

Voluntary Assisted Dying in Tasmania

Fact Sheet: Minimum Obligations (Registered Nurses and other Registered Health 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 registered health practitioners, including medical practitioners.

There is a separate Fact Sheet (Fact Sheet: Minimum Obligations (Medical Practitioners)) that provides information about the minimum obligations that the Act imposes on medical practitioners. It can be accessed from www.health.tas.gov.au/vad

This Fact Sheet provides information about the minimum obligations that apply to all other registered health practitioners including registered nurses, paramedics, pharmacists, occupational therapists, dental practitioners, and psychologists. In summary, these obligations are:

- 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.

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

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



Obligation not to initiate discussions about voluntary assisted dying

Under sections 17(1), 17(3) and 17(4) of the Act, a registered health practitioner who is not 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:

- before the conclusion of the discussion, with the person, in which the action is taken, the registered health practitioner informs the person that a medical practitioner would be the most appropriate person with whom to discuss the voluntary assisted dying process and care and treatment options for the patient, or
- the information about the voluntary assisted dying process is provided at the person's request.

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(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.

Further information

To obtain further information, 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.