

Voluntary Assisted Dying in Tasmania

Fact Sheet: Minimum Obligations (Medical Practitioners)

What is voluntary assisted dying?

Voluntary assisted dying is a process that enables a person who is suffering from a terminal medical condition to legally access a substance to end their life, with support and assistance from medical practitioners.

The person can choose to take the substance themselves or to have it administered to them by, or with help from, a medical practitioner or registered nurse who has undertaken specific training and who agrees to assist.

Voluntary assisted dying in Tasmania is regulated by Tasmania's *End-of-Life Choices (Voluntary Assisted Dying) Act 2021* (the Act). The Act identifies when a person in Tasmania is eligible to access voluntary assisted dying and sets out the steps in the voluntary assisted dying process. It also establishes the Voluntary Assisted Dying Commission.

The Act can be accessed from www.legislation.tas.gov.au

Minimum obligations

The Act imposes certain minimum obligations on all medical practitioners. In summary, these obligations are:

- to give a person who has clearly indicated that they wish to access voluntary assisted dying the Commission's contact details, and
- to give a person who wishes, or attempts, to make a formal request to access voluntary assisted dying the relevant facts about the process (the *Relevant Facts*), and
- to comply with a request for the person's medical records or other information in certain circumstances, unless the practitioner has a reasonable excuse, and
- to comply with a notice issued by the Commission to answer questions or to produce documents.

The Act also imposes limitations on when discussions about voluntary assisted dying may be initiated.

These minimum obligations apply to all medical practitioners, including medical practitioners who have a conscientious objection to voluntary assisted dying.

Obligation to provide the Commission's contact details

Under section 18(1) of the Act, if a person has clearly indicated to a medical practitioner that the person wishes to access voluntary assisted dying, the medical practitioner must, whether or not the medical practitioner has a conscientious objection to providing assistance to the person to die, provide the person the contact details of the Voluntary Assisted Dying Commission.

This obligation may be discharged by giving the person a copy of the Commission's business card.



Obligation to provide the *Relevant Facts*

Under section 18(6) of the Act, if a person has attempted to make a request to a medical practitioner for that practitioner to determine whether the person is eligible to access voluntary assisted dying but has not received from that practitioner the relevant facts in relation to accessing voluntary assisted dying, the medical practitioner must give the person those relevant facts. This obligation may be discharged by giving the person a copy of the *Relevant Facts*.

Obligation to comply with a request for records or information

Under sections 25(2), 32(2), 46(2), 54(2) and 79(2) of the Act, a person to whom a request for information or medical records is made must not fail, without reasonable excuse, to comply with the request, as soon as reasonably practicable.

Obligation to comply with a notice issued by the Commission

Under section 15 of the Act, the Commission has the power to review a decision made under the Act about a person's residency, decision-making capacity, and voluntariness. The power may be exercised on application.

Under section 101(1) of the Act, the Commission may issue a notice requiring a person who is a party to review proceedings to provide the Commission with evidence or documentation that may be relevant to those proceedings within a specified timeframe. Under section 101(3) of the Act, the Commission may issue a notice requiring a person to attend before the Commission to give evidence and produce documents if the Commission considers that it is necessary or desirable to do so for the purposes of assisting the Commission to make a determination in relation to a review application.

Under section 101(3), it is an offence for a person who has been given the notice to fail to comply with it.

Obligation to not initiate discussions about voluntary assisted dying

Under sections 17(1), 17(2) and 17(4) of the Act, a medical practitioner who provides health services or professional care services to a person must not, in the course of providing the services to the person initiate discussion with the person that is in substance about the voluntary assisted dying process, or in substance, suggest to the person that the person may wish to participate in the voluntary assisted dying process, unless:

- if, at the time of taking the action, the medical practitioner also informs the person about the treatment options available to the person and the likely outcomes of that treatment, and the palliative care and treatment options available to the person and the likely outcomes of that care and treatment, or
- the information is information about the voluntary assisted dying process that is provided at the person's request.

Further information

To obtain additional copies of the enclosed documents, to request access to the training course, or to talk with the Voluntary Assisted Dying Navigation Service about how you can become involved in the voluntary assisted dying process, please email vad@health.tas.gov.au or call 1800 568 956.