

Voluntary Assisted Dying in Tasmania

Relevant Facts

Date: 16 August 2022

About this document

This document (the *Relevant Facts*) is to be given to a person who wishes, or attempts, to make a formal First Request for access to voluntary assisted dying. It is also to be given to a family member of a person who is found, following their formal First Request, to be eligible to access voluntary assisted dying, provided the person consents.

Voluntary assisted dying is a legal process that enables a person who is suffering from a medical condition to access a substance to end their life.

The Voluntary Assisted Dying Navigation Service can provide further information about voluntary assisted dying in Tasmania. The Service can help a person find a medical practitioner or registered nurse who is willing and authorised to participate in the voluntary assisted dying process, and link people who need help to services that can provide it. To contact the Voluntary Assisted Dying Navigation Service, call 1800 568 956 (toll free) or email vad@health.tas.gov.au

This document has been approved by the Voluntary Assisted Dying Commission. To contact the Voluntary Assisted Dying Commission, call 1800 568 956 (toll free), email vad@health.tas.gov.au or send a letter to GPO Box 125, HOBART TAS 7001.

Excerpts from this document may be reproduced, with appropriate acknowledgment, as permitted under the *Copyright Act 1968*.

Acknowledgment

Components of this document are based on a Western Australian Government publication, *Approved information for a person making a First Request for voluntary assisted dying*, Department of Health 2022.

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.

Voluntary assisted dying in Tasmania is regulated by the Tasmanian *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. It can be accessed from www.legislation.tas.gov.au

Who is Eligible to Access Voluntary Assisted Dying?

A person is eligible to access voluntary assisted dying in Tasmania if they meet all the eligibility criteria.

Age

The person must be an adult (18 or older).

Residency

The person must be an Australian citizen or permanent resident or have lived in Australia for at least three years at the time they make their formal First Request. The person must have also been living in Tasmania for at least 12 months, continuously, immediately before they make their formal First Request.

Medical Requirements

The person must have an advanced, incurable, and irreversible condition that is not treatable in a way that the person finds acceptable, and that is expected to cause their death within six months, or within 12 months if the condition is neurodegenerative.

The person must also be experiencing persistent suffering linked to their condition that **they** find intolerable and that cannot be treated in a way that **they** find acceptable.

Voluntariness

The person must be acting voluntarily. That is, they must be acting without coercion (feeling pressured by others) or duress (force) or because they feel threatened or that they will be punished or treated badly, or more favourably, in some way.

Decision-Making Capacity

The person must have decision-making capacity throughout the voluntary assisted dying process, including when they give their Final Permission.

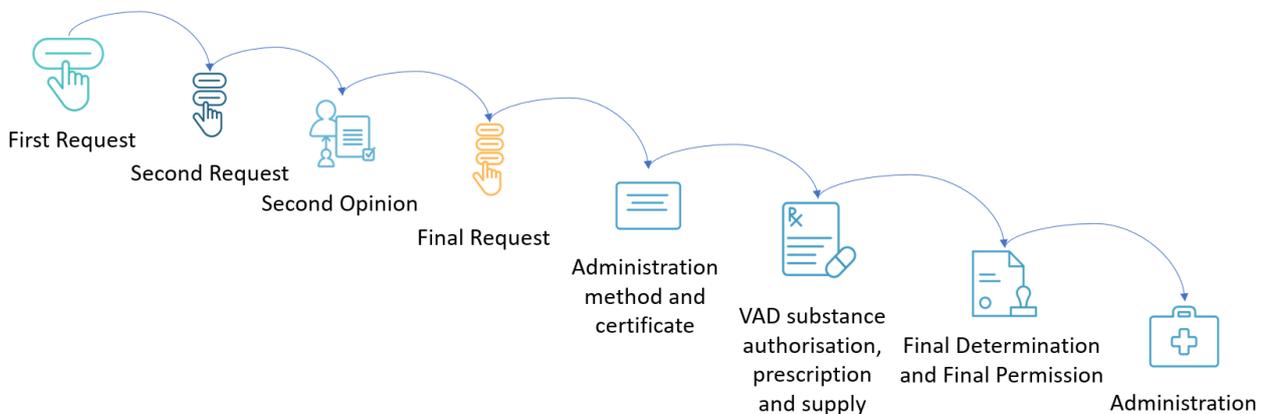
This means that a person must have the capacity to:

- understand the information or advice that they need to be able to make the decision,
- remember the information or advice for long enough to be able to make the decision,
- use or evaluate the information or advice to make the decision, and
- communicate the decision, and their opinions about the decision, in some way.

How is a Person's Eligibility Determined?

The voluntary assisted dying process has a number of formal steps, with medical practitioners determining eligibility at each point. The steps are explained below.

At any of the formal steps, the person will become ineligible if they lose capacity to make the decision, or if the medical practitioner believes they are not acting voluntarily.



To be actively involved in the voluntary assisted dying process, a person's medical practitioner (or registered nurse) must be suitably qualified and experienced. They must also have completed specific training.

