



Accessing voluntary assisted dying in Western Australia

Frequently Asked Questions

This information sheet is for people who may have questions about the assisted dying process in Western Australia (WA).

What is voluntary assisted dying?

Voluntary assisted dying is the legal process that enables a patient to legally access medication that will cause their death. This medication is called the voluntary assisted dying substance. The patient may choose to prepare and take the voluntary assisted dying substance themselves or may have the substance administered to them by a medical practitioner or nurse practitioner.

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 will be able to access voluntary assisted dying and what the process will involve in WA.

Why would someone access voluntary assisted dying?

Most people will find that palliative care and end-of-life services provide the support they need. These services help to improve the quality of life for people with advanced disease and provide support to their carers and family.

Even with the best care, some people getting close to the end of their life can experience suffering that is unable to be relieved in a way that is tolerable to them and may want to ask for assistance to die. If these people meet all the eligibility criteria, and follow the process set out in the *Voluntary Assisted Dying Act 2019* (the Act), they may access voluntary assisted dying.

Is voluntary assisted dying the same as euthanasia?

The term 'voluntary assisted dying' is used in WA because the Act allows some people near the end of their lives to make their own decision about how and when they die. The person must ask a medical practitioner for access to voluntary assisted dying themselves and continue to be able to make their own decisions throughout the process.

Euthanasia is a different term that can be interpreted in a range of ways that are not always consistent with voluntary assisted dying.

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

People with a disability or mental illness have the same right to ask for voluntary assisted dying as others in the community. Like anyone else, people who have a disability or mental illness must still meet all the criteria set out in the Act to access voluntary assisted dying (including the ability to make and communicate a decision about voluntary assisted dying throughout the process). Having a disability or mental illness alone does not meet the criteria set out in the Act.

Can someone with dementia access voluntary assisted dying?

Having dementia on its own is unlikely to make a person eligible for voluntary assisted dying. By the time the disease is advanced the person will usually no longer have decision-making capacity.

However, a person diagnosed with dementia may be eligible if they meet the eligibility criteria in relation to a different disease, illness or medical condition. Like anyone else, people who have dementia must still meet all the criteria set out in the Act to access voluntary assisted dying (including the ability to make and communicate a decision about voluntary assisted dying throughout the process).

Who will monitor WA's voluntary assisted dying law?

The Voluntary Assisted Dying Board monitors voluntary assisted dying in WA. The Board will regularly review the process to ensure compliance with the Act and to recommend safety and quality improvements.

The Voluntary Assisted Dying Board does not have an investigatory or enforcement role. There are other agencies with these functions, such as WA Police and the Department of Health (among others).

What is the Western Australian Voluntary Assisted Dying Care Navigator Service (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 and can answer questions, give advice or provide information about voluntary assisted dying.

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

Phone: (08) 9431 2755

More information is available in the *Accessing voluntary assisted dying in Western Australia – What is the Western Australian Voluntary Assisted Dying Statewide Care Navigator Service?* information sheet.

Who can I talk to if I have questions about voluntary assisted dying?

A first step may be to ask a medical practitioner or other health professional involved in your care for information.

SWCNS can also answer questions, give advice or provide information about voluntary assisted dying in WA.

Detailed information on voluntary assisted dying can also be found on the [Department of Health](#) website.

Who can help me access voluntary assisted dying?

Only a medical practitioner can assess your eligibility for access to voluntary assisted dying. This is why a request to access voluntary assisted dying (called the First Request) must be made to a medical practitioner during a medical consultation. To be eligible to participate in voluntary assisted dying a medical practitioner must meet several criteria that ensure they are qualified, experienced and able to support you during the process.

On your request, other health professionals, such as nurses and allied health professionals (e.g. social workers, physiotherapists, speech pathologists etc) can give you information and support you if you are considering voluntary assisted dying. They can continue to care for you during the voluntary assisted dying process, if this is your choice.

SWCNS will also be able to provide information, answer your questions and offer support.

Do health practitioners have to participate in voluntary assisted dying?

No. The Act allows registered health practitioners (for example medical practitioners, nurse practitioners and pharmacists) to refuse to participate in voluntary assisted dying. This means they can choose not to:

- assess a person for voluntary assisted dying
- prescribe, supply or administer the voluntary assisted dying substance
- be present at the time of administration of the voluntary assisted dying substance.

However, if you have formally requested access to voluntary assisted dying from a medical practitioner during a medical consultation, they must provide you with an information booklet, so you know where you can seek access or support. This booklet is titled ‘Approved information for a person making a First Request for voluntary assisted dying’.

Does the health service I use participate in voluntary assisted dying?

That depends on the health service.

