



Discussion Guide 5 of 5

How should we monitor voluntary assisted dying to make sure the process is safe and effective?

The ACT Government acknowledges the many Canberrans who have experienced, or are experiencing, suffering in the face of illness, disease, and medical conditions. We also acknowledge the hardships and grief experienced by their loved ones and carers.

This Discussion Guide contains information that may be distressing or uncomfortable. If you need support, contact [Lifeline](#) on **13 11 14** or [Griefline](#) on **1300 845 745**.

Introduction

Voluntary assisted dying is a safe and effective medical process that gives an eligible person the option to end their suffering by choosing how and when they die. The ACT Government invites Canberrans to share their views on how a voluntary assisted dying model is designed for the ACT. We are committed to understanding our community's experiences in developing our approach to voluntary assisted dying in the ACT.

To help you provide your views on voluntary assisted dying, a series of short Discussion Guides are available. These Guides summarise five key themes explored in a longer **Discussion Paper** including an introduction, eligibility, the process, the role of health practitioners and health services, and monitoring and compliance.

How should we monitor the voluntary assisted dying process to ensure it safe and effective?

There are many ways we could make sure voluntary assisted dying works safely and effectively. For example, **Discussion Guides 2 and 3** talk about making sure a person can only access voluntary assisted dying if they are eligible. In **Discussion Guide 4**, we talk about making sure health professionals and health services have the right training and skills to support a person seeking to access voluntary assisted dying.

We also want to know your views on other ways we could make voluntary assisted dying safe and effective. For example, by collecting information, checking that people are complying with the law, and independent reviews of important decisions. To help you think about this topic and provide your views, we briefly mention how it works in other places in Australia.

Reporting by health professionals

We want to know your views on what health professionals should be required to tell us about their role in helping a person with voluntary assisted dying.

In other Australian states, health professionals are required to provide information to the government at each stage of the voluntary assisted dying process. This process can help ensure health professionals are complying with the law and it can also provide information to assess how voluntary assisted dying is working overall in our community. For example, when a person tells a health professional that they want to access voluntary assisted dying, or when a health professional helps a person to use a voluntary assisted dying substance to die, health professionals are required to submit forms that record each step.

Checking that health professionals are following the law

We trust our health professionals to have an important role in the voluntary assisted dying process. For more information, read [Discussion Guide 4: What role should health professionals and health services have in voluntary assisted dying?](#)

We want to know how you think we should check that health professionals are following the law.

In some states in Australia, an independent body reviews each report submitted by a health professional, and a person must not progress to the next step of the voluntary assisted dying process until the agency approves this report. This can be a thorough process that closely checks compliance, but it can also slow down the process and make it harder for a person to access voluntary assisted dying.

In other states in Australia, an independent body only reviews the reports submitted by a health professional every few weeks or months. There is no need for a health professional to wait for approval to move to the next stage of the voluntary assisted dying process. This can

be more efficient for health professionals and can give a person smoother access to voluntary assisted dying.

Reviewing eligibility decisions

We want to know if you think a health professional's decision about whether a person is, or is not, eligible to access voluntary assisted dying should be able to be reviewed by a tribunal, court or other body. This is what happens elsewhere in Australia. For example, a person can appeal a decision by a doctor that they do not have capacity to make decisions about voluntary assisted dying.

Consequences if someone breaks the law

We want to know what you think the consequences should be if a person breaks laws about voluntary assisted dying in the ACT.

Other states in Australia have made it a crime for:

- a health professional to submit false reports about voluntary assisted dying
- a health professional to fail to submit reports about voluntary assisted dying
- anyone to help a person use a voluntary assisted dying substance outside of the lawful voluntary assisted dying process
- anyone to dishonestly convince a person to use a voluntary assisted dying substance.

Some states in Australia also allow a person to notify the Australian Health Practitioner Regulation Agency if they have concerns about a health professional, or believe a health professional has broken the law. This is the agency that makes and enforces rules about certain types of health professionals.

Protecting people from misusing a voluntary assisted dying substance

We want to know how you think we should protect people from misusing a voluntary assisted dying substance in the ACT.

A voluntary assisted dying substance is medication prescribed by a doctor to cause a person's death. We must put safeguards in place to protect our community and ensure the substance is handled carefully and is not misused. But we also want to avoid barriers that make it too hard for a person to use the substance when they are ready.

Other states in Australia do this by:

- requiring health professionals and pharmacists to give warnings to the person about the substance
- requiring pharmacists to complete forms and keep records
- requiring the substance to be kept in a locked box
- requiring any unused substance to be returned and destroyed
- making it a crime to misuse or mishandle the substance.

Some states in Australia also require health professionals to apply for and receive a permit to arrange the voluntary assisted dying substance, require pharmacies to be authorised, and require pharmacists to verify a person's identity.

How can I share my views?

To share your views on how a voluntary assisted dying model is designed for the ACT, visit the [YourSay website](#) by 6 April 2023. There are many ways you can have your say.

If you need help to access information or have your say, please call Access Canberra on 13 22 81.

If you would like some more detailed information about these issues and why we want your views, please read the [Discussion Paper](#).