



## Providing voluntary assisted dying in Western Australia

# FAQs for health professionals

This information sheet addresses questions about voluntary assisted dying that are frequently asked by health professionals (such as medical practitioners, nurse practitioners, nurses, pharmacists, allied health professionals and others).

### What is voluntary assisted dying?

Voluntary assisted dying is a legal process that enables a patient to access medication that will cause their death. This medication is known as the voluntary assisted dying substance. The patient can choose to self-administer the substance (take it themselves) or have it administered by a medical practitioner or nurse practitioner (the Administering Practitioner) at a time and place of their choosing.

The information sheets [Accessing voluntary assisted dying in Western Australia – Who is eligible?](#) and [Accessing voluntary assisted dying in Western Australia – Overview of the process](#) provide information on who can access voluntary assisted dying and what the process in Western Australia (WA) involves.

The information sheet [Providing voluntary assisted dying in Western Australia – Health professional participation](#) provides an overview of which health professionals are eligible to participate in voluntary assisted dying and how.

---

### Can I discuss voluntary assisted dying with my patients?

Yes. You can **discuss** voluntary assisted dying with a patient if you are comfortable doing so but there are restrictions on who can **raise** the topic.

A patient may initiate a conversation about voluntary assisted dying with anyone involved in their care. However, under the *Voluntary Assisted Dying Act 2019* (the Act), only a medical practitioner or nurse practitioner can raise the topic of voluntary assisted dying with a patient and only if, at the same time, they also inform the patient of their palliative care and treatment options and the likely outcomes of that care and treatment.

If you are comfortable talking about voluntary assisted dying you can answer the patient's questions and provide them with information.

If you are not comfortable discussing voluntary assisted dying you can refer the patient to another health professional who is, or you can refer them to the Western Australian Voluntary Assisted Dying Statewide Care Navigator Service (SWCNS). Even if you are not comfortable discussing voluntary assisted dying specifically, a patient raising the topic with you presents an opportunity to have a meaningful discussion about their care needs, symptom management, palliative care options, support for their family and their priorities as they approach the end of their life.

## What is SWCNS?

SWCNS has been established to support anyone involved with voluntary assisted dying in WA. This includes patients, the family and carers of patients, members of the community, health professionals and service providers. The service is nurse-led and staffed by Care Navigators who are experienced health professionals.

The Care Navigators can:

- provide general information about voluntary assisted dying
- provide specific information about voluntary assisted dying in WA
- help to locate a medical practitioner (doctor) or nurse practitioner who is willing and eligible to participate in voluntary assisted dying
- assist eligible people to access regional support packages
- link people to other helpful resources.

SWCNS can be contacted by email and phone during standard work hours (8:30 am – 5:00 pm).

Email: [VADcarenavigator@health.wa.gov.au](mailto:VADcarenavigator@health.wa.gov.au)

Phone: (08) 9431 2755

## Do I have to participate in voluntary assisted dying?

No. You are not obliged to participate in the voluntary assisted dying process.

However, it is considered a professional obligation that you not unduly delay a patient's access to the voluntary assisted dying process. You may refuse to participate because you hold a conscientious objection to voluntary assisted dying or you are unable to perform the required duties for any other reason.

Any health professional may refuse to:

- discuss voluntary assisted dying with a patient
- assist a medical practitioner in the request and assessment process<sup>1</sup>
- be present at the time of administration of the voluntary assisted dying substance.

In addition, a medical practitioner or nurse practitioner may refuse to:

- administer the voluntary assisted dying substance.

It is important that you consider the level of involvement you are prepared to have with a person who requests information about, or access to, voluntary assisted dying.

For example, you may be comfortable having conversations about end-of-life choices, including accessing voluntary assisted dying, but not be prepared to take a role designated under the Act.

## How will I know if I am being asked for access to voluntary assisted dying?

A person who is requesting access to voluntary assisted dying must make it clear that this is what they are doing. While they may not use the exact phrase 'voluntary assisted dying', it must be clear and unambiguous that they are requesting access to voluntary assisted dying.

Only medical practitioners can receive a request for access to voluntary assisted dying (a First Request) from a person during a medical consultation. If a person makes a First Request to any other health professional, they should be informed that they must make their request to a medical practitioner.

---

<sup>1</sup> Under the *Voluntary Assisted Dying Act 2019* the request and assessment process is the making or conducting of a First Request, a First Assessment, a Consulting Assessment, a Written Declaration, a Final Request and a Final Review.

The information sheet [Accessing voluntary assisted dying in Western Australia – Making a First Request](#) outlines how a person can initiate the voluntary assisted dying process by making a First Request.