Some health services (e.g. hospital, hospice, general practice, residential aged care facility, home care services etc) may choose not to participate in voluntary assisted dying if it does not align to the purpose or values of the service.

Even if a health service is not participating, you can still ask the staff where you can go to get information about voluntary assisted dying and what arrangements could be made to enable you to access voluntary assisted dying, if this is your choice.

Can my carer, family, friend or support person ask for voluntary assisted dying for me?

No. Only you can ask for voluntary assisted dying. This is an important part of making sure your decision is voluntary.

You can ask your carer, family, friend or support person to be with you when you make the First Request to a medical practitioner but only you can ask for voluntary assisted dying.

Can I request voluntary assisted dying in an Advance Health Directive?

No, you cannot.

The Act requires that people making a request for access to voluntary assisted dying have decision-making capacity throughout the entire process to make sure their decision remains voluntary and enduring. An Advance Health Directive is used to record your decisions about future treatment, in the event that you lose the ability to make your own decisions.

I have a person who can legally make medical treatment decisions for me. Can they ask for voluntary assisted dying for me?

No. Only you can ask for access to voluntary assisted dying.

A medical treatment decision-maker, such as an Enduring Guardian, can only make decisions about your medical treatment if you cannot make the decision yourself (e.g. if you are unconscious). The Act requires that you be able to make your own decisions throughout the voluntary assisted dying process.

How common is voluntary assisted dying likely to be in WA?

It is hard to know, but in general voluntary assisted dying is only accessed by a small proportion of people at end of life.

During the first 18 months of the Victorian Act, a total of 581 people began the process to access voluntary assisted dying. Of the people who began the process, a total of 224 administered the medication and died.

In comparison, WA has approximately a third of the population of Victoria.

What if I need an interpreter or assistance with communication?

If you speak a language other than English, you can use an accredited interpreter to help you make the request for access to voluntary assisted dying. You can also use an interpreter during the assessments. If a medical practitioner or nurse practitioner is unsure about how well you understand English, they will use an interpreter.

If you have a disability that affects your ability to communicate you can use your preferred means of communication to request voluntary assisted dying (e.g. a communication aid, writing or gestures).

More information can be found in the information sheet [*Accessing voluntary assisted dying in Western Australia – Assistance with communication*](#).

Can a medical practitioner or nurse practitioner start a discussion about voluntary assisted dying with me?

Yes. A medical practitioner or nurse practitioner can talk to you about voluntary assisted dying as one option during a discussion about your end-of-life choices. The medical practitioner or nurse practitioner must also discuss treatment and palliative care options with you at the same time.

Can another health professional or healthcare worker start a discussion about voluntary assisted dying with me?

No. Under the law **only** medical practitioners and nurse practitioners are permitted to start a discussion about voluntary assisted dying.

Other health professionals and healthcare workers can respond to your questions about voluntary assisted dying, and provide information about the process, but they are not allowed to start a discussion about voluntary assisted dying with you.

It is important to remember that some people involved in your care may not be comfortable talking about voluntary assisted dying. The Western Australian Voluntary Assisted Dying Statewide Care Navigator Service (SWCNS) will be able to provide you with information and answer any questions you have.

Information on the roles of medical practitioners, nurse practitioners and other health professionals can be found in the information sheets [*Providing voluntary assisted dying in Western Australia – Health professional participation*](#) and [*Providing voluntary assisted dying in Western Australia – FAQs for health professionals*](#).

Is someone allowed to pressure me into asking for voluntary assisted dying?

No. There are strong safeguards in place to make sure your decision to request access to voluntary assisted dying is your own, and you are not being pressured by others. If you feel you are being pressured to ask for access to voluntary assisted dying you should discreetly raise this with your medical practitioner or another trusted health professional involved in your care. You can also contact the SWCNS for advice.

Only you can ask for access to voluntary assisted dying. Your carer, family, friend or support person cannot ask for you. If a medical practitioner discusses voluntary assisted dying with you, they must also talk to you about treatment and palliative care so that you are informed about all your options.

As part of the process, two (2) medical practitioners must assess that you are able to decide about voluntary assisted dying. Both medical practitioners must have completed training in assessing a person for access to voluntary assisted dying. Both medical practitioners must assess that you are acting voluntarily and not being forced by someone to request it.

Can I change my mind about accessing voluntary assisted dying?

Yes, absolutely.

There are three times during the process when you must clearly request access to voluntary assisted dying – the First Request, the Written Declaration and the Final Request. These steps confirm that continuing with the process is something you still want.

If at any point you change your mind about continuing with the voluntary assisted dying process, you can tell your Coordinating Practitioner and the process will immediately stop.

Can I receive palliative care if I ask for voluntary assisted dying?

