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 that will become a legal option in Western Australia (WA) from 1 July 2021.

Key points include:

* The Written Declaration is a formal written request for access to voluntary assisted dying and is required by law.
* A person seeking voluntary assisted dying can complete the Written Declaration once they have been found eligible for 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 person who intends to access voluntary assisted dying can complete the Written Declaration themselves or have someone complete it on their behalf.
* The Written Declaration must be witnessed by two (2) eligible witnesses. Details on who can be witnesses are included below.
* Interpretation and translation services can be used in the completion of the Written Declaration.

What is the Written Declaration?

The Written Declaration is a formal written request for access to voluntary assisted dying. Under the law, a person who intends to access voluntary assisted dying in WA will need to complete the Written Declaration once they have been assessed as eligible by both the Coordinating Practitioner and the Consulting Practitioner. More information on the roles of these practitioners and the assessments they perform are available in the information sheet [Accessing voluntary assisted dying in Western Australia – Overview of the process](health.wa.gov.au).

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.

By completing the Written Declaration, the person who intends to access voluntary assisted dying is declaring that:

* their decision to access voluntary assisted dying is being made voluntarily and without coercion; and
* they understand the nature and effect of their decision.
The person must sign the Written Declaration in the presence of two (2) eligible 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 (or may otherwise benefit financially or in any other material way from the death of the person); and
- not be a family member of the person; and
- not be the Coordinating Practitioner or the Consulting Practitioner.

Each witness will sign the Written Declaration, certifying that the person who intends to access voluntary assisted dying 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 person is not able to complete the Written Declaration?**

If the person 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 Written Declaration; and
- not be the Coordinating Practitioner or the Consulting Practitioner; and
- sign at the direction and in the presence of the person who intends to access voluntary assisted dying.

In this case, each witness will sign the Written Declaration, certifying that:
- the person intending to access voluntary assisted dying appeared to freely and voluntarily direct the person to sign the declaration; and
- the person signed the declaration in the presence of the person intending to access voluntary assisted dying 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 person needs interpreting or translation services?**

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

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 law. Accredited interpreters 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 Statewide VAD Care Navigator Service can also be contacted to assist.

**What should happen once the Written Declaration form is completed?**

Once the Written Declaration has been completed it must be given to the Coordinating Practitioner. The Coordinating Practitioner will make sure it is submitted to the Voluntary Assisted Dying Board.
The Coordinating Practitioner or the Statewide VAD Care Navigator Service will be able to answer additional questions about completing the Written Declaration from 1 July 2021.

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.