

Voluntary Assisted Dying in Tasmania

Fact Sheet: General Information for the Community

What is this Fact Sheet about?

This Fact Sheet provides general information to members of the community on voluntary assisted dying and the voluntary assisted dying process, and answers some commonly asked questions.

What is voluntary assisted dying?

Voluntary assisted dying is a process that enables a person who is suffering from a 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 have it administered to them by, or with help from, a medical practitioner or registered nurse.

Voluntary assisted dying is (or will soon be) legal in every Australian State and in many countries overseas including Canada and New Zealand.

In Tasmania, voluntary assisted dying is authorised by the [End-of-Life Choices \(Voluntary Assisted Dying\) Act 2021](#)¹ (the Act).

What is the voluntary assisted dying process?

The voluntary assisted dying process starts when a person makes a First Request to their medical practitioner to determine whether they are eligible to access voluntary assisted dying and ends with the supply and administration, or private self-administration, of a VAD Substance to the person.

It features a First Request, a Second Request, a Second Opinion, a Final Request, a request for VAD Substance Authorisation, a Final Determination and a Final Permission.

The [Relevant Facts document](#)² provides further detail, in simple terms, of the steps in the process.

What are the eligibility criteria?

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

In particular, a person must be an adult, must have decision-making capacity and be acting voluntarily, and must be suffering intolerably due to a terminal disease, illness, injury or medical condition that is expected to cause the person's death within six months (or 12 months, if the condition is a neurodegenerative condition).

The [Relevant Facts document](#)² provides further detail, in simple terms, of the eligibility criteria.

¹ <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2021-001>

² <https://www.health.tas.gov.au/publications/first-request-relevant-facts-document>

How can Tasmanians access voluntary assisted dying?

A person who wishes to access voluntary assisted dying should first have a conversation with their medical practitioner.

However, discussing voluntary assisted dying with a medical practitioner will not automatically begin the voluntary assisted dying process. The person must make a formal First Request for the process to begin. Information about making a First Request, including a form that can be used by a person to make their formal First Request, can be found on the Department's [First Request – Voluntary Assisted Dying](#)³ page.

To accept a person's First Request, a medical practitioner must meet certain criteria. They must have relevant experience in treating or managing the disease, illness, injury, or medical condition expected to cause the person's death. They must also have successfully completed the Tasmanian Voluntary Assisted Dying Training in the five years immediately before the First Request is made.

There is no requirement for a medical practitioner to participate in the voluntary assisted dying process, beyond complying with the Act's minimum obligations. This applies even if the practitioner is suitably qualified and experienced, and even if they have completed the Tasmanian Voluntary Assisted Dying Training.

A person whose medical practitioner is unable to assist them should call 1800 568 956 (toll free) or email vad@health.tas.gov.au

What role do medical practitioners and registered nurses have in the voluntary assisted dying process?

The voluntary assisted dying process set out in the Act enables a medical practitioner to support and assist a person to access a substance to end their life in a range of ways.

A medical practitioner who wishes to actively participate in the voluntary assisted dying process can do so by being a person's Primary Medical Practitioner, Consulting Medical Practitioner and/or Administering Health Practitioner.

A registered nurse who wishes to actively participate in the voluntary assisted dying process can do so by being a person's Administering Health Practitioner

Any medical practitioner wishing to participate as a person's Primary Medical Practitioner, Consulting Medical Practitioner or Administering Health Practitioner, and any registered nurse wishing to participate as the person's Administering Health Practitioner, must complete the Tasmanian Voluntary Assisted Dying Training.

The [Relevant Facts document](#)⁴ provides further detail, in simple terms, of the voluntary assisted dying process and of the roles that medical practitioners and registered nurses can play in the process.

More information about the Tasmanian Voluntary Assisted Dying Training can be found on the Department's [Voluntary Assisted Dying Training](#)⁵ page.

³ <https://www.health.tas.gov.au/health-topics/voluntary-assisted-dying/first-request-voluntary-assisted-dying>

⁴ <https://www.health.tas.gov.au/publications/first-request-relevant-facts-document>

⁵ <https://www.health.tas.gov.au/health-topics/voluntary-assisted-dying/training-voluntary-assisted-dying>

Can someone who needs help with communication access voluntary assisted dying?

Yes. There are provisions in the Act for people who have communication difficulties to be supported in their communication.