Yes. Voluntary assisted dying is not intended to be an alternative or exclude access to palliative care.

Both voluntary assisted dying and palliative care are part of a range of end-of-life choices and can play important roles in how a person approaches the end of their life. Most people who request voluntary assisted dying will also be supported by palliative care services. If you have not yet received palliative care services, you may want to talk to a medical practitioner or another health professional involved in your care about how to access these services.

How long does the voluntary assisted dying process typically take?

The time it will take from making the First Request to taking the voluntary assisted dying substance will likely be different for each person.

There are many different factors involved and it is difficult to estimate a timeframe. For some people it may be a few weeks and for others it may take longer, especially if additional assessments are needed or if travel is required.

What if I need to access voluntary assisted dying quickly?

The Final Request cannot be made before the end of the designated period. This is a period of nine (9) days beginning on the day the First Request is made. However, in some circumstances it can occur sooner than this.

If your Coordinating Practitioner believes that you will die or lose capacity to make decisions about voluntary assisted dying before the end of the designated period, you may be allowed to access the voluntary assisted dying substance sooner. You will need to discuss this with your Coordinating Practitioner.

Are there costs associated with voluntary assisted dying?

Possibly. As with other healthcare services, there may be associated costs.

For example, you may need to pay for the appointments with the Coordinating Practitioner, Consulting Practitioner and any other registered health professionals you need to see. You should discuss any costs you may need to cover at the start of the process. There are no costs for the voluntary assisted dying substance or using SWCNS.

If you live in a regional or remote area, there is support available so that you are not disadvantaged in accessing voluntary assisted dying. This is called the Regional Access Support Scheme (RASS) and is managed by SWCNS. The Care Navigators will be able to assess if you are eligible to access this support.

How do I request voluntary assisted dying?

Talking to a medical practitioner about voluntary assisted dying does not begin the process. The formal process begins when you ask for assistance to end your life.

This is called a First Request and must be made in-person to a medical practitioner during a medical consultation (or by videoconference if in-person is not practical). Your request for voluntary assisted dying should be clear and unambiguous, so the medical practitioner understands exactly what you are asking.

More information can be found in the [Accessing Voluntary Assisted Dying in Western Australia – Making the First Request](#).

I don't think I will meet the criteria for voluntary assisted dying. What can I do?

Under the law, you must meet **all** the eligibility criteria to access voluntary assisted dying.

If you are thinking about requesting access to voluntary assisted dying, but do not think you will meet the criteria, it might still be a good idea to talk to a medical practitioner or another health professional involved in your care about how you are feeling. They can help you explore why you are thinking about voluntary assisted dying, and also what treatment, palliative care options and practical and psychosocial support services may help you.

My medical practitioner has refused my First Request for voluntary assisted dying. What can I do?

A medical practitioner may refuse a First Request for several reasons.

If a medical practitioner refuses your First Request, they **must** provide you with an information booklet called [Approved information for a person making a First Request for voluntary assisted dying](#). They **must** also notify the Voluntary Assisted Dying Board that you have made a First Request and they have refused it.

The medical practitioner may suggest another medical practitioner who can help you if they can't. If they do not suggest someone else, you can contact SWCNS to help you find a medical practitioner who is willing to assess your eligibility for accessing voluntary assisted dying.

My Coordinating Practitioner did the First Assessment and decided I am not eligible for voluntary assisted dying. What can I do?

If the Coordinating Practitioner determines you are not eligible for voluntary assisted dying, usually this will be the end of the assessment process. They can discuss other options available to you, including palliative care.

If you choose to, you can request to start the process again with another medical practitioner by making a new First Request. You can also start the process again in the future, for example if things change, by making a new First Request at a later date.

If the Coordinating Practitioner determines you are not eligible because:

- you do not have decision-making capacity in relation to voluntary assisted dying, or
- you have not been ordinarily resident in WA for a period of at least 12 months, or
- you are not acting voluntarily and without coercion

and you disagree with this decision, then you can apply to the State Administrative Tribunal (SAT) for a review of that decision.

More information can be found in the information sheet [Accessing Voluntary Assisted Dying in Western Australia – Review of certain decisions](#).

My Consulting Practitioner did the Consulting Assessment and decided I am not eligible for voluntary assisted dying. What can I do?

If the Consulting Practitioner assesses that you are not eligible for voluntary assisted dying, you and your Coordinating Practitioner may agree to refer you to another medical practitioner for another Consulting Assessment.

If your Coordinating Practitioner does not think it is appropriate to refer you for another Consulting Assessment, the process ends. You may want to talk to your Coordinating Practitioner or another health professional involved in your care about options available to you, including palliative care.

