

# Voluntary Assisted Dying in Tasmania

## Fact Sheet: Making a First Request

### Who is this Fact Sheet for?

This Fact Sheet is for patients who want to know more about starting the voluntary assisted dying process by making a formal First Request.

### About the Voluntary Assisted Dying Process

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

A person is eligible to access voluntary assisted dying in Tasmania if they meet certain eligibility criteria relating to age, residency, medical requirements, voluntariness, and decision-making capacity.

The voluntary assisted dying process has a number of formal steps, with medical practitioners determining eligibility at each point. Each step has a specific set of criteria that must be fulfilled.

Discussing voluntary assisted dying in general terms with a medical practitioner will not automatically begin the voluntary assisted dying process. A patient must make a valid First Request for the process to begin.

### What is a First Request?

A First Request is a patient's first formal request to a medical practitioner to determine whether they are eligible to access voluntary assisted dying.

### Making a First Request

If you have decided that you want to access voluntary assisted dying, you will need to begin the process by asking a medical practitioner to determine whether you are eligible to access voluntary assisted dying.

For your First Request to be valid:

- You must make your request to a registered medical practitioner.
- Your medical practitioner must have given you the relevant facts in relation to accessing voluntary assisted dying (the [Relevant Facts](#)).
- The medical practitioner that you make your request to must have given you the [Relevant Facts](#) in hard copy, and in person. It is not enough for the [Relevant Facts](#) to have been emailed to you, for another medical practitioner to have given you the [Relevant Facts](#), or for you to have accessed the [Relevant Facts](#) online (although there is nothing wrong with these things occurring as well).
- You must make your request to the medical practitioner who gave you the [Relevant Facts](#).

You can make your First Request verbally, or in writing. You can use the [Form 1 – First Request Form](#) and accompanying [Instructions](#) to make your First Request in writing if you wish.

### **Making a First Request verbally**

While you don't have to use the words "determine whether I am eligible to access voluntary assisted dying" when making your request, it will help your medical practitioner to understand that you are making a First Request if you do so. A suggested way of making your First Request verbally is to ask: "Will you determine whether I am eligible to access voluntary assisted dying"?

The main thing is to make it clear that you are asking your medical practitioner to help you to access voluntary assisted dying.

### **What if I can't complete or sign the First Request form?**

If you cannot complete or sign the [Form 1 – First Request Form](#), another adult can do so on your behalf. The [Instructions](#) provide guidance on how to do this.

### **What if I can't communicate my request?**

If you can't communicate with your medical practitioner because they are unfamiliar with your method of communication or because they are not fluent in your language, another person can communicate on your behalf, provided your medical practitioner is satisfied of certain matters.

## **Outcome of the First Request**

Once you have made a valid First Request to your medical practitioner, they must:

- decide whether to accept your request within 48 hours, and
- tell you their decision as soon as reasonably practicable and within no more than 7 days of making their decision.

The medical practitioner does not have to tell you why they accepted or refused your request.

## **After the First Request**

If your medical practitioner accepts your First Request, they will become your Primary Medical Practitioner. This means that they can determine your First Request, determine your Second Request, refer you to another medical practitioner for a Second Opinion, and determine your Final Request. The [Relevant Facts](#) document gives more information about these parts of the voluntary assisted dying process.

If your medical practitioner does not accept your First Request, you can make a new First Request to a different medical practitioner. The Voluntary Assisted Dying Navigation Service can help you with this.

## **What if my Medical Practitioner can't, or won't, help me?**

To accept your request, your medical practitioner must be suitably qualified and experienced. They must also have completed specific training. Your medical practitioner may be obliged to refuse your request, even if they would like to accept it, because they are not suitably qualified or experienced or because they have not completed the specific training.

There is no requirement for your medical practitioner to participate in the voluntary assisted dying process, even if they are suitably qualified and experienced, and even if they have completed the required training. They may refuse to accept your First Request because they

- have a conscientious objection to voluntary assisted dying, or
- cannot dedicate the time required to assist you, or
- for any other reason.

If you clearly indicate to your medical practitioner that you wish to access voluntary assisted dying, the medical practitioner must give you the Voluntary Assisted Dying Commission's contact details (these are set out below). This will allow you to contact the Commission for assistance.

If you ask your medical practitioner to determine whether you are eligible to access voluntary assisted dying, the medical practitioner must give you a copy of the [Relevant Facts](#), if they have not already done so. The [Relevant Facts](#) document includes important information about accessing voluntary assisted dying, including contact details for the Voluntary Assisted Dying Navigation Service.

***These obligations apply regardless of whether your medical practitioner intends to accept or refuse your request.***

## How can I contact the Voluntary Assisted Dying Commission?

The Voluntary Assisted Dying Commission is responsible for assisting people who wish to access voluntary assisted dying but who are prevented from doing so because of their circumstances, which may include their access to medical practitioners who can and will help them to access voluntary assisted dying.

The Commission is contactable Monday to Friday from 9.00 am – 5.00 pm by calling 1800 568 956 (toll free) or emailing [vad@health.tas.gov.au](mailto:vad@health.tas.gov.au)

## What other support is available?

The Voluntary Assisted Dying Navigation Service, which is a part of the Tasmanian Health Service, can provide further information to patients and others about voluntary assisted dying in Tasmania. The Navigation Service is available to patients, families and carers, registered health practitioners and healthcare workers.

The Navigation Service is contactable Monday to Friday from 9.00 am – 5.00 pm by calling 1800 568 956 (toll free) or emailing [vad@health.tas.gov.au](mailto:vad@health.tas.gov.au)

Your medical practitioner and other registered health practitioners involved in your care may also be able to offer advice or answer questions that you may have.



## **Disclaimer**

The information presented in this information sheet is provided in good faith by the Department of Health to assist the community and health practitioners understand the framework for voluntary assisted dying in Tasmania.

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## **Acknowledgment**

This document is based on a Western Australian Government publication, *Accessing voluntary assisted dying in Western Australia – Making the First Request*, Department of Health 2021.