Accessing voluntary assisted dying in Western Australia

Frequently Asked Questions

Summary
This information sheet is for people who want to know more about the voluntary assisted dying process that will become a legal option for eligible Western Australians from 1 July 2021. This information sheet addresses questions that have been frequently asked about the voluntary assisted dying process in Western Australia (WA).

What is voluntary assisted dying?
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. The person may choose to take the voluntary assisted dying substance themselves or may have the substance administered to them by an eligible medical practitioner (doctor) or nurse practitioner.

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 will be able to access voluntary assisted dying and what the process will involve in WA.

Why would someone access voluntary assisted dying?
Most people will find palliative care and end of life services provide the support they need. These services help to improve the quality of life for people with advanced disease and provide support to their carers and family.

Even with the best care, some people getting close to the end of their life can experience suffering that is unable to be relieved in a way that is tolerable to them and may want to ask for assistance to die. If these people meet all the eligibility criteria, and follow the process set out in the law, they will be able to access voluntary assisted dying from 1 July 2021.

Is voluntary assisted dying the same as euthanasia?
The term ‘voluntary assisted dying’ is used in WA because the new law allows some people near the end of their lives to make their own decision about how and when they die. The person must ask a medical practitioner for voluntary assisted dying themselves and continue to be able to make their own decisions throughout the process.

Euthanasia is a broader term and can be interpreted in a range of different ways that are not always consistent with voluntary assisted dying.

Can someone with a disability or mental illness access voluntary assisted dying?
People with a disability or mental illness have the same right to ask for voluntary assisted dying as others in the community. Like anyone else, people who have a disability or mental illness must still meet all the criteria set out in the law to access voluntary assisted dying (including the ability to make and communicate a decision about voluntary assisted dying throughout the process).
Can someone with dementia access voluntary assisted dying?

Having dementia is unlikely to make a person eligible for voluntary assisted dying. By the time the disease is advanced the person will usually no longer have decision-making capacity.

However, a person diagnosed with dementia may be eligible if they meet the eligibility criteria in relation to a different disease, illness or medical condition. Like anyone else, people who have dementia must still meet all the criteria set out in the law to access voluntary assisted dying (including the ability to make and communicate a decision about voluntary assisted dying throughout the process).

Who will monitor WA’s voluntary assisted dying law?

The Voluntary Assisted Dying Board will monitor voluntary assisted dying in WA. The Board will regularly review the process to ensure compliance with the law and to recommend safety and quality improvements.

The Voluntary Assisted Dying Board does not have an investigatory or enforcement role. There are other agencies with these functions, such as WA Police and the Department of Health (among others).

Who can I talk to if I have questions about voluntary assisted dying?

A first step may be to ask a medical practitioner or other health professional involved in your care for information.

From 1 July 2021 you will be able to contact the Statewide VAD Care Navigator Service. This service has been specifically established to support anyone involved with voluntary assisted dying in WA including health professionals, service providers, patients and members of the community.

More information is available in the information sheet Accessing voluntary assisted dying in Western Australia – What is the Statewide Voluntary Assisted Dying Care Navigator Service?

Detailed information on voluntary assisted dying can also be found on the Department of Health website www2.health.wa.gov.au/voluntaryassisteddying

Who can help me access voluntary assisted dying?

Only an eligible medical practitioner can assess you for access to voluntary assisted dying. This is why the First Request must be made to a medical practitioner during a consultation. To be eligible to participate in voluntary assisted dying a medical practitioner must meet several criteria that ensure they are qualified, experienced and able to support you during the process.

On your request, other health professionals, such as nurses and allied health professionals (e.g., social workers, physiotherapists, speech pathologists etc.) can give you information and support you if you are considering voluntary assisted dying. They can continue to care for you during the voluntary assisted dying process if this is your choice.

The Statewide VAD Care Navigator Service will also be able to provide information, answer your questions and offer support from 1 July 2021.

Do all health professionals have to participate in voluntary assisted dying?

No. The law allows medical practitioner, nurse practitioners and other registered health professionals to refuse to participate in voluntary assisted dying. This means they do not have to:

- assess a person for voluntary assisted dying
- prescribe, supply or administer the voluntary assisted dying substance
- be present at the time of administration of a voluntary assisted dying substance

However, if you have requested access to voluntary assisted dying from a medical practitioner, they must provide you with an information sheet so you know where you can seek access or support.
Will the health service I use participate in voluntary assisted dying?

That will depend on the service.

Some health or related care services may choose not to participate in voluntary assisted dying if it does not align to the purpose or values of the service.

Even if a service is not participating, you can still ask the staff where you can go to get information about voluntary assisted dying and what arrangements could be made to enable you to access voluntary assisted dying, if this is your choice.

Can my carer, family, friend or support person ask for voluntary assisted dying for me?

No. Only you can ask for voluntary assisted dying. This is an important part of making sure your decision is voluntary.

You can ask your carer, family, friend or support person to be with you when you make the First Request to a medical practitioner but only you can ask for assistance to die.

Can I request voluntary assisted dying in an Advance Health Directive?

No, you cannot.

The law prohibits voluntary assisted dying from being included in an Advance Health Directive. The law requires that people requesting voluntary assisted dying have decision-making capacity throughout the entire process to make sure their decision remains voluntary and consistent. An Advance Health Directive guides medical decision-making if you lose the ability to make your own decisions.