### **What should I do if a patient’s carer or family member requests voluntary assisted dying?**

The legislation is clear that only the person choosing to access voluntary assisted dying can request it. This means that a person’s carer, family member or friend cannot request voluntary assisted dying on their behalf. This is an important part of making sure the person’s request is voluntary.

If a person’s carer, family member or friend asks you about voluntary assisted dying you can provide them with information or direct them to where they can find further information (including the Care Navigators). Where appropriate, you may make them aware they cannot make a request on another person’s behalf. You may also consider how the carer is currently being supported and link them to Carers WA if they are not already.

### **I’m a medical practitioner and a conscientious objector. What should I do if I receive a First Request from a patient?**

If you refuse the First Request for the reason of conscientious objection, you must:

1. inform the patient **immediately** that you are not able to assist them;
2. provide them with the [Approved information for a person making a First Request for voluntary assisted dying information booklet](#); and
3. submit the First Request Form to the Voluntary Assisted Dying Board within two (2) business days after refusing the First Request.

You may also consider referring the patient to another medical practitioner or SWCNS.

### **What should I do if I can’t accept the First Request?**

A patient may make a First Request to a medical practitioner without being aware that the medical practitioner is ineligible or unable to accept it.

You may not meet the eligibility criteria (e.g. you are a junior doctor) or you may not be able to accept the First Request (e.g. you will not be available).

If this is the case, you should let the patient know that you are not able to assist them within two (2) business days after the First Request is made. You may choose to refer the patient to an eligible medical practitioner or to SWCNS. You are not legally required to do either.

However, you are legally required to provide the patient with the [Approved information for a person making a First Request for voluntary assisted dying](#) information booklet and submit a First Request form to the [Voluntary Assisted Dying Board](#) within two (2) business days after deciding to refuse the First Request.

### **What if I’m not sure if I can accept the First Request?**

Some medical practitioners will not have thought about participating in voluntary assisted dying until they are directly asked to by a patient.

If you are uncertain about whether you are eligible or able to accept a First Request, the Act allows you two (2) business days (after the First Request is made to inform the patient). You should review the practitioner eligibility criteria outlined in the information sheet [Providing voluntary assisted dying in Western Australia – Health professional participation](#) and consider your feelings about participating.

You must then either accept or refuse the First Request, provide the patient with the [Approved Information for a Person Making a First Request for Voluntary Assisted Dying](#) information booklet and submit a First Request form to the Voluntary Assisted Dying Board.

## What is the 'approved information' that medical practitioners are required to provide?

The Act requires that medical practitioners provide this information to any person who makes a First Request to access voluntary assisted dying.

The Director General of the Department of Health WA (as the Chief Executive Officer (CEO)) has approved the information provided in the [Approved information for a person making a First Request for voluntary assisted dying](#) information booklet. This is regardless of whether the First Request is accepted or refused by the medical practitioner.

## How do I submit the First Request form to the Voluntary Assisted Dying Board?

The First Request form can be completed and submitted online via the [Voluntary Assisted Dying – Information Management System \(VAD-IMS\)](#) or by downloading from [VAD-IMS](#), completing and faxing through to the Voluntary Assisted Dying Board on (08) 9222 4443.

Detailed instructions for how to submit the First Request form can be found on the WA [Department of Health](#) website. This webpage will walk you through the process of completing and submitting the First Request form as required by the legislation.

## Are there restrictions on how I can communicate with my patients about voluntary assisted dying?

Yes. The Commonwealth *Criminal Code Act 1995* influences what can and cannot be discussed over a 'carriage service' (in practical terms this usually means phone, fax, email, internet, videoconference etc).

**As a general rule, any information that relates specifically to the act of administering a voluntary assisted dying substance or provides details or instructions about the act of administering a voluntary assisted dying substance must not be discussed or shared by phone, fax, email, videoconference, internet and the like.**

Informing people about the legislation and associated processes in WA (either generic or in relation to a person's circumstances) may be undertaken via a carriage service and is not considered to infringe the Commonwealth Criminal Code to the extent that the information **does not advocate, encourage, incite, promote or teach** about how to undertake **the act of administration of a voluntary assisted dying substance**.

This applies to everyone who discusses voluntary assisted dying, including with a patient, their carers or their family members.

## I'm employed by a health service. How does voluntary assisted dying operate in my workplace?

That depends on the health service.

If you work within a health service (e.g. hospital, hospice, general practice, residential aged care facility etc) there should be systems and processes in place to manage requests for information about, or access to, voluntary assisted dying. These should be in place even if the service does not provide or support voluntary assisted dying.

You should find out who you can direct patient enquiries about voluntary assisted dying to within your service. If there is no designated person to direct patient enquiries to, you can refer a patient to SWCNS.

The Care Navigators can be contacted by email and phone during standard work hours (8:30 am – 5:00 pm).

