8 December 2015

The Secretary
Legal and Social Issues Committee
Legislative Council
Parliament House
Spring Street
MELBOURNE 3002

Dear Secretary

RE: Inquiry into End of Life Choices

Please find attached the Australian College of Nursing (ACN) submission into the Legislative Council Standing Committee on Legal and Social Issues enquiry into End of Life Choices.

As you are aware, the nursing profession plays a significant and intricate role in the delivery of high quality palliative and end of life care and upholds the importance of health care reform being undertaken from a patient centred perspective. Australian College of Nursing therefore welcomes the opportunity to inform this enquiry into End of Life choices for the people of Victoria.

Please do not hesitate to contact me should you wish to discuss any of the matters raised.

Yours sincerely

Adjunct Professor Kylie Ward
Chief Executive Officer
Australian College of Nursing
Australian College of Nursing submission into the Victorian Legislative Council Standing Committee on Legal and Social Issues inquiry into End of Life Choices.

The Australian College of Nursing, in preparing this response, have considered the Committee’s terms of reference as follows.

Assess the practices currently being utilised within the medical community to assist a person to exercise their preferences for the way they want to manage their end of life, including the role of palliative care.

Australian College of Nursing submits to the Committee a recommendation that the inquiry ensures a broad focus that examines not only the current practices being utilised within the medical community, but one that openly considers the variety of elements, including funding models and existing legislation, that may not currently support people to exercise choice in the delivery of palliative and end of life care. Australian College of Nursing believes that the desire to assist a person to exercise their preferences for the way they wish to manage their end of life, including the palliative phase of their life must stem from a deep appreciation and understanding of these preferences and how they are shaped by social, cultural and personal influences. Such an understanding can then help inform how current practice and future services may be more responsive in supporting people to exercise choice in managing their end of life care.

The membership of the Australian College of Nursing believes that there is a clear need for the wider system issues of people’s health literacy and the training, preparation and education of health professionals to be considered as important points for the Inqury. The current culture surrounding end of life care often seems to operate from a ‘leave it to the specialists’ perspective, resulting in the responsibility for initiating ‘difficult conversations’ with people and their families to certain clinicians, in particular those seen as specialists in the field. This often results in limited choice being available to people as a result delayed or limited provision of information. Australian College of Nursing would encourage a greater focus on integration of palliative care into the care delivered by all services caring for a person and their family, and move away from a treat and then ‘turnover’ to specialist palliative care services.

The membership of Australian College of Nursing also believes a concerted effort is required at all levels to raise the level of health literacy across the entire health community with regard to palliative and end of life care through awareness campaigns designed to encourage conversation and raise the profile of initiatives such as advanced care directives.
For a person to be able to exercise choice, it is important that they feel empowered by a health system that provides and supports accessible, effective and flexible care options delivered by health professionals with the necessary knowledge and skills. Nursing plays a vital role in palliative and end of life care, and Australian College of Nursing believes there is great scope to further support and develop collaborative nurse led models of care in these fields. Recognition of the integral role nurses and other health care professionals play in the provision of palliative and end of life care must also be clear in the development of supportive and transparent policy, legislative and funding frameworks. As an example, Australian College of Nursing believes there is significant capacity and capability in the autonomous role of nurse practitioner to be better utilised for its flexibility within models of care designed to improve access to high quality palliative and end of life care, particularly in the community setting.

**Consider what type of legislative change may be required, including an examination of any federal laws that may impact on such legislation**

Nationally consistent legislation is required that clearly supports not only people with life limiting illness who wish to make informed choices about their end of life care, but that also supports health care professionals in the delivery of care in line with these preferences.

Australian College of Nursing believes it important to examine the *Victorian Medical Treatment Act (1988)* in order to introduce amendments to formally legitimise ‘advance care directives’. Currently, the Act only enables a person to refuse medical treatment for an existing condition. This limits the scope of the law in supporting people to exercise choice in managing their end of life. A lack of clear legislative support, means that currently, despite health communities implementing and supporting policy initiatives, such as advance care directives, for people to record how they wish their end of life to be managed these are able to be rendered ineffective by both appointed decision makers and health professionals.

Supporting people to exercise choice in end of life care also suggests that reform is required to clearly support their choice of not only where but when to die. Current Victorian law legitimises people’s right to refuse treatment for an existing condition, which may clearly have a life limiting effect. However the law does not currently allow a person with a life limiting illness to initiate treatment voluntarily to end their own life at a time they choose to end suffering and preserve their dignity. Australian College of Nursing would encourage that this choice be supported by legislation that protects people and health professionals and also ensures all necessary safeguards are in place that address issues of competence, conscientious objection and abuse of process.