

# Who should have access to voluntary assisted dying?

Voluntary assisted dying (VAD) is a process that allows eligible individuals the choice to end their life on their terms. Eligibility refers to the criteria that determines who can access VAD. We value your input on determining the criteria for eligibility and also how individuals can access and use VAD.

Access to VAD should only be available to individuals who meet all the criteria.

## **Able to make decisions**

A person's decision to access VAD must be their own and not a decision made by anyone else.

However, in all Australian states that use VAD, people who have lost the ability to make decisions cannot access voluntary assisted dying.

A doctor is required to assess whether a person can make a free decision. If a doctor thinks that a person's disease or condition (for example, advanced dementia) means that a person cannot make decisions about VAD, that person will not be able to access voluntary assisted dying.

This also means that a person cannot make a decision prior to a condition or disease developing (for example, a person provides consent before they are eligible, to be assessed and access voluntary assisted dying after they have lost their decision making ability).

## **What model should we use in the Territory?**

### **Suffering from a condition, illness or disease**

In other places in Australia, a person's condition, illness or disease must be advanced, progressive or likely to cause death for a person to access VAD.

In most states, the condition must also cause unbearable suffering for the person seeking VAD.

In Tasmania, a person can access VAD if their condition is causing unbearable suffering, but also if their treatment is causing them unbearable suffering, or if they expect their condition or treatment will cause unbearable suffering in future.

### **Expected to die soon**

In all Australian states, a person can only access VAD if they are likely to die within six to twelve months.

This is so a person can only access VAD if they are close to dying. Due to difficulty in estimating how soon a person is likely to die, this can also mean that a person may suffer and die before they are considered eligible to access voluntary assisted dying. In Victoria, a person can (along with additional eligibility criteria) access VAD if their disease, illness or medical condition is expected to cause death within six months (or, in the case of a person with a neurodegenerative disease, illness or condition, within 12 months).

## **When should a person be eligible able to access voluntary assisted dying in the Territory?**

To learn more about VAD and share your input, go to [cmc.nt.gov.au/vad](https://cmc.nt.gov.au/vad)

### **Living in the Northern Territory**

In other places in Australia, a person must be a citizen or permanent resident of Australia to access voluntary assisted dying. Some states also allow a person who has been a resident in Australia for at least 3 continuous years to access VAD.

There are strict rules in all Australian states to ensure that people are assessed for VAD eligibility in the correct state. A person must be an Australian citizen or permanent resident, and must have resided in that state for at least 12 months before making a request to access VAD.

In some states a residency exemption may be granted if the person has a substantial connection to the state and there are compassionate grounds for granting it. This is important in cases where a person may have family or cultural connections in the NT and wants to access VAD in the NT, but lives interstate.

### **Age**

In other parts of Australia, access to VAD is limited to adults aged 18 and above. This means that a 17-year-old meeting all eligibility criteria cannot access VAD.

We are keen to hear your perspectives on how we can ensure equitable treatment for young people experiencing suffering, taking into account their decision-making capacity, and what procedures should be in place if they meet all other eligibility criteria for VAD.

**To learn more about VAD and share your input, go to [cmc.nt.gov.au/vad](https://cmc.nt.gov.au/vad)**