Medical practitioners, registered nurses, and pharmacists are not obliged to participate in the voluntary assisted dying process. They may refuse because they have a conscientious objection to voluntary assisted dying, because they are not suitably qualified and experienced, because they have not completed the specific training, or for any other reason. They do not need to explain why they refuse to participate.

Discussing voluntary assisted dying with a medical practitioner or registered nurse will not automatically begin the voluntary assisted dying process. The person must make a formal First Request for the process to begin.

A person can stop the process at any point.

The Voluntary Assisted Dying Process



The First Request is a person's formal request to a medical practitioner to determine whether they are eligible to access voluntary assisted dying. The person must have received a copy of the *Relevant Facts* (this document) from the particular medical practitioner in person and not by email, over the internet, or by post before they make the request.

A First Request can be made verbally, or in writing. A person who makes their First Request verbally must clearly indicate to their medical practitioner, in person, that they wish to access voluntary assisted dying. A person who makes their First Request in writing may either sign the request themselves or if they cannot sign themselves, have another person sign on their behalf.

The medical practitioner will decide whether to accept or refuse the person's First Request.

A medical practitioner who decides to accept a person's First Request becomes the person's Primary Medical Practitioner for the process.

The Primary Medical Practitioner will give the person information about their condition and treatment, prognosis, and information about palliative care and treatment options.

The Primary Medical Practitioner will then determine whether the person is eligible, or ineligible, to access voluntary assisted dying.

If English is not the person's first language, or if they have communication difficulties, a translator or other person can make the formal First Request on the person's behalf.



If the Primary Medical Practitioner determines the person is eligible to access voluntary assisted dying, the person may, after 48 hours, make a Second Request.

A Second Request must be in writing and must be witnessed.

The Second Request asks the Primary Medical Practitioner to determine, for a second time, whether the person is eligible to access voluntary assisted dying.

Upon receipt of the request, the Primary Medical Practitioner will determine whether the person is eligible, or ineligible, to access voluntary assisted dying.



Second Opinion Referral

If the Primary Medical Practitioner determines the person is eligible to access voluntary assisted dying on the Second Request, the Primary Medical Practitioner must refer the person to another medical practitioner for a Second Opinion.

The medical practitioner to whom the person is referred must decide whether to accept or refuse the referral.

A medical practitioner who decides to accept a referral becomes the person's Consulting Medical Practitioner for the process.

The Consulting Medical Practitioner will consider the person's medical history and any other relevant information. The Consulting Medical Practitioner may also examine the person but does not have to do so.

The Consulting Medical Practitioner will then determine whether the person is eligible, or ineligible, to access voluntary assisted dying.



Final Request

If the Consulting Medical Practitioner determines the person is eligible to access voluntary assisted dying, the person may make a Final Request to their Primary Medical Practitioner.

A Final Request must be in writing.

On receipt of the request, the Primary Medical Practitioner will determine whether the person is eligible, or ineligible, to access voluntary assisted dying.

If the person is still eligible, the Primary Medical Practitioner will then decide whether to become the person's Administering Health Practitioner (the person who will either supply or administer the voluntary assisted dying substance to the person). If the Primary Medical Practitioner decides not to be the Administering Health Practitioner, another medical practitioner or a registered nurse will be appointed to take on this role.



If the Primary Medical Practitioner determines the person is eligible to access voluntary assisted dying at the point of the Final Request, the Primary Medical Practitioner will ask the Voluntary Assisted Dying Commission to issue a voluntary assisted dying substance authorisation.

The Voluntary Assisted Dying Commission will either issue or refuse to issue a substance authorisation to the person's Primary Medical Practitioner. The Commission can only issue a substance authorisation if it has received all the required information from the Primary Medical Practitioner, and is satisfied that all aspects of the Act have been met.

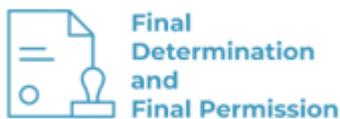
The substance authorisation details will be different depending on the method of administration that is chosen. This means that the person will need to have decided how they would like the substance to be administered before the substance authorisation is issued (this can change later if the person's circumstances change).

If the Voluntary Assisted Dying Commission issues a substance authorisation, the Primary Medical Practitioner will prescribe a voluntary assisted dying substance.

Unlike most medicines, the substance prescription won't be given to the person. Instead, it will be given directly to a specialist pharmacist.

The specialist pharmacist will discuss the person's medical condition with them. The specialist pharmacist will then supply the voluntary assisted dying substance to the person's Primary Medical Practitioner.

The person's Primary Medical Practitioner will store the substance securely until it is needed.



A person's Administering Health Practitioner must determine whether the person still has decision-making capacity and is acting voluntarily before the person receives assistance to die. This determination is called the Final Determination.

If the Administering Health Practitioner determines the person has decision-making capacity and is acting voluntarily, the Administering Health Practitioner will advise the person that the person is entitled to receive assistance to die.

