

Voluntary Assisted Dying in Tasmania

Fact Sheet: Accepting or Refusing a First Request

Who is this Fact Sheet for?

This Fact Sheet is to help medical practitioners to understand their obligations in relation to receiving a formal First Request from a patient to determine whether the patient is eligible to access voluntary assisted dying.

It is recommended that medical practitioners refer to the [Tasmanian Voluntary Assisted Dying Guidelines](#) (link) and the [End-of-Life Choices \(Voluntary Assisted Dying\) Act 2021](#) where required.

Medical practitioners can also seek information and support from the Voluntary Assisted Dying Navigation Service on 1800 568 956 (toll free) or by emailing vad@health.tas.gov.au

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.

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

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 the patient is eligible to access voluntary assisted dying.

Receiving a First Request

A patient who has received the [Relevant Facts](#) from a medical practitioner in person, and who wishes to access voluntary assisted dying, may ask the medical practitioner to determine whether they are eligible to access voluntary assisted dying. They may do this verbally, or in writing.

If the patient has received the [Relevant Facts](#) from the medical practitioner in person and has then requested the medical practitioner to determine whether they are eligible to access voluntary assisted dying, the patient's request is a valid First Request and the medical practitioner must decide whether to accept it.

Responding to a First Request

A medical practitioner who receives a First Request for access to voluntary assisted dying must:

1. **Decide** if they are going to accept the First Request.
This must be done within 48 hours.
2. **Tell** the patient their decision and **note** that the patient has made a First Request and that the medical practitioner has accepted or refused the request on the medical practitioner's medical records in relation to the person.
This must be done as soon as possible and within 7 days.
3. **Complete** Form 2 – First Request – Decision to Accept or Refuse, and send a copy to the Voluntary Assisted Dying Commission. For a copy of Form 2 – First Request – Decision to Accept or Refuse, please email vad@health.tas.gov.au or call toll free on 1800 568 956 (Monday to Friday, 9:00 AM to 5:00 PM)
This must be done as soon as possible and within 7 days; and there may be penalties under the Act for non-compliance with this requirement.

Only a medical practitioner who is suitably qualified and experienced, and who has completed specific training, may accept a First Request. If the medical practitioner who receives a First Request is not suitably qualified, experienced, or trained, they **must** refuse the First Request, even if they are otherwise supportive of the person accessing voluntary assisted dying.

A medical practitioner who accepts a patient's First Request becomes the patient's Primary Medical Practitioner. This means that they can determine the patient's First Request, determine the patient's Second Request, refer the patient to another medical practitioner for a Second Opinion, and determine the patient's Final Request.

What if I don't want to be involved?

There is no requirement for a medical practitioner to accept a patient's First Request, even if the medical practitioner is suitably qualified and experienced, and even if the medical practitioner has completed the required training; and a medical practitioner may refuse a First Request for any reason.

There are, however, some minimum obligations under the Act that apply to all medical practitioners, regardless of the medical practitioner's stance on voluntary assisted dying and regardless of whether the medical practitioner intends to accept or refuse the request.

Firstly, if a patient clearly indicates to you that they wish to access voluntary assisted dying, you must give the patient the Voluntary Assisted Dying Commission's contact details (these are set out below). This obligation applies even if you conscientiously object to voluntary assisted dying.

Secondly, if a patient asks you to determine they are eligible to access voluntary assisted dying without you having provided them with a copy of the [Relevant Facts](#), you must give a copy of the [Relevant Facts](#) to the patient. This obligation applies even if you intend to refuse the patient's First Request.

The [Minimum Obligations for Medical Practitioners Fact Sheet](#) provides more information on the minimum obligations that apply to medical practitioners under the Act.

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

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

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.

While every reasonable effort has been made to ensure the accuracy of the information contained in this Fact Sheet, no guarantee is given that the information is free from error or omission. It is the responsibility of the user to make their own enquiries and decisions about relevance, accuracy, currency, and applicability of information in this circumstance.

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