



Voluntary assisted dying in Western Australia

Information for first responders and similar roles

Summary

This information sheet provides an overview of the voluntary assisted dying process in Western Australia (WA) as it relates to people who, by the nature of their work, have a duty to respond to an emergency medical situation (often called first responders). First responders may include ambulance officers, police officers, firefighters, registered health practitioners and others.

This information sheet outlines what voluntary assisted dying is; provides guidance on an appropriate response for first responders attending a patient who is accessing voluntary assisted dying; and details information on the related protections in the legislation.

Key points include:

- The *Voluntary Assisted Dying Act 2019* (the Act) is the legislation that regulates voluntary assisted dying in WA.
- The Act contains provisions to protect first responders from civil, criminal and professional liability if they do not provide life-sustaining treatment to a patient who has taken or been administered the voluntary assisted dying substance.
- These provisions also protect first responders working in a volunteer capacity.

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 take the substance themselves or have it administered by a medical practitioner or nurse 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 involves in WA.

The information sheet *Providing voluntary assisted dying in Western Australia – Health professional participation* provides an overview of which healthcare professionals are able to participate in voluntary assisted dying.

Why does the legislation include provisions to protect first responders?

A first responder being called to attend a patient who is accessing voluntary assisted dying is likely to be a rare occurrence. However, first responders usually have a duty to administer life-saving or life-preserving medical treatment. This is not the case with voluntary assisted dying.

As a result, there are provisions in the Act to protect a first responder who does not administer lifesaving treatment to a patient who has taken the voluntary assisted dying substance to end their life.

Protection for certain persons who do not administer medical treatment

The Act provides protection from civil liability, criminal liability and breach of professional ethics or standards for first responders who are present after a patient is administered, or has self-administered, the voluntary assisted dying substance.

In general terms, this means that a first responder who does not provide lifesaving medical treatment to a patient they believe on reasonable grounds is dying after self-administering or being administered the voluntary assisted dying substance is protected in accordance with the Act.

This is provided that the patient has not directly requested lifesaving treatment (which is unlikely for someone accessing voluntary assisted dying).

In these circumstances the patient has made a voluntary, informed and enduring decision to die and first responders should not prevent this from happening. The protections in the Act ensure there is no liability resulting from the decision not to provide life-sustaining treatment in these circumstances.

I am a volunteer ambulance officer. Do these protections apply to me?

Yes, the definition of ambulance officer in the Act specifically includes those engaged on a voluntary basis.

If I am not providing life-sustaining treatment in this situation, what can I do?

First responders attending a patient who has accessed voluntary assisted dying are able to provide palliative and comfort care to the patient and they may also provide support for the family.

What does the legislation actually say?

An extract of Section 115 of the Act is provided below.

115. Protection for certain persons who do not administer lifesaving treatment

(1) In this section—

ambulance officer means a person employed or engaged (including on a voluntary basis) by the provider of an ambulance service to provide medical or other assistance to persons in an emergency;

lifesaving treatment means lifesaving or life-preserving medical treatment;

protected person means—

- (a) a registered health practitioner; or
- (b) an ambulance officer; or
- (c) a person (other than a person referred to in paragraph(a) or(b)) who has a duty to administer lifesaving treatment to another person.

(2) This section applies if a protected person, in good faith, does not administer lifesaving treatment to another person in circumstances where—

- (a) the other person has not requested the administration of lifesaving treatment; and
- (b) the protected person believes on reasonable grounds that the other person is dying after self-administering or being administered a prescribed substance in accordance with this Act.

(3) The protected person does not incur any civil liability or criminal liability for not administering the lifesaving treatment.

- (4) The non-administration of the lifesaving treatment is not to be regarded as—
- (a) a breach of professional ethics or standards or any principles of conduct applicable to the protected person's employment; or
 - (b) professional misconduct or unprofessional conduct.

Where do I find more information?

For further information please visit the Department of Health WA website 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.