

# Voluntary Assisted Dying in Tasmania

## Fact Sheet: Medical Certificates of Cause of Death

### What is this Fact Sheet about?

A common question from medical practitioners with an interest in voluntary assisted dying is whether the medical certificate of cause of death that is completed for a patient who has died following the administration or self-administration of a VAD Substance pursuant to the [End-of-Life Choices \(Voluntary Assisted Dying\) Act 2021](#)<sup>1</sup> (the Act), should refer to voluntary assisted dying.

This Fact Sheet provides guidance to medical practitioners on how to complete medical certificates of cause of death for people who have died following the administration or self-administration of a VAD Substance.

In summary:

- The death of a patient following the administration or self-administration of a VAD Substance is not a reportable death.
- The medical certificate of cause of death that is completed for a patient who has died following the administration or self-administration of a VAD Substance should not refer to voluntary assisted dying, and usual processes for completing medical certificates of cause of death should be followed.

### Is the death of a patient who has been administered or self-administered a VAD Substance a reportable death?

Section 140 of the Act says that for the purposes of a law of Tasmania, including the Coroners Act, a patient who dies as the result of the administration or self-administration of a VAD Substance in accordance with the Act does not die by suicide.

Further, section 93(2) of the Act says that the death of a patient who has been administered or self-administered a VAD Substance in accordance with the Act is not a reportable death for the purposes of the *Coroners Act 1995*.

This means that there is no need to notify a police officer or coroner of the death; and that a medical certificate of cause of death can be issued.

<sup>1</sup> <https://www.legislation.tas.gov.au/view/html/asmade/act-2021-001>

## What should be recorded on the medical certificate of cause of death?

The Act is silent on how the medical certificate of cause of death for a patient who has been administered or self-administered a VAD Substance should be completed.

The Voluntary Assisted Dying Commission and the Secretary of the Department of Health have recommended that:

- the manner of death of a patient who has been administered or self-administered a VAD Substance is recorded as natural, and
- voluntary assisted dying is not referred to in the Cause of Death details or anywhere else on the certificate.

The process to be followed is as set out in regulations 5 – 9 of the *Burial and Cremation Regulations 2015*.

The form to be completed is the same form that would be completed for any death.

## Who should complete the medical certificate of cause of death?

The Act does not provide guidance on who should complete a medical certificate of cause of death for a patient who has been administered or self-administered a VAD Substance. This means that there is nothing preventing a medical practitioner, including a medical practitioner who was a patient's Primary Medical Practitioner, Consulting Medical Practitioner, or Administering Health Practitioner, from deciding whether the patient's death is, or is not, a reportable death within the meaning of the Coroners Act as a precursor to deciding whether to issue a medical certificate of cause of death for the patient.

## How will voluntary assisted dying deaths be recorded?

The death of a patient who has been administered or self-administered a VAD Substance must be reported to the Voluntary Assisted Dying Commission. Responsibility for reporting the death rests, under the Act, with the medical practitioner or registered nurse who was the patient's Administering Health Practitioner.

The Voluntary Assisted Dying Commission is responsible for reviewing the performance and exercise by people under the Act in relation to a death that has occurred as a result of the administration of a VAD Substance under, or purportedly under the Act. Being notified of a patient's death allows the Commission to discharge this function.

The Voluntary Assisted Dying Commission is also responsible for collecting statistical information in relation to the Act's operation and for publishing an annual report.

## What support is available?

The Voluntary Assisted Dying Navigation Service can provide further information to patients and others about voluntary assisted dying in Tasmania. The Navigation Service is contactable Monday to Friday from 9.00 am – 5.00 pm.

To contact the Voluntary Assisted Dying Navigation Service, call 1800 568 956 (toll free) or email [vad@health.tas.gov.au](mailto:vad@health.tas.gov.au)



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