



Assisted Dying

Medico-Legal Society NSW
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14 November 2018

Assisted Dying

<https://www.youtube.com/watch?v=hchSilp6Ecg&app=desktop>



Voluntary Assisted Dying Act Criteria

Over 18 Years

**Australian Citizen
or Resident**

**Ordinarily resident
Victoria – 12
months**

**Incurable, advanced
and progressive
condition- death
within 6 months / 12
months**

Decision-making capacity

- > Test in Medical Treatment Planning and Decisions Act
- > Presumption of Capacity
- > Psychological assessment not mandatory
- > Presence of mental illness not automatic barrier



First Request

**Made by patient to
doctor – approved
training**

**Doctors can't
initiate discussion
– mandatory report**

**Accept or reject
request within 7
days – no duty to
refer if reject
request**

**Doctor is “co-
ordinating medical
practitioner” &
assesses eligibility**

Referral to Consulting Medical Practitioner

**Accept or reject
referral within 7
days**

Assess eligibility

**Provide
information to
patient**

**Complete
“Consulting
Assessment
Report”**

Final Certification and Request



**Written
declaration**



**Witnessed
by CO MP+
2 others**



**Final
request**

Prescription and Administration of Medication

“Warning: if ingested this substance will cause death”

Patient nominates a contact person and completes “contact person appointment form”

- Co-ordinating MP completes “final review form” certifying all steps taken and sends to Board
- Permit application to Department of Health & Human Services -self-administered or administered by doctor
- Pharmacist includes “labelling statement” and reports dispensing to Board


Patients keep medication in locked box:

- (a) constructed of steel**
- (b) not easily penetrable**
- (c) lockable with a lock of sturdy construction**




- Instructions given for self-administration by pharmacist and doctor
- Doctors who administer medication require a witness present to certify patient capacity
- Nominated contact person to return unused medications to the dispensing pharmacist within 15 days after the date of the person's death

