

Five year review of the operation of the *Voluntary Assisted Dying Act 2017*

Victorian Government response

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Review background

- Victoria was the first Australian state to implement a law for voluntary assisted dying, leading the way by expanding the choices available to people who are nearing the end of their lives.
- A review of how the law has been operating commenced in June 2023. It has now concluded and the final report has been tabled in both Houses of Parliament and is now available to the community.
- New roles, services and processes were created here in Victoria to ensure Victorians could access voluntary assisted dying from June 2019. It was crucial that we took the time to consider how things have gone as the first state to implement voluntary assisted dying.
- The review evaluated the systems, processes and practices which underpin the operation of the Act.
- Extensive community and stakeholder consultations informed the review. This included consultation with the families and carers of people who had accessed voluntary assisted dying, medical practitioners who provide voluntary assisted dying, along with the health services, special interest groups, the Voluntary Assisted Dying Review Board and officials involved in the day-to-day operation of voluntary assisted dying. In total, 303 surveys were completed, 257 submissions provided and 119 people were interviewed.
- As part of the Five Year Review an independent review was conducted by a specialist Aboriginal evaluation provider, Karabena Consulting, to ensure culturally sensitive consultations took place with Aboriginal elders and community members. Health practitioners working in palliative care and voluntary assisted dying were also involved. These stakeholders participated in interviews and focus groups to share their view on how voluntary assisted dying has been operating and whether the needs of First Nations groups were being met.
- The Five Year Review has identified what has been working well and some areas where the experience of people who choose to access voluntary assisted dying can be improved.

Review themes

- The review found voluntary assisted dying is an available end of life choice, often accessed at the same time as palliative care. There is strong and growing community support for voluntary assisted dying.
- Access to voluntary assisted dying is safe and compliance with the Act is very high.
- The feedback, performance monitoring, oversight and accountability measures in place are working well, with early improvements to administrative processes well regarded.
- Most of the systems and supports for people seeking access to voluntary assisted dying and health practitioners are operating effectively.
- The review also found a range of areas to improve the operation of voluntary assisted dying.

- There is low awareness of voluntary assisted dying and limited tailored information and support for Aboriginal and Torres Strait Islander people and people from multicultural communities.
- A small workforce supports people who choose to access voluntary assisted dying. The review suggests that growing and better supporting this workforce may improve access and experience.
- Health practitioners and health services need clearer guidance and information on responding to requests for information about or access to voluntary assisted dying.
- The statewide services which provide support to people seeking to access voluntary assisted dying and access to the voluntary assisted dying substance may need to grow and evolve.
- There continue to be opportunities to work with the Commonwealth Government and other states and territories on better supports for voluntary assisted dying

Review recommendations

The Review makes five recommendations for improvement. The Victorian Government accepts all five recommendations in full.

Recommendation 1: Improve the provision of sector guidance and build on approaches to continuous improvement

Supporting health practitioners and health and aged care services to meet their patients' needs when they seek information about or access to voluntary assisted dying will improve the experience of people who choose to access voluntary assisted dying. The Department of Health will revise its guidance for health and care services and health practitioners. Further work will also be done on the system through which applications for voluntary assisted dying are managed to streamline this process.

Recommendation 2: Enhance community awareness of voluntary assisted dying and grief and bereavement supports

While community support for voluntary assisted dying is widespread, there are groups who do not have access to suitable information in the right formats to help them make an informed decision about their end of life choices. Many families, carers and friends who have supported someone who accessed voluntary assisted dying shared their experiences with the Review. Their input showed that information about grief and bereavement and available services can be better. The Department of Health will work with services providers and other stakeholder to improve the information and resources provided to meet these needs.

Recommendation 3: Support the workforce to ensure voluntary assisted dying is accessible, viable and sustainable

The medical practitioners who provide voluntary assisted dying are dedicated and often go the extra mile in supporting their patients. Growing and supporting this workforce will be key to ensuring Victorians can access voluntary assisted dying if they choose to. The Department of Health will work with medical practitioners and health services to explore options for better supporting them to do this important work.

Recommendation 4: Consider enhancement to the statewide service models to meet anticipated future demand

The Statewide Pharmacy Service and the Statewide Care Navigator Service provide key supports to people who choose to access voluntary assisted dying. As demand for voluntary assisted dying grows, the Department of Health will work with these services to support them in their crucial roles.

Recommendation 5: Advocate to the Commonwealth Government for greater federal support for voluntary assisted dying

There are factors influencing how Victorians experience voluntary assisted dying which fall under the jurisdiction of the Commonwealth Government. These issues affect all jurisdictions in Australia with voluntary assisted dying legislation. The Victorian Government will continue to advocate to the Commonwealth Government to seek solutions to these issues.

Next steps

- The Victorian Government is committed to ensuring Victorians at the end of their lives can access the care they choose, when and where they need it.
- The Department of Health is continuing to work through the recommendations and will draw from and collaborate with the health and aged care sectors, health practitioners and other stakeholders to implement changes.
- The Five Year Review, annual reports from the independent Voluntary Assisted Dying Review Board, the experience of other jurisdictions and feedback from many stakeholders suggests there is an opportunity to consider some amendments to the Act - to further improve the experience of people who choose to access voluntary assisted dying in Victoria.
- The Victorian Government acknowledges this feedback and intends to bring forward legislation to Parliament in 2025 that will respond to lessons from the review and seek to bring Victoria's voluntary assisted dying legislation more in line with other Australian jurisdictions.
- Any change to Voluntary Assisted Dying in Victoria will be deeply considered, involve further consultation, and ensure Victoria remains a leader in voluntary assisted dying in Australia.
- As we work toward improving the experience of people who choose to access voluntary assisted dying, the principles enshrined in the Act – of patient centredness, support for informed decision making and ensuring safe and high-quality care – will continue to guide what we do.