I am eligible for voluntary assisted dying. How will I take the voluntary assisted dying substance?

That is a decision for you and your Coordinating Practitioner. Many people will prepare and take the voluntary assisted dying substance themselves.

If you are likely to have issues preparing or taking the substance yourself or have concerns about preparing or taking the substance yourself, you should talk to your Coordinating Practitioner about having a medical practitioner or nurse practitioner administer the voluntary assisted dying substance.

Can someone help me prepare and take the voluntary assisted dying substance?

No. You **cannot** have help to prepare or take the voluntary assisted dying substance.

There are only two options for taking the voluntary assisted dying substance.

1. You prepare and take the substance yourself (without any assistance).
2. You have the substance prepared and administered by a medical practitioner or nurse practitioner (in the role of Administering Practitioner).

If the first option isn't possible, or you are concerned about being able to prepare and take the substance, you may, on the advice of your Coordinating Practitioner, decide on the second option.

Can I choose where and when to take the voluntary assisted dying substance?

In most circumstances, yes. Many patients may decide to take the voluntary assisted dying substance in their home as this is a comfortable, familiar and supported environment.

If you want to take it somewhere other than your home (e.g. hospital, hospice or residential care facility etc) you will need to check if the facility is able to support you. Some hospitals, hospices and residential care facilities may not agree with voluntary assisted dying or may not have the staff or privacy needed to safely support you when you take the substance.

You should start talking to your Coordinating Practitioner as early as possible about where you would prefer to take the voluntary assisted dying substance.

Can I choose who is with me when I take the voluntary assisted dying substance?

Yes. You should think about who you want with you when you take the voluntary assisted dying substance. You are encouraged to have at least one other person there, so you are not alone (but you do not have to, if this is your choice).

If you have chosen to self-administer the voluntary assisted dying substance you may wish to have a medical practitioner or other health professional, such as a nurse, with you. While they cannot assist you in preparing or taking the substance, they can make sure you are comfortable during the dying process. This will need to be arranged beforehand.

If you are going to take the substance yourself and choose not to have someone present it is important you let your Contact Person know when and where you plan to take the voluntary assisted dying substance as they have specified responsibilities under the Act.

What if no one can be with me when I take the voluntary assisted dying substance?

If (for whatever reason) there is no one available to be with you, talk with your Coordinating Practitioner (who must notify the Board of your death, and who would generally complete the death certificate), or the SWCNS about how someone can be there to support you.

I am having a practitioner administer the voluntary assisted dying substance to me. Do I need a witness?

Yes, you do.

It is your choice as to who is with you at the time of administration but there must be someone there to act as a witness to the administration of the substance. The witness must be 18 years or older and must not be related to the Administering Practitioner or work for the Administering Practitioner.

Can anyone stop me from taking the voluntary assisted dying substance?

The only person who can decide whether to take the voluntary assisted dying substance is you.

If your decision to take the substance is difficult for those close to you, your Coordinating Practitioner, the SWCNS or another health professional may be able to help you find ways to talk about voluntary assisted dying with them.

Could something go wrong when I take the voluntary assisted dying substance?

Your Coordinating Practitioner will talk to you about the likely outcome and any risks of taking the voluntary assisted dying substance.

We know from places where voluntary assisted dying has been available for a while that most people will lose consciousness shortly after taking the voluntary assisted dying substance or having the substance administered. Most people will die very soon after this.

What can I do to make the voluntary assisted dying process as straightforward as possible?

Preparing for the assessment process in advance can be helpful.

For example, you may need documentation in relation to your citizenship and/or residency status to show to your Coordinating Practitioner and Consulting Practitioner. Gathering the evidence for each of the eligibility criteria ahead of time can be very helpful for the medical practitioners involved in the process.

Is there support available for the people I leave behind?

After your death, your family and friends may experience a whole range of emotions such as sadness, anger, anxiety or numbness, through to relief or resolution. Supporting each other is important in helping people who are experiencing bereavement. Grief can be very painful, but most people can gradually find ways to live with their loss.

There are several community organisations that offer support and counselling services to help with managing grief.

More information for family, friends and carers is available in the information sheets *Voluntary assisted dying in Western Australia – Supporting someone through the process* and *Accessing voluntary assisted dying in Western Australia – Considerations for an assisted death*.

What can I do to prepare the people I care about as I approach the end of my life?

Talk to them.

Talking with others about end of life can help you to make decisions about the choices available to you. It can also make all the difference to how others feel about the decisions you make, especially those closest to you.

Your plans should also be discussed with a medical practitioner or another health professional involved in your care. They will be able to provide additional advice and support. Discussing what you want to happen, how you want it to happen and who you want to be involved will allow the people you trust to support you and your wishes.

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

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