The Act allows communication between a person and their Primary Medical Practitioner, Consulting Medical Practitioner and Administering Health Practitioner as part of the voluntary assisted dying process to be made by another person. The Act allows this in circumstances where communication assistance is required because of language issues or because the practitioner is unfamiliar with the person's method of communication, provided certain criteria are met.

The Act also allows written documentation that is required to be completed and/or signed by a person to be signed and/or completed by another adult on the person's behalf, in circumstances where the person is unable to do so for themselves.

Can someone with a mental illness or a disability access voluntary assisted dying?

A person with mental illness or disability can seek to access voluntary assisted dying in the same way as any other person can; and is eligible to access voluntary assisted dying in Tasmania if they meet the Act's age, residency, medical requirements, voluntariness, and decision-making capacity criteria. This includes that the person has a terminal illness that is expected to cause their death within six months (or 12 months, if the condition is a neurodegenerative condition).

Can an advance care directive be used to access voluntary assisted dying?

No. An advance care directive cannot be used to choose or access voluntary assisted dying in advance.

This is because to access voluntary assisted dying, a person must have decision-making capacity throughout the process; and an advance care directive can only be followed when a person no longer has decision-making capacity.

Can a person responsible or guardian consent to voluntary assisted dying on a person's behalf?

No. A person responsible or appointed guardian cannot consent to voluntary assisted dying on another person's behalf.

This is because to access voluntary assisted dying, a person must have decision-making capacity throughout the process; and a person responsible or appointed guardian can only make treatment decisions for another person if that person no longer has decision-making capacity.

Can a person's carer, friend or support person make a voluntary assisted dying request on a person's behalf?

No. A person's carer, friend or support person can make appointments and other arrangements on a person's behalf and may be permitted to attend appointments with the person, if the medical practitioner thinks this is appropriate.

However, only the person who wishes to access voluntary assisted dying can make a formal request to access voluntary assisted dying.

Can a person change their mind about accessing voluntary assisted dying?

Yes. A person can change their mind about continuing with the voluntary assisted dying process at any time.

Is voluntary assisted dying suicide?

No. For the purposes of Tasmanian law, a person 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.

Will my life insurance be paid out if I access voluntary assisted dying?

Whether a person can access their life insurance if they access voluntary assisted dying will be subject to the terms of the person's policy.

Any person wishing to access voluntary assisted dying who has concerns about life insurance access issues should seek advice that is specific to their own circumstances from their insurer or financial advisor.

Can I access my superannuation before accessing voluntary assisted dying?

Any person wishing to access voluntary assisted dying who has concerns about accessing their superannuation should seek advice that is specific to their own circumstances from their superannuation fund or financial advisor. The Australian Tax Office also provides information on [early access to superannuation on compassionate grounds](#)⁶ that might be useful.


How long will the voluntary assisted dying process take?

It is expected that the voluntary assisted dying process will, in most cases, take several weeks to months.

The Act does not impose any minimum or maximum timeframe on the process as a whole. However, the Act requires a person to wait 48 hours between their First Request and their Second Request, and to wait a further 48 hours between their Second Request and their Final Request. These periods can be waived in certain circumstances.

There are many factors that might impact on the amount of time the process takes, including the availability of practitioners, the access that practitioners have to the information they need to make determinations, the need to correct administrative errors in documentation, public holidays and other holiday periods, the need to consider any

⁶ <https://www.ato.gov.au/Individuals/Super/In-detail/Withdrawing-and-using-your-super/Early-access-on-compassionate-grounds/>



applications for exemption from various requirements that may be lodged, the need to consider any reviews that may be applied for, and whether additional referrals are required.

Can a person receive end-of-life care if they ask to access voluntary assisted dying ?

Yes. End-of-life, or palliative, care is not the same as voluntary assisted dying.

People who are seeking or approved to access voluntary assisted dying are likely to still need treatment and/or palliative care in most if not all cases. A person's choice to consider accessing voluntary assisted dying should not affect how other treatment and care decisions are made, and other care and treatment should continue alongside the voluntary assisted dying process.

Most people who request voluntary assisted dying will be supported by palliative care services. If a person is not yet receiving palliative care services, they can talk to a medical or health practitioner involved in their care about how palliative care may assist them and how they can access those services.

Not all people considering voluntary assisted dying will ultimately be eligible, and not all those who are prescribed the VAD Substance will ultimately choose to take it, so other care and treatment should continue alongside the voluntary assisted dying process in accordance with the person's wishes.

How can I get more information?

The Voluntary Assisted Dying Navigation Service can provide further information 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



Disclaimer

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