

February 22, 2021

To: Gerard Hayes
Secretary NSW, ACT, QLD
Health Services Union

Dear Gerard,

NSW Voluntary Assisted Dying Alliance

We were very pleased to have Adam Hall take part in our recent NSW VAD Alliance Roundtable held on Monday 15 February.

In anticipation of the Voluntary Assisted Dying (VAD) Bill 2021 being introduced and debated in NSW Parliament later this year, Dying with Dignity NSW are forming the **NSW Voluntary Assisted Dying Alliance** to create a more powerful group of voices calling for VAD laws to be introduced in New South Wales.

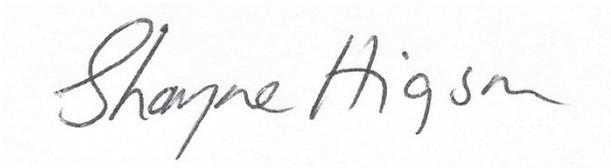
We are hoping that the Health Services Union (HSU) will agree to become a member of the NSW Voluntary Assisted Dying Alliance to help bring about this much-needed, end-of-life law reform.

The key features of the Alliance, as discussed at the Roundtable, are set out in Annexure A. Also attached as Annexure B is the Alliance Statement which was agreed at the Roundtable.

We believe that the position of the HSU on VAD laws will be very influential in the upcoming parliamentary debate. Many of your members in the health, aged care and disability sectors play a critical role in end-of-life care and would understand, more than most, the benefits of having greater choice at the end-of-life when someone's suffering becomes unbearable.

We look forward to hearing from you once an official decision has been made.

Yours sincerely



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Annexure A

Key Features of NSW VAD Alliance

1. In anticipation of the Voluntary Assisted Dying (VAD) Bill 2021 being introduced and debated in NSW Parliament later this year, Dying with Dignity NSW have formed an alliance, similar to the Pro-Choice Alliance that was created for the abortion law reform debate in 2019.
2. The Alliance does not require joining any formal structure or legal commitment. It is essentially a group of organisations who sign up to a joint statement and agree to have their logo on the Alliance website. The aim is to show that there are numerous organisations who support the parliament passing VAD laws. When it gets closer to a debate, we would issue a press release announcing the formation of the Alliance.
3. Beyond that, each group would decide its level of participation in any formal lobbying activities. For example, we would hope that Alliance members would write to all MPs to outline their organisation's support for VAD laws and make their own submission to any parliamentary inquiry.
4. We would expect some organisations to get involved in active lobbying of MPs and make media statements (under their own name). Some groups may also promote the campaign to their supporters and encourage local advocacy in various electorates. Each organisation would determine its own level of involvement depending on their appetite, skills and resources. We will be able to provide help and support for any actions you'd like to take.
5. We are setting up a simple Alliance website, similar to the Protect Us All website - <https://protectusall.com.au/> to provide basic information about the Alliance and its aims.
6. We will also prepare fact sheets and social media content for Alliance members to use (if they'd like) and invite Alliance members to participate in any events we organise – e.g. Parliamentary forum, public meetings etc.
7. We are not seeking any financial contribution from Alliance members. DWDNSW are happy to cover the costs and we have engaged Essential Media to help with our campaign and the Alliance.
8. Once we have the core group of Alliance members in place, we will be approaching numerous other groups to sign-up. We expect new members will join progressively in the months leading up to a debate.
9. Alliance members are not required to make any financial or contractual commitment (other than confidentiality of Alliance deliberations, actions and strategy). It is expected that members would share information and keep each other informed of activities.
10. The Alliance would not make any commitments or representations on behalf of members. We would refer any questions about an Alliance member to a nominated person for comment.

Annexure B

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. See attached document – Summary of key features of the WA Voluntary Assisted Dying Act 2019.

Key Features of the WA Voluntary Assisted Dying Act 2019

Eligibility Criteria

The person must:

- Be at least 18 years old
- be an Australian citizen or permanent resident and ordinarily resident in WA for at least 12 months
- have a disease, illness or medical condition that:
 - is advanced, progressive and will cause death
 - is expected to cause death within a period of 6 months, or in the case of a neurodegenerative disease (such as MS or MND), within a period of 12 months
 - is causing suffering to the person that cannot be relieved in a manner that the person considers tolerable
- have decision-making capacity in relation to voluntary assisted dying (VAD)
- be acting voluntarily and without coercion

A person is not eligible for access to VAD solely on the basis of having a mental illness or a disability, but such people would qualify if they meet all other criteria.

Process of assessment of eligibility to access VAD

- The person must have two assessments of eligibility undertaken by separate and independent medical practitioners who meet specific registration, experience and training requirements.
- The person makes a **first request** to a medical practitioner. The request must be initiated by the person themselves.
- The medical practitioner makes an assessment of the person's eligibility. If they are unable to determine if the person meets the eligibility criteria they must refer the person for further assessment.
- If the person's eligibility is confirmed, they are then referred to a second medical practitioner for the second assessment.
- If the person is ruled eligible by both medical practitioners, she/he must then make a **second request** for VAD in writing and in front of two independent witnesses.
- Before the person can access VAD they must make a **third request**. There must be at least 9 days between the first and third requests. The doctor must ensure that the person still meets the eligibility criteria.
- The person may decide to withdraw from the process at any time.

Administration of the VAD substance

- In consultation with the coordinating medical practitioner, the person may decide to self-administer the VAD substance or for it to be administered by a medical or nurse practitioner.
- There are stringent rules governing the prescribing and the management of the VAD substance.

Conscientious objection

A health practitioner who has a conscientious objection to VAD may refuse to participate in the process, including the assessment of eligibility.