
Factsheet: Organ donation after Voluntary Assisted Dying (VAD) in Victoria

What is Voluntary Assisted Dying (VAD)?

- VAD is the administration of a medication for the purpose of causing death in accordance with the steps and process set out in the law.
- Victoria was the first state in Australia to pass a VAD law in November 2017, with the law coming into effect in June 2019.
- Since then, all other states have followed suit and passed very similar laws, with all in effect except for NSW which will take effect later this year. Both Australian Territories do not currently have VAD laws.
- Only those who are dying from an incurable, advanced and progressive disease, illness, or medical condition can access VAD. i.e. cancers, neurodegenerative diseases such as Motor Neurone Disease, and end-organ failure such as cardiovascular or respiratory failure.
- VAD must be voluntary and initiated by the person themselves. It can be via the self-administration of oral medication or via practitioner-administration of intravenous medications.
- More information about VAD in Victoria, including information on who can access VAD, is available on the [Victorian Department of Health website](#).

Can someone become an organ donor after VAD?

- Organ donation after VAD is legal, safe, and possible. It has the potential to save many lives.
- Earlier this year, a Victorian woman became the first person in Australia to become an organ donor after VAD. Four lives have been saved because of her generous decision, and many more will be improved because of her donated tissue.
- Australia is now the fifth country in the world to enable this practice. Belgium, Netherlands, Canada, and Spain have programs that allow for donation after VAD. It is estimated that more than 300 people worldwide have donated organs after VAD, resulting in around 1,000 additional people receiving life-saving transplants.
- Canada are world-leaders in this space, reporting that 6% of their total organ donor numbers came from the generosity of those who chose *Medical Assistance in Dying* – their term for VAD – in 2021.¹

How does someone become an organ donor after VAD?

- Many patients choosing VAD prefer to die at home, which means organ donation is not possible.
- For organ donation to take place, a patient must die in hospital. This would mean the VAD medication would need to be taken in hospital.
- VAD clinicians can work with patients to deliver a peaceful, comforting, and dignified environment within a hospital setting, so that donation can occur.
- DonateLife Victoria – the agency who coordinate organ donation in the state – will politely defer any enquiries about donation until after a VAD permit is granted.

¹ [Summary statistics on organ transplants, wait-lists and donors | CIHI](#)

- Once a VAD permit has been granted – through the correct legal process – the DonateLife Victoria team will meet with the patient and their family, carer and/or support person, and the VAD coordinating medical practitioner, to provide donation information.
- If the patient is a suitable organ donor, formal consent for donation is obtained and the DonateLife team will start taking steps to facilitate organ and tissue donation.

Which patients choosing VAD could potentially become organ donors?

- Many patients who choose VAD are dying of advanced-stage active cancers. These patients would not be eligible for organ donation, but could be suitable for eye or tissue donation, which is a separate process that would not require the patient to die in a hospital setting.
- Patients with Neurodegenerative diseases, such as Motor Neurone Disease (MND), as well as other conditions such as cardiovascular disease and respiratory failure, could be suitable to donate their organs.
- Patients dying of MND could potentially donate their heart, liver, lungs, and kidneys.

What is the potential for organ donation after VAD in Australia?

- Based on the current Australian data, and a review of international data, DonateLife Victoria estimate the potential to increase donor numbers in Victoria by approximately 10% if all people who are granted a VAD permit have the option to consider organ donation.
- According to the Victorian VAD Review Board of Operations report (2022-2023), there have been a total of 140 people who have died via this pathway, and many more have had approval to do so.
- These people represent a new addition to the potential '[organ donation pool](#)' alongside other Victorians dying in Intensive Care Units and Emergency Departments.
- DonateLife Victoria estimates up to 15 patients a year could be suitable and willing to donate. With an average of three organ transplants per donor, we could see up to 45 people receive transplants from this new practice in Victoria alone.
- Experts say the option to donate organs after VAD could have a significant impact, with the potential for hundreds more transplants each year across the nation.
- There are currently around 1,800 Australians on the wait list for life-saving organ transplants.

Is organ donation after VAD available in other states and territories?

- Currently, Victoria is the only state that has consented a patient for organ donation following VAD. A handful more patients have been consented for cornea donation.
- Each state has different VAD legislation, which means the process will be slightly different everywhere.
- All states that currently allow VAD are exploring options to allow donation after VAD. Collaboration between the states regarding VAD and donation principles has been ongoing for several years and will continue.
- If a patient with a legally valid VAD permit is considering organ donation, they should speak to their VAD clinician, who can contact their state's DonateLife agency on their behalf.

Other resources

- **Voluntary Assisted Dying Act 2017**

<https://content.legislation.vic.gov.au/sites/default/files/2021-06/17-61aa005%20authorised.pdf>

- **Human Tissue Act**

<https://content.legislation.vic.gov.au/sites/default/files/2020-12/82-9860aa045%20authorised.pdf>

- **Victorian Government – Department of Health: Voluntary Assisted Dying**

<https://www.health.vic.gov.au/patient-care/voluntary-assisted-dying>