders on the concept. The proposed amendments will also go to the ACT Legislative Assembly Scrutiny Committee.

STATEMENT ENDS

Media contact/s:

Kai Plunkett, Office of Dr Marisa Paterson MLA

Phone: (02)6205 1448; Mobile: 0401 335 252

Email: kai.plunkett@parliament.act.gov.au