The person may then give their Administering Health Practitioner a Final Permission.

The Final Permission must be in writing.



Administration

A person can decide to either privately self-administer the substance (take it on their own), or have the substance administered to them by, or with the assistance of, their Administering Health Practitioner.

A person who decides to take the substance on their own must appoint another person to be their contact person.



Timeframes apply to some parts of the voluntary assisted dying process:

- A medical practitioner has **48** hours to decide whether or not to accept a person's First Request.
- The time between a person's First Request and their Second Request, and between a person's Second Request and their Final Request, must be at least **48** hours in each case unless specific circumstances apply.
- A medical practitioner has **48** hours to decide whether or not to accept a referral from a person's Primary Medical Practitioner.
- A person's Administering Health Practitioner, following the Final Request and after determining that they are acting voluntarily and have decision-making capacity, must, within **24** hours, advise the person that they are entitled to receive assistance to die.

Information about the Voluntary Assisted Dying Commission

Tasmania's Voluntary Assisted Dying Commission:

- monitors the Act's operation,
- reviews decisions about a person's residency, decision-making capacity, and voluntariness,
- investigates suspected contraventions of the Act, and
- issues voluntary assisted dying substance authorisations.

The Voluntary Assisted Dying Commission has an Office to help it with these functions.

The Voluntary Assisted Dying Commission also helps people to access voluntary assisted dying and distributes information about the Act. The Voluntary Assisted Dying Navigation Service performs these functions on the Commission's behalf.

Reviews

The Voluntary Assisted Dying Commission can, if requested, review decisions that are made by a person's Primary Medical Practitioner, their Consulting Medical Practitioner, or by their Administering Health Practitioner, about the person's residency, decision-making capacity, and voluntariness.

Investigations

The Voluntary Assisted Dying Commission can investigate suspected contraventions of the Act either following a notification from a person, or on its own motion. The Commission can also refer a suspected contravention to another body such as the Australian Health Practitioner Regulation Agency (Ahpra) or Tasmania Police.

Exemptions from Prognosis

The Voluntary Assisted Dying Commission can decide that a person is exempt from the requirement that their condition is expected to cause their death within six months, or within 12 months if the condition is neurodegenerative.

The Commission can only decide that a person is exempt if it is satisfied that the person's prognosis is such that the requirement should not apply.

Contacting the Commission

The Commission operates Monday – Friday, from 9.00 am to 5.00 pm.

Postal details	Voluntary Assisted Dying Commission Department of Health GPO Box 125 HOBART TAS 7001
Telephone	1800 568 956 (toll-free)
Email	vad@health.tas.gov.au
Web	www.health.tas.gov.au/vad/commission

Contacting the Navigation Service

The Navigation Service operates Monday – Friday, from 9.00 am to 5.00 pm.

Postal details	Voluntary Assisted Dying Navigation Service Tasmanian Health Service GPO Box 125 HOBART TAS 7001
Telephone	1800 568 956 (toll-free)
Email	vad@health.tas.gov.au
Web	www.health.tas.gov.au/vad

Information about Palliative Care, Treatment, and Pain Relief Options

The Tasmanian Department of Health provides palliative care, information on end-of-life planning, and support for people throughout Tasmania. The Department's website and contact details for the Department's Specialist Palliative Care Service are as follows:

Website:	www.health.tas.gov.au/palliativecare
North-West:	6477 7760, Monday to Friday, 8.30 am – 4.00 pm
North:	6777 4544, Monday to Friday, 8.30 am – 4.30 pm
South:	6166 2820, Monday to Friday, 8.00 am – 4.30 pm

Palliative Care Tasmania is an independent organisation that can also provide information and support to Tasmanians with a life-limiting illness and their families, and information about palliative care services across Tasmania. Their contact details are as follows:

Website:	www.pallcasetas.org.au
Email:	admin@pct.org.au
State-wide:	6231 2799

The *CareSearch* palliative care knowledge network provides online resources and information on palliative care for health professionals, people needing palliative care and their families, and the general community. Their contact details are as follows:

Website:	www.caresearch.com.au
----------	--

Information about General Supports

Beyond Blue can provide support for mental health and wellbeing, especially if you are experiencing anxiety or depression. Their contact details are as follows:

Website: www.beyondblue.org.au

Phone: 1300 224 636 (any time of the day or night)

Lifeline can provide crisis support if you need immediate help to deal with emotional distress. Their contact details are as follows:

Website: www.lifeline.org.au

Phone: 13 11 14 (any time of the day or night)

A Tasmanian Lifeline is a Tasmanian-based telephone support service if you need one-off or ongoing support. Their contact details are as follows:

Website: www.tasmanianlifeline.com.au

Phone: 1800 984 434 for support (8.00 am to 8.00 pm, 7 days a week)

If you or anyone else is in immediate danger, call 000.



Tasmanian
Government

Department of Health
GPO Box 125,
Hobart 7001 Tasmania
www.health.tas.gov.au