

## Accessing voluntary assisted dying in Western Australia

# Review of certain decisions

### Summary

This information sheet is for people who want to know more about the process for having the State Administrative Tribunal (SAT) review certain decisions as part of the voluntary assisted dying assessment process. It provides an overview of who can apply for review, under what circumstances, and the role of SAT in the voluntary assisted dying process.

### Key points include:

- SAT is the independent body that can review certain decisions related to the voluntary assisted dying assessment process.
- The decisions that SAT can review are limited to decisions about the patient's residency status, decision-making capacity and whether they are acting voluntarily and without coercion.
- Only certain people can request a review by SAT. These are detailed below.
- A person who intends to request a review of a voluntary assisted dying decision, or who is affected by an application to review a decision, can contact SAT for further information.

### What is the role of the State Administrative Tribunal in the voluntary assisted dying process?

The State Administrative Tribunal (SAT) is an independent body that makes and reviews a range of decisions related to administrative, commercial and personal matters in Western Australia (WA). These matters span human rights, vocational regulation, commercial and civil disputes and development and resources issues.

SAT is the primary place for the review of decisions made by Government agencies, public officials and local governments. It also makes a wide variety of original decisions. Under the *Voluntary Assisted Dying Act 2019* (the Act), SAT can review and make decisions about some of the outcomes of the assessments completed as part of the voluntary assisted dying process.

These assessments include the First Assessment, the Consulting Assessment and the Final Review and may have been completed by the Coordinating Practitioner or the Consulting Practitioner. More information about these assessments can be found in the fact sheet [Accessing voluntary assisted dying in Western Australia – Overview of the process](#).

### Which decisions can be reviewed by SAT?

Only certain decisions can be reviewed by SAT. These are called **reviewable decisions**.

Section 84(1) of the Act outlines the reviewable decisions:

- A decision that, at the time of making the First Request (for access to voluntary assisted dying), the patient has or has not been ordinarily resident in WA for a period of at least 12 months.

- A decision that the patient has or does not have decision-making capacity in relation to voluntary assisted dying.
- A decision that the patient is or is not acting voluntarily and without coercion. (i.e. they are not being forced or persuaded to request voluntary assisted dying).

### **Who can apply for a decision to be reviewed by SAT?**

Under the Act, the following people are considered eligible applicants and may apply to SAT for review of a decision:

- the patient who is the subject of the voluntary assisted dying assessment; or
- an agent of the patient (i.e. someone acting on the patient's behalf); or
- a person who SAT is satisfied has a special interest in the medical treatment and care of the patient.

It is up to SAT to determine if the person making the application for review is eligible to do so. Being a family member does not mean the person is automatically considered to have a special interest.

### **How do I lodge a request for a decision to be reviewed by SAT?**

SAT uses an eLodgment system that is available 24 hours a day, 7 days a week. The request for review of a voluntary assisted dying decision can be lodged using this system.

### **What happens to the voluntary assisted dying process while a decision is being reviewed?**

The voluntary assisted dying process for the person will be suspended until the review is completed. SAT is aware of how important time is where voluntary assisted dying is concerned and will aim to review the application as quickly as possible. The outcome of the review by SAT will determine the next steps in the voluntary assisted dying process.

### **Where can I find more information?**

Please visit [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) for more information about the SAT process

### **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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