Death Certificates and Reporting

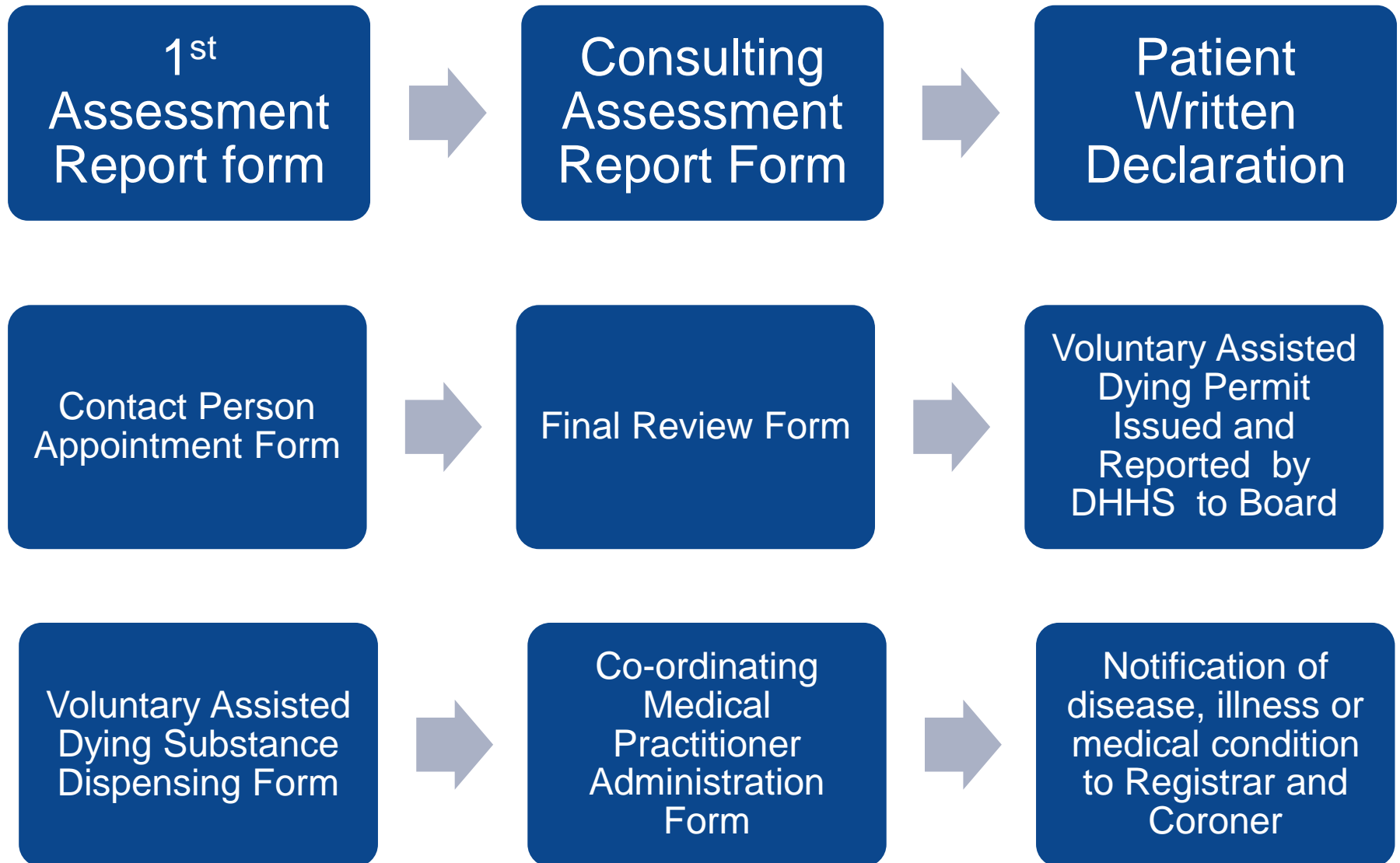
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1. Cause of death is the underlying incurable illness or medical condition
 2. Not a reportable death by the Co-ordinating MP
 3. Co-ordinating MP must provide information to Births Deaths and Marriages that death resulted from VAD
 4. BDM report death to VAD Review Board

Conscientious objection and Immunity



No duty to provide assistance
No requirement to refer to doctors who may assist
Protection from civil and criminal liability
9 Offences under Act
Offence not to submit forms to Board

Forms and Permits



Ethical Position

AMA:

- > 'doctors should not be involved in interventions that have as their primary intention the ending of a person's life'

Medical Board:

- > “...any action by a medical practitioner (anticipated or otherwise) that has the primary intent and effect of bringing about the end of a person’s life constitutes a significant departure from accepted professional standards and presents a serious risk to that person”

CRIMES ACT 1900 - SECT 31A

**Suicide and attempt to
commit suicide**

**The rule of law that it is a
crime for a person to
commit, or to attempt to
commit, suicide is
abrogated.**



CRIMES ACT 1900

31C Aiding etc suicide

- (1) aids or abets the suicide or attempted suicide of another person shall be liable to imprisonment for 10 years.**
- (2) incites or counsels another person to commit suicide, and that other person commits, or attempts to commit, suicide as a consequence of that incitement or counsel, shall be liable to imprisonment for 5 years.**



Assisted dying queries in NSW

Planning to end my life on 15 March ... is that a crime? Do I need to report to Police?

How much insulin to end my life...what can I say?

Not replace the batteries to the pace maker... is that legal?

Travel to Switzerland to end my life ... needs a medical report ... Can I provide one?

Voluntary Assisted Dying Act

Guiding principles

- Every human life has equal value
- A person's autonomy should be respected
- Right to be supported, with information about palliative care
- Right to quality care to minimise suffering
- Maintenance of dr / pt relationship
- Support given in discussions with family and carers
- Right to genuine choices
- Protection from abuse
- Respect for views of those doctors opposed to assisted dying



Important notices

General disclaimer

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