Inquiry Name: Inquiry into End of Life Choices

Professor Colleen Cartwright

SUBMISSION CONTENT:

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I have been working in the area of Advance Care Planning and medical decisions at the end of life for 22 years. During that time I have undertaken 2 national tours for Alzheimer’s Australia and presented information on Advance Care Planning; what is/is not euthanasia; capacity assessment; and related topics to health professionals and community members in every State and Territory of Australia.

I have been concerned that Victorians did not have the same legislated rights in relation to Advance Care Planning that all other Australians enjoy. Although Advance Directives have always been legally binding under the Common Law, statute law usually over-rules common law and in Victoria the statute law only provides legal certainty with respect to a Refusal of Treatment Certificate. In turn, that only applies to a current illness, so it is not a true Anticipatory Directive, i.e., directions given in anticipation of a possible future illness or injury.

I strongly recommend that the law be amended to provide competent Victorians with the same rights as all other Australians.

Colleen Cartwright
Principal Director, Cartwright Consulting Australia PL
Emeritus Professor, Southern Cross University

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File1:

File2:

File3: