

SUMMARY

Issues Surrounding Voluntary Assisted Dying Laws in Australia

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Recently, debates surrounding voluntary assisted dying (physician-assisted suicide or voluntary active euthanasia) have increased. In Europe and North America, the number of jurisdictions legalizing voluntary assisted dying has been gradually increasing. However, many contentious issues surrounding voluntary assisted dying remain unresolved such as the eligibility criteria required to access it and the roles of medical practitioners.

On July 1, 1996, the *Rights of the Terminally Ill Act 1995* (NT) (*ROTTIA*) was enforced in Australia's Northern Territory, thus becoming the world's first law permitting physician-assisted suicide and voluntary active euthanasia. However, after a period of less than nine months, it was nullified by the federal government's enforcement of the *Euthanasia Laws Act 1997* (Cth). Since *ROTTIA*'s invalidation, numerous bills aiming to legalize voluntary assisted suicide have been introduced in the Australian states' parliaments. Nevertheless, for over 20 years, no such bill had been passed. Then, the *Voluntary Assisted Dying Bill 2017* (Vic) was enacted by the Parliament of Victoria. The *Voluntary Assisted Dying Act 2017* (Vic) (*VAD Act 2017* (Vic)) took effect on June 19, 2019. This Act allows individuals living in Victoria to request access to voluntary assisted dying provided they are aged 18 years or over, possess decision-making capacity, suffer from an incurable disease causing intolerable pain, and have a life expectancy of six months or less, or 12 months or less in the case of patients with neurodegenerative conditions. Victoria's state government described this Act as "the safest and the most conservative model in the world" because of its rigorous framework of safeguards. However, despite its strict eligibility criteria, 52 people ended their lives using voluntary assisted dying in Victoria within six months following the Act's enforcement.

Following the enactment of Victoria's *VAD Act 2017* (Vic), other Australian states moved toward passing laws that legalized voluntary assisted dying. On December 10, 2019, Western Australia became the second state to pass voluntary assisted dying legislation. The *Voluntary Assisted Dying Act 2019* (WA) (*VAD Act 2019* (WA)) was heavily influenced by Victoria's *VAD Act 2017* (Vic). This paper thus compares Victoria's *VAD Act 2017* (Vic) with West Australia's *VAD Act 2019* (WA), analyzes in detail the stringent safeguards stipulated by these laws, and discusses the operation and acceptance of these laws within Australian society, including the perspectives of patients and medical practitioners.