



## CORONER'S COURT OF WESTERN AUSTRALIA

OUR REF:

YOUR REF: 678850

Dr Jeannine Purdy  
Joint Select Committee on End of Life Choices  
Parliament House  
4 Harvest Terrace  
WEST PERTH WA 6005

Dear Dr Purdy

### Questions on notice from public hearing

I refer to the letter dated 29 March 2018 from the Committee Chair, Ms A. Sanderson MLA, regarding questions on notice following the attendance of the State Coroner and I before the Committee on 1 March 2018.

In response to the Questions 1 and 3 on notice I respond as follows:

1. There are 9 death certificate cases on Coroner's Court indices where starvation or dehydration (inanition) is recorded as contributing to the cause of death. Of these, 2 were from 2011, 2 in 2013, 1 in 2015, 1 in 2016 and 3 in 2017. The deaths were due to either dementia, Alzheimer's, extreme old age or heart failure. None were related to end of life choices.
3. A search of the NCIS reveals one case in 2010 where the plastic bag used in the asphyxiation was supplied by Exit International.

In relation to Questions 2, 4 and 5, I confirm our discussion that these will require input from the NCIS. In that regard, the State Coroner and I held a teleconference with the NCIS officers on 10 April 2018, after providing them with an opportunity to review the balance of the requests and consider how best to progress them.

Question 2 and part of Question 5 can be answered in the form of de-identified case summaries on each of the 240 investigations (underlying cases) referred to in the NCIS report. With respect to Question 5, it is not possible to provide an opinion on the association between the terminal and debilitating condition and the suicide in each case because, in the absence of direct evidence, such an association would need to be inferred. If the coroner



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making the finding referred to the direct evidence and/or inferred that association, it will become part of the case summary provided to you.

It is not possible to provide an opinion with respect to Question 4 for the following reasons:

- An opinion as to whether a specific person would be eligible for voluntary assisted suicide under the *Voluntary Assisted Dying Act 2017* (Vic) (VAD Act) would need to be provided by a medical practitioner. It is to be made in a very careful and considered manner, with detailed knowledge and understanding of the medical diagnosis. Under section 43 of the VAD Act, a co-ordinating medical practitioner may apply for a voluntary assisted dying permit for a person; the minimum requirements for co-ordinating medical practitioners are set out in section 10 of the VAD Act.
- Section 121 of the VAD Act makes consequential amendments to the *Coroners Act 2008* (Vic) by inserting a new subsection after section 4(2) as follows:

*"(3) Despite subsection (2), the death of a person who has been administered or self-administered a voluntary assisted dying substance within the meaning of the Act in accordance with that Act is not a reportable death."*

Section 14 of the *Coroners Act 2008* (Vic) includes a power for a coroner to investigate whether or not a death is a reportable death. If the death of a person is or may be due to the self-administration or administration of a voluntary assisted dying substance (within the meaning of the VAD Act) other than in accordance with the VAD Act, the coroner has jurisdiction to investigate the death under section 14.

Consequently, I would anticipate that neither the Coroner's Court nor the NCIS will keep records on deaths that occurred in accordance with the requirements of the VAD Act, and therefore not reportable. The only exception would be where there had been a breach of the Act.

I trust the above information is useful to the Committee.

In relation to providing the data by 30 April 2018, NCIS advise it will take at least 4 weeks to complete the summaries for the 240 cases. We will then review them. We therefore seek the Committee's indulgence to provide a response by 16 May 2018. In that regard, we shall keep you apprised.



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I would be grateful if you could advise the Committee accordingly.

Please contact me if I can be of further assistance.

Yours faithfully

Gary Cooper  
**PRINCIPAL REGISTRAR**

11 April 2018

Cc Ms Natalie Johnson  
NCIS