

11 August 2025

NT Legal & Constitutional Affairs Committee

Voluntary Assisted Dying Public Consultation

I wish to address the Enquiry from the perspective of a widower based in Bargara Qld, who together with my wife, the late Moya Jackson, fought for legalisation of VAD in our state from the time of the death of my brother in law, Earl Jackson. Earl died on March 25th 2018, under the most unpleasant of circumstances, from pancreatic cancer, in a jurisdiction where VAD was illegal at the time. His only way to end his life, was to refuse all food and water and literally starve himself to death. His pleas to end his life brought even inured oncologists to tears. Moya and I sat with him most of the last 3 days of his life and his was not a dignified or painless death, which left us both vowing to fight for a legal way to end one's life in the situation of a terminal illness resulting in great pain, indignity and fear.

When we returned to Bargara after Earl's death, we got involved with DWDQ – Dying with Dignity Qld - through a local advocate and organiser Phyllis Wagner – in 2018, and worked towards the Qld Govt enquiry into VAD held in Bundaberg in July 2019. We achieved a huge turnout of attendees and submissions, and both Moya and I made written and verbal submissions to the Enquiry. We both believed that our actions were a help to ultimately have VAD legalised in Qld in September 2021, which came into effect 1-1-2023.

Sadly on May 19th 2020, Moya too was diagnosed with pancreatic cancer and despite almost continuous chemo and the radical Whipple procedure in November 2020, the cancer slowly spread throughout her body and Moya was declared terminal on June 8th

2023. Throughout her illness, Moya had maintained that there was no way she was going to suffer the dreadful end of life that her brother Earl had to endure. It eventuated that the VAD laws for which we had both fought so hard, had come into effect and this gave her a great calmness and focus on enjoying what she could in the remainder of her life, knowing that she had control over how it was going to end.

Moya was declared terminal on 8th June 2023, given around 8 months to live, and was told not to expect to make it to Christmas 2023, but after celebrating a family Christmas, she did her last volunteer shift at Mon Repos Turtle Centre on December 28th 2023, just to prove the Oncologist wrong. Moya underwent the assessment process to access VAD through June and July 2023 and when the “substance” was delivered by Qld Health to our home on the 13th July 2023, Moya insisted we have a celebratory lunch at a local Tavern to show she was happy to be in control of the end of her life, which she knew was approaching.

Moya’s condition steadily deteriorated from January 2024, and by early February she knew she was not likely to survive until her 69th birthday on 23th March 2024. Her pain and suffering were already at amped up levels and her quality of life was virtually non-existent. In consultation with family and a few select friends she decided to end her life on Friday March 1st, 2024. She took the substance in our lounge room, surrounded by the love of family and friends, with a VAD nurse in attendance. Moya was determined to end her life on her own terms, and not in the terrible way her brother Earl had died 6 years earlier. **The contrast between the siblings deaths**, one who could not utilise VAD, and one who could, can not be starker in my view. This stark contrast will be the basis of my comments on the

criteria or Key Questions to follow in accordance with the committee wishes.

RESPONSES TO KEY QUESTIONS

1 Do you support making VAD legal in the NT?

Yes I do, unequivocally and emphatically. With VAD laws in place, no additional people will die. but fewer people will suffer at the end of their lives, due to terminal illness. My real experience with the deaths, 6 years apart, of a brother and sister, Moya and Earl Jackson, from pancreatic cancer, which is well known for bringing on as terrible death as is possible to imagine, has made me even more of a determined supporter of the right for all Australians to have access to VAD, and in this instance, Territorians to be able to access the same end-of-life choices as the rest of Australia. My wife was terrified that if the VAD law was not passed in Qld, that she could suffer a similar fate as her brother. That fact is quite apparent when she is interviewed for the local TV news during our campaign for VAD in Qld in May 2021. I request that committee members view this news clip if possible.

<https://www.facebook.com/watch/?v=373537627467516>

Having experienced my wife's fear of delays to the implementation of VAD in our state of Qld back then, makes me identify strongly with those residents of the Territory who are hearing the current Government's view that VAD is not a priority for them. I hope that view does not delay the passage of VAD legislation, and the subsequent implementation of VAD for those Territorians dying or facing terminal illness in the near future.

2 What eligibility criteria should a person need to meet before they can access VAD?

These should not be difficult to negotiate for people wanting to access VAD. The requirements should be simply stated and the process easy to understand and follow. The primary criterion should be that a person is certified as being terminally ill and expected to die within a reasonably short period of time, often under a year, with the likelihood that that person will suffer great distress, indignity and pain despite high quality palliative care, if allowed to die without an **intervention at their own request**.

I support the requirement for “mental competency” because trying to circumvent that can cause excessive delays to the passage of appropriate legislation. As does an age requirement, usually for an applicant to be over the age of 18.

A residency requirement, originally needed to prevent state/jurisdiction hopping is now pretty well redundant although it is fair that an applicant will need to be an Australian citizen or permanent resident to apply.

3 How could the NT make sure that an eligible person can access VAD in a safe and effective way, including people living in remote areas, and Aboriginal and Torres Strait Islander people?

Remote area provisions are already in existence in the geographically larger states VAD laws, particularly in WA and Qld. Legislators in the NT should not only take a look at the legislation implemented in other states, but consult with the end of life law experts at the QUT, Professors Ben White and Lindy Willmott.

Cultural norms in Indigenous Groups are important in not only legislation but implementation processes to ensure equitable access without coercion, remembering we are dealing with

Voluntary Assisted Dying, not euthanasia or suicide. In particular, decision making processes within family groups need to be sympathetically considered with the primacy of the individual's needs to always be the top priority.

4 How could the NT monitor the process to ensure VAD is delivered safely and effectively?

All other Australian jurisdictions have a review mechanism that has the function of assessing the effectiveness of the VAD laws and their implementation processes in their respective states.

A number of these review panels or boards have been charged with reviewing or assessing recommendation for access to VAD for those with dementia and those younger than 18 years of age, but these issues are beyond the scope of this review of initial VAD implementation in the Northern Territory.

It goes without saying that I am unconditionally available to do voice/videolink conference calls with members of any committee that may wish to consult me concerning my lived experience with close family members' death, in both VAD and non-VAD jurisdictions, and I have fairly strong views on the equity and human rights aspects of VAD in a civil society.

Thank you for considering my submission. I appreciate being able to give my input on this very important topic.

Mark Herron

Bargara Qld.