

Accessing voluntary assisted dying in Western Australia

Completing the Written Declaration

Summary

This information sheet is for people who want to know more about the Written Declaration that must be completed as part of the voluntary assisted dying process.

Key points include:

- The Written Declaration is a formal written request for access to voluntary assisted dying and is required under the *Voluntary Assisted Dying Act 2019* (the Act).
- A person seeking voluntary assisted dying may make the Written Declaration once they have been found eligible for access to voluntary assisted dying by both the Coordinating Practitioner and Consulting Practitioner.
- The Written Declaration must be made in the approved form. This will be available from the Coordinating Practitioner or Consulting Practitioner.
- The patient who has requested to access voluntary assisted dying can sign the Written Declaration themselves or have someone sign it on their behalf.
- The Written Declaration must be witnessed by two (2) witnesses. Details on who can be witnesses are included below.
- Interpreting and translation services can be used to complete the Written Declaration.

What is the Written Declaration?

The Written Declaration is a formal written request for access to voluntary assisted dying. Under the Act, a patient who has requested to access voluntary assisted dying in Western Australia will need to make the Written Declaration once they have been assessed as eligible for access by both the Coordinating Practitioner and the Consulting Practitioner. More information on the roles of these practitioners and the assessments they perform is available in the information sheet [Accessing voluntary assisted dying in Western Australia – Overview of the process](#).

How to complete the Written Declaration

The Written Declaration must be made in the approved form. This can be downloaded and printed from the Voluntary Assisted Dying – Information Management System (VAD-IMS) by either the Coordinating Practitioner or the Consulting Practitioner.

The Written Declaration must specify that the patient:

- is making the Written Declaration voluntarily and without coercion; and
- understands the nature and effect of the Written Declaration.

The person must sign the Written Declaration in the presence of two (2) witnesses.

Who can be a witness?

To be eligible to be a witness, a person must:

- be 18 years of age or older; and
- not know or believe that they are a beneficiary under the will of the patient (or may otherwise benefit financially or in any other material way from the death of the patient); and
- not be a family member of the patient; and
- not be the Coordinating Practitioner or the Consulting Practitioner.

Each witness will sign the Written Declaration, certifying that the patient making the declaration appeared to freely and voluntarily sign the declaration. Each witness will certify that they are not knowingly ineligible to be a witness.

What if the patient is not able to complete the Written Declaration?

If the patient is unable to complete the Written Declaration, they can have someone complete it on their behalf. This person must:

- be 18 years of age or older; and
- not be one of the two witnesses to the signing of the Written Declaration; and
- not be the Coordinating Practitioner or the Consulting Practitioner; and
- sign at the direction and in the presence of the patient.

In this case, each witness will sign the Written Declaration, certifying that:

- in the presence of the witness, the patient appeared to freely and voluntarily direct the other person to sign the declaration; and
- the person signed the declaration in the presence of the patient and in the presence of the witness.

Each witness will also certify that they are not knowingly ineligible to be a witness (as described above).

What if the patient needs interpreting or translation services?

The Written Declaration can be completed with the assistance of an interpreter who holds a credential issued under the National Accreditation Authority for Translators and Interpreters (NAATI) certification scheme. The interpreter will sign and certify on the Written Declaration that they provided a true and correct translation of any material translated.

Often in medical and health settings, family members may offer to assist with interpretation or translation. This type of assistance for someone seeking voluntary assisted dying is not allowed under the Act. Interpreters who hold a credential issued under the NAATI certification scheme are qualified to communicate difficult information accurately. They are also bound by confidentiality and are not allowed to share the information they receive while working.

If an interpreter is required to help complete the Written Declaration, this should be arranged by the Coordinating Practitioner involved (and typically at no cost to the person). The Western Australian Voluntary Assisted Dying Statewide Care Navigator Service (SWCNS) can also be contacted to assist during standard work hours (8:30am – 5:00pm).

Email: VADcarenavigator@health.wa.gov.au

Phone: (08) 9431 2755

What should happen once the Written Declaration is made?

Once the Written Declaration has been made it must be given to the Coordinating Practitioner. The Coordinating Practitioner must submit the Written Declaration to Voluntary Assisted Dying Board within two business days after receiving it.

The Coordinating Practitioner or SWCNS will be able to answer additional questions about making the Written Declaration.

Where can 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

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