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## Victorian coroner comments on eligibility criteria for Voluntary Assisted Dying

In a finding released today, the suicide death of an 82-year-old man has prompted Victorian Coroner Simon McGregor to comment on the eligibility requirements to access Voluntary Assisted Dying (VAD) in Victoria.

The finding follows a coronial investigation into the death of Geoffrey McConachy, who was found deceased in his home in September 2023.

In late 2022, while visiting family in Switzerland, Mr McConachy suffered a stroke that profoundly affected his mental and physical wellbeing – resulting in a serious depressive illness. After the incident, Mr McConachy showed a significantly decreased interest in things he previously enjoyed, openly spoke about suicide with his family and expressed interest in accessing VAD.

On 18 September 2023, Mr McConachy failed to answer his door or respond to phone calls and texts from his sons. A family friend with a spare key then accompanied one of Mr McConachy's sons to his address and, on entering the property, they found Mr McConachy deceased in his bed.

Under the *Voluntary Assisted Dying Act 2017*, strict eligibility criteria to access VAD are set out. A person seeking VAD in Victoria must have an incurable, advanced and progressive disease, be experiencing intolerable suffering that cannot be relieved satisfactorily, and the disease is expected to cause death within 6 or 12 months depending on the circumstances.

Despite his physical and mental decline following the stroke, Mr McConachy would not have met these eligibility requirements.

As part of his investigation, Coroner McGregor reviewed previous coronial findings relating to the scope of eligibility to access VAD under the Act.

Eight cases were identified where the deceased died by suicide after applying for access to VAD and failing to meet the eligibility requirements. A ninth case was identified in which the coroner was unable to determine the deceased's intent, however suicide was a possibility.

His Honour noted that the impact of VAD refusal on the deceased was significant in these cases, observing that "...when people believed they would have access to voluntary assisted dying they maintained hope that they would be able to exercise control over how they died; when their access to voluntary assisted dying was refused, their consequent despair and frustration contributed to their decision to take their own life."

Given the gravity of decision making around VAD, the care taken by the Victorian Government in developing the governing legislation, and the necessity for strict eligibility criteria to access the service, Coroner McGregor decided not to make prescriptive recommendations in this matter.

However, His Honour directed the finding to the Voluntary Assisted Dying Review Board and commented that it may form part of a body of evidence to identify opportunities to improve the operation of VAD in the state, particularly in "...areas where the voluntary assisted dying process in Victoria falls short of meeting the expectations of Victorians who are experiencing irreversible decline in their health and wish to exercise choice over the timing and manner of their deaths."

A copy of the finding can be found [here](#)

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