Voluntary assisted dying in Western Australia

Being the Contact Person

Summary

This information sheet is for people who want to know more about the role of the Contact Person in the voluntary assisted dying process that will become a legal option in Western Australia (WA) from 1 July 2021.

Key points include:

- Voluntary assisted dying allows an eligible person to legally access medication that will cause their death. This medication is called the voluntary assisted dying substance.

- A person who intends to take the voluntary assisted dying substance themselves, rather than have it administered by a medical practitioner (doctor) or nurse practitioner must choose a Contact Person.

- The Contact person has responsibilities under the law, especially where there may be any unused or remaining voluntary assisted dying substance. These are detailed below.

- Anyone over 18 years of age can agree to be the Contact Person, including any health professional involved in the care of a person intending to access voluntary assisted dying.

- There are resources available to support the Contact Person while they are in the role.

Why is the Contact Person needed?

Voluntary assisted dying allows an eligible person to legally choose to access medication that will cause their death. This medication is known as the voluntary assisted dying substance. 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 outline the eligibility criteria, key steps and roles involved in the voluntary assisted dying process.

If a person has decided to self-administer the voluntary assisted dying substance (take it themselves), they must choose a Contact Person. The Contact Person needs to be appointed before a medical practitioner can write the prescription for the voluntary assisted dying substance. Things to be considered in choosing a Contact Person are outlined in the information sheet Accessing voluntary assisted dying in Western Australia – Choosing the Contact Person.

Having a Contact Person is not necessary if a medical practitioner or nurse practitioner is going to administer the voluntary assisted dying substance to the person.

Who can be the Contact Person?

Anyone who has reached 18 years of age can agree to be the Contact Person, including any health professional involved in the care of a person intending to access voluntary assisted dying.

As the Contact Person has special responsibilities under the law, they must agree to take on the role.
How is the Contact Person appointed?

To appoint a Contact Person, the person seeking voluntary assisted dying and the person who has agreed to be the Contact Person will need to complete the Contact Person Appointment form. Once completed, this form must be given to the Coordinating Practitioner (the medical practitioner who is organising the process) who will make sure it is provided to the Voluntary Assisted Dying Board. The Contact Person should therefore be comfortable with the Coordinating Practitioner and the Board knowing who they are.

Once appointed, the Contact Person will then be sent information by the Voluntary Assisted Dying Board that outlines their responsibilities. This information may be provided by email or post.

Being the Contact Person is entirely voluntary and the person in the role can choose to withdraw at any time. If this happens, the Contact Person must inform the person seeking voluntary assisted dying that they have decided to withdraw and will no longer be the Contact Person.

A new Contact Person must then be appointed by filling out a new Contact Person Appointment form and submitting it to the Board via the Coordinating Practitioner.

What does the Contact Person have to do?

An Authorised Supplier is responsible for providing the voluntary assisted dying substance prescribed by the Coordinating Practitioner. An Authorised Disposer is responsible for disposing of any voluntary assisted dying substance that is not used.

Under the law, the Contact Person:

- Can receive the voluntary assisted dying substance from the Authorised Supplier, possess and then supply the substance (hand it over) to the person seeking voluntary assisted dying. They must also give the person the written information that is provided by the Authorised Supplier and accompanies the substance.
- The Contact Person must inform the Coordinating Practitioner when the person seeking access to voluntary assisted dying dies (either through taking the substance or from some other cause).
- In certain situations, the Contact Person must give the voluntary assisted dying substance (or any unused substance) to an Authorised Disposer so that they can safely dispose of it.

In most cases, there will not be any unused voluntary assisted dying substance at the end of the process. However, there are a few situations in which the Contact Person will need to give unused or remaining substance to an Authorised Disposer.

1. If a person already has the voluntary assisted dying substance but dies before they can self-administer it and the Contact Person knows that there is unused voluntary assisted dying substance; or
2. If a person already has the voluntary assisted dying substance but changes their mind about self-administering it (formally revokes their decision); or
3. If a person self-administers the voluntary assisted dying substance but unused substance remains after their death and the Contact Person knows that there is unused voluntary assisted dying substance remaining. The voluntary assisted dying substance will be carefully measured to be the exact amount needed so this is very unlikely.

Given the lethal nature of the voluntary assisted dying substance, giving the unused or remaining substance to an Authorised Disposer is very important. If the Contact Person fails to do this within the required timeframe (14 days after the day on which the person dies or revokes their decision), they could face a 12-month prison sentence under the law.
Support for the Contact Person

Being the Contact Person for someone who is accessing voluntary assisted dying is a very important role that has significant responsibilities.

The Statewide VAD Care Navigator Service has been specifically established to support anyone involved with voluntary assisted dying in WA. From 1 July 2021, the Care Navigators will be able to provide advice and support for the Contact Person while they are in this role.

In addition, the medical practitioners and other health professionals involved in a person’s care (e.g., Coordinating Practitioner, nurse etc.) may also be able to offer advice or answer questions that the Contact Person might have.

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.