**Introduction**

In August 2017 a cross-party Joint Select Committee comprising four members of the Legislative Council of Western Australia and four members of the Legislative Assembly was appointed to conduct an inquiry into End of Life Choices.

In the course of its year-long inquiry the Joint Select Committee considered more than 700 submissions and supplementary submissions, held 81 hearings and took evidence from more than 130 witnesses. It visited metropolitan and country regions (Great Southern and Kimberley) to meet with hospital and community palliative care providers, residential care facilities, Aboriginal health services, to hold hearings and meet with local communities.

The Joint Select Committee also reviewed international jurisdictions that have already legislated for some form of voluntary assisted dying (the state of Oregon in the United States of America has had such a law for over 20 years) and they conducted international conferences by video with persons having acknowledged experience in this subject. A summary of voluntary assisted dying in other jurisdictions is provided in Appendix 2.

On 23 August 2018 the Joint Select Committee tabled its report, *My Life, My Choice*, in both Houses of Parliament. The Report is available at www.parliament.wa.gov.au. The Report made 52 findings and 24 recommendations relating to advanced health care planning, palliative care and lawful options available to persons experiencing grievous and irremediable suffering at end of life.

In her Foreword to the Report, the Joint Select Committee Chair, Ms A Sanderson MLA, observed:

*‘Modern medicine has given us greater longevity; but it has also delivered longer periods of dying. People now survive a lot longer than they did, but often with debilitating symptoms. The prevalence of chronic disease means that many of us may face a protracted death at an advanced age.*

*Over the course of its inquiry, the Committee found that too many Western Australians are experiencing profound suffering as they die.This is, in part, due to inequitable access to palliative care. Palliative care aims to provide treatment to alleviate symptoms from diseases and illnesses that cannot be cured. However, it is clear from the evidence that even with access to the best quality palliative care, not all suffering can be alleviated. Palliative care physicians themselves acknowledge this.*

*There are many life-limiting conditions that cause profound suffering that cannot be completely palliated. The committee heard from individuals and health professionals about the terrible effects of some of those illnesses, such as Motor Neurone Disease, Huntington’s disease, Dementia, Parkinson’s and some cancers. The report explores what it is like to die from these illnesses. It makes for difficult reading.’*

Ms Sanderson noted that after its extensive inquiry the Joint Select Committee had concluded that the lawful options currently available to people experiencing grievous and irremediable suffering at end of life are inadequate, and that this can be exceptionally difficult and emotionally draining for the dying person and for that person’s family and friends.

Based on its finding that some people experience unnecessary suffering at the end of life, and that there is broad community agreement regarding the importance of individual autonomy and choice, the Report recommended that the Western Australian Government draft and introduce a Bill for voluntary assisted dying.

Recommendation 21 in the Report was that the Minister for Health establish an expert panel including health and legal practitioners and health consumers, to undertake consultation and develop legislation for voluntary assisted dying in Western Australia, in consideration of the Report and the Framework (which is available at Appendix 3).

The Panel was appointed by the Minister in December 2018 and includes health practitioner, legal practitioner, health consumer, multicultural and disability advocate representation.

While the Joint Select Committee was still conducting its inquiry, the Victorian Parliament passed the Voluntary Assisted Dying Act 2017. That legislation presents Western Australia with the opportunity to examine the approach taken in Victoria and use this as a basis for the design of legislation suitable for the needs of Western Australians. However, when considering the Victorian legislation it is important that the special circumstances of Western Australia are kept in mind. What suits Victoria may not necessarily suit Western Australia in every respect. Apart from its geographical size and location, Western Australia is the most culturally diverse state in Australia with Aboriginal people, migrants and refugees accounting for nearly 30% of its population.

**Purpose of the discussion paper**

The Western Australian Government has undertaken to introduce legislation in the second half of 2019 to provide for voluntary assisted dying. This will be based on the framework provided in the Joint Select Committee report, recognising that further work is required to develop this legislation.

The purpose of this discussion paper is to assist the metropolitan and regional consultations being conducted by the Panel. It aims to promote discussion and generate suggestions. These will help inform the Panel’s recommendations to the Western Australian Government. It is believed that the experience, knowledge and insights of the community and of experts on particular issues, will help in the development of fully informed and workable legislation, to ensure safe and compassionate processes for voluntary assisted dying.

**It is not the purpose of this paper, nor of the Panel, to review or debate the arguments for or against voluntary assisted dying which were the subject of the Joint Select Committee’s inquiry and its recommendations.**

**Responding to the discussion paper**

The Ministerial Expert Panel invites comment, critical or otherwise, on the key issues set out in this discussion paper. Please do not, however, offer opinions or comment either for or against voluntary assisted dying. This is outside the Panel’s Terms of Reference and cannot be considered.

Key issues are raised along with a series of questions for you to consider. Your responses will assist in the development of a Voluntary Assisted Dying Bill.

Submissions that are considered by the Panel will be published on our website unless the submitter requests confidentiality.

The closing date for response to this discussion paper is 24 May 2019.

Please submit your response via the website health.wa.gov.au/voluntaryassisteddying, or via email to VADconsultations@health.wa.gov.au, or via post addressed to: The Ministerial Expert Panel on Voluntary Assisted Dying, PO Box 8172, Perth Business Centre, Perth WA 6849.