

8 September 2023

Via email: AgedCareLegislativeReform@Health.gov.au

Dear Sir/Madam

RE: Consultation – Foundations of the new Aged Care Act

[Go Gentle Australia](#) is a national charity that promotes choice at the end of life. We were established in 2016 and have played a critical role in the introduction of voluntary assisted dying laws in all six states. We empower people to choose the care that is right for them, including the option of voluntary assisted dying. We're grateful for the opportunity to contribute to this [consultation on the new Aged Care Act](#) (the new Act).

Go Gentle Australia is broadly supportive of the rights-based framework and principles in the new Act as we believe this reflects a person-centred approach to care. We congratulate the Department for its hard work in this area.

However, we are concerned that neither the proposed Statement of Rights nor the Statement of Principles make any mention of voluntary assisted dying. Given their purpose is to 'clearly articulate what older people should be able to expect when accessing funded aged care services' ¹, we believe this is a damaging omission.

Go Gentle believes explicit mention of voluntary assisted dying is crucial to include in the Act because:

- As of 28 November 2023, voluntary assisted dying will be available to eligible people in all six Australian states (who meet strict criteria and are terminally ill). It is an important medical option and legal right, and should be respected like any other care and treatment decision. Crucial to recognising voluntary assisted dying as a legitimate choice and as part of high quality care is embedding it in relevant legislation, such as the new Act.
- The majority of those accessing voluntary assisted dying are of advanced age. In Victoria, figures released last month ² show 30 percent of applicants since the law's introduction in 2019 have been aged 80+. Almost two thirds are aged 70+. This is reflective of all states (except New South Wales, where the law is yet to take effect). A good proportion of these will access aged care services.
- People seeking voluntary assisted dying are vulnerable; they are terminally ill and nearing the end of life. Extra care needs to be taken to ensure they are aware of and understand their rights and choices at the end of life. Of particular vulnerability are aged care residents who can face acute challenges in accessing voluntary assisted dying as many prominent aged care providers are faith-based, and the overwhelming majority of these choose not to participate in voluntary assisted dying.

¹ [A New Aged Care Act: the foundations, Consultation paper No.1](#), p7

² [Victorian Voluntary Assisted Dying Review Board Annual Report](#) July 2022 - June 2023.

- Unfortunately, there have been multiple instances where an aged care provider's non-participation in voluntary assisted dying has prevented or significantly delayed a person from being able to access voluntary assisted dying. Acknowledging in the Aged Care Act that voluntary assisted dying is an end of life choice available for eligible Australians is an important step in ensuring that this choice is accessible to those for whom it was intended.

We would also like to advise that VADANZ (Voluntary Assisted Dying Australia & New Zealand), the peak body of health professionals working in voluntary assisted dying, is beginning work to develop national standards specific to voluntary assisted dying, which will align with the existing standards for end of life care and palliative care. The insights from this work may also be of benefit for your consultation process.

Thank you for the opportunity to contribute our views. Please do not hesitate to contact us if we can provide further detail or proposed wording.

Yours faithfully



Dr Linda Swan
CEO, Go Gentle Australia

- (1) [A New Aged Care Act: the foundations. Consultation paper No.1](#), p7
(2) [Victorian Voluntary Assisted Dying Review Board Annual Report](#) July 2022 - June 2023, p3