Email: [VADcarenavigator@health.wa.gov.au](mailto:VADcarenavigator@health.wa.gov.au)

Phone: (08) 9431 2755

## **The Act states that there can be no reference to voluntary assisted dying on the death certificate?**

Under section 82(6) of the Act, the death certificate must not contain any reference to voluntary assisted dying. The intention of this clause is to protect the privacy of the person and to reflect that the person dies of the underlying illness.

## **Which medical practitioner should certify the death?**

If the patient has made a practitioner administration decision, the Administering Practitioner can issue the death certificate (if they are a medical practitioner). If the Administering Practitioner is a nurse practitioner, they can certify life extinct but should organise for a medical practitioner to issue the death certificate.

If the patient has chosen to self-administer the voluntary assisted dying substance without a medical practitioner present, a medical practitioner will need to attend to certify the death. This may be a medical practitioner who supported the person to access voluntary assisted dying (e.g. the Coordinating Practitioner) or it may be someone else who is aware that the person has accessed voluntary assisted dying (e.g. their usual GP).

## **How do practitioners charge for the services they provide as part of the voluntary assisted dying process?**

The charging of fees for services is a matter for individual practitioners to be undertaken in a manner compliant with, and in consideration of, relevant existing frameworks and guidance (e.g. Medicare Benefits Schedule, Registration Board Codes of Conduct etc).

## **I've noticed that there are several administrative tasks for participating practitioners. What supports are in place, so the process can run smoothly?**

The VAD-IMS has been developed to help practitioner comply with the Act. Online and fax options for submission of the forms aim to make the process as accessible as possible. VAD-IMS will pre-fill information in several forms and can generate receipts to confirm when tasks are completed.

In addition, the Voluntary Assisted Dying Board Secretariat can help with questions relating to VAD-IMS and documenting the voluntary assisted dying process. SWPS can answer questions and provide information about the prescription and administration processes and SWCNS can answer questions or provide information about other aspects of voluntary assisted dying to support practitioners.

## **Is there a Community of Practice for voluntary assisted dying in WA?**

Yes. The WA VAD Community of Practice brings together practitioners actively engaged in the voluntary assisted dying process, including medical practitioners, nurse practitioners, SWPS pharmacists and the Care Navigators. This peer support network aims to provide opportunities for members to share their experiences, support each other, learn from one another and seek guidance from senior practitioners with experience in palliative and end-of-life care, and managing complex deaths.

## **What support is available for health professionals?**

Employees of the WA public sector, and many private health care provider organisations, will have access through their employer to an Employee Assistance Program (EAP) that provides free short-term counselling.

Additional resources are available to assist health professionals to find appropriate services to meet their needs, including:

- The Doctors' Health Advisory Service WA, which provides a confidential, 24/7 support line and referral system for doctors in WA phone (08) 9321 3098
- Nurse & Midwife Support, which is a 24/7 national support service for Australian nurses and midwives providing access to confidential advice and referral. Phone 1800 667 877



- The GP Support Program, which is a free service offered by the Royal Australian College of General Practitioners in line with the college's commitment to foster a culture of self-care among GPs. Phone 1300 361 008
- WA Primary Health Alliance, which has a support program available to all general practice staff. Phone 1800 2 ASSIST (1800 277 478)

Additional support resources can be found in the WA VAD Guidelines.

### Where can I find more information on voluntary assisted dying?

For further information please visit the Department of Health WA website [ww2.health.wa.gov.au/voluntaryassisteddying](http://ww2.health.wa.gov.au/voluntaryassisteddying)

### Glossary of terms

Refer to *Accessing voluntary assisted dying in Western Australia – Glossary of terms* for explanations of key terms used within this information sheet.

#### Acknowledgement

Some content in this document is based on the resources of the Victorian Department of Health and Human Services and has been used with permission.

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 Western Australia. While every reasonable effort has been made to ensure the accuracy of the information contained in this information 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. The information in this information sheet is not intended to be, nor should it be, relied upon as a substitute for legal, clinical or other professional advice.

Neither the State of Western Australia nor its officers, employees, agents, agencies, instrumentalities, contractors, successors, assigns and others acting under its control shall be responsible for any loss or damage howsoever caused, and whether or not due to negligence, arising from the use or reliance on any information provided in this information sheet.

This document can be made available in alternative formats on request for a person with disability.

Produced by Health Networks  
© Department of Health 2021

Copyright to this material is vested in the State of Western Australia unless otherwise indicated. Apart from any fair dealing for the purposes of private study, research, criticism or review, as permitted under the provisions of the *Copyright Act 1968*, no part may be reproduced or re-used for any purposes whatsoever without written permission of the State of Western Australia.