I have a person who can legally make medical treatment decisions for me. Can they ask for voluntary assisted dying?

No. Only you can ask for voluntary assisted dying.

A medical treatment decision-maker, such as an Enduring Guardian, can only make decisions about your treatment if you cannot make the decision yourself (e.g., if you are unconscious). The law requires that you be able to make your own decisions throughout the voluntary assisted dying process.

What if I need an interpreter or assistance with communication?

If you speak a language other than English, you can use an accredited interpreter to help you make the request for voluntary assisted dying. You can also use an interpreter during the assessments. If a medical practitioner or nurse practitioner is unsure about how well you understand English, they will use an interpreter.

If you have a disability that affects your ability to communicate you can use your preferred means of communication to request voluntary assisted dying (e.g., a communication aid, writing or gestures).

More information can be found in the information sheet Accessing voluntary assisted dying in Western Australia – Assistance with communication.

Can a medical practitioner or nurse practitioner start a discussion about voluntary assisted dying with me?

Yes. A medical practitioner or nurse practitioner can talk to you about voluntary assisted dying as one option during a discussion about your end of life choices. The medical practitioner or nurse practitioner must also discuss treatment and palliative care options with you at the same time.

It is important to understand that talking about voluntary assisted dying with a medical practitioner or nurse practitioner does not start the voluntary assisted dying process.
Can another health professional or healthcare worker start a discussion about voluntary assisted dying with me?

No. Under the law only medical practitioners and nurse practitioners are permitted to start a discussion about voluntary assisted dying.

Other health professionals and healthcare workers can respond to your questions about voluntary assisted dying, provide information, and explain the law but they are not allowed to start a discussion about voluntary assisted dying with you.

It is important to remember that some people involved in your care may not be comfortable talking about voluntary assisted dying. From 1 July 2021 the Statewide VAD Care Navigator Service will be able to provide you with information and answer any questions you have.

Information on the roles of medical practitioners, nurse practitioners and other health professionals can be found in the information sheets *Providing voluntary assisted dying in Western Australia – Health professional participation* and *Providing voluntary assisted dying in Western Australia – FAQs for health professionals*.

Can someone pressure me into asking for voluntary assisted dying?

No. There are strong safeguards in place to make sure your decision to seek voluntary assisted dying is your own, and you are not being pressured by others. If you feel you are being pressured to ask for voluntary assisted dying you should discreetly and safely raise this with your medical practitioner or another trusted health professional involved in your care.

Only you can ask for voluntary assisted dying. Your carer, family, friend or support person cannot ask for you. If a medical practitioner discusses voluntary assisted dying with you, they must also talk to you about treatment and palliative care so that you are informed about all your options.

As part of the process, two (2) medical practitioners must assess that you are able to decide about voluntary assisted dying. Both medical practitioners must have completed training in assessing a person for voluntary assisted dying. Both medical practitioners must assess that you are acting voluntarily and not being forced by someone to request it.

Also, you can change your mind about continuing with the voluntary assisted dying process at any time.

Can I receive palliative care if I ask for voluntary assisted dying?

Yes. Voluntary assisted dying is not intended to be an alternative to palliative care.

Both voluntary assisted dying and palliative care are part of the range of end of life choices and can play important roles in how a person approaches the end of their life. Most people who request voluntary assisted dying will also be supported by palliative care and end of life services. If you have not yet received palliative care services, you may want to talk to a medical practitioner or another health professional involved in your care about how to access these services.

How long does the voluntary assisted dying process typically take?

The time it will take from making the First Request to taking the voluntary assisted dying substance will likely be different for each person.

There are many different factors involved and it is difficult to estimate a timeframe. For some people it may be a few weeks and for others it may take longer, especially if there are additional assessments required.

Are there costs associated with voluntary assisted dying?

Possibly. As with other healthcare processes, there may be some associated costs.
For example, you may need to pay for the appointments with the Coordinating Practitioner, Consulting Practitioner and any other registered health professionals you need to see. You should discuss any costs you may need to cover at the start of the process. There are no costs for the voluntary assisted dying substance or using the Statewide VAD Care Navigator Service.

If you live in a regional or remote area, there will be support available so that you are not disadvantaged in accessing voluntary assisted dying. Accessing this support will be managed by the Statewide VAD Care Navigator Service which can provide information from 1 July 2021.

**How do I request voluntary assisted dying?**

Talking to a medical practitioner about voluntary assisted dying does not begin the process. The formal process begins when you ask for assistance to end your life. This is called a First Request and is the first step in the process.

The First Request must be made in-person to a medical practitioner during a medical consultation (or by videoconference if in-person is not practical). Your request for voluntary assisted dying should be clear, so the medical practitioner understands exactly what you are asking.

More information can be found in the information sheet *Accessing Voluntary Assisted Dying in Western Australia – Making the First Request*.

**I don’t think I will meet the criteria for voluntary assisted dying. What can I do?**

If you are thinking about voluntary assisted dying, but do not think you will meet the criteria, it might still be a good idea to talk to a medical practitioner or another health professional involved in your care about how you are feeling. They can help you explore why you are thinking about voluntary assisted dying, and also what treatment, palliative care and practical support services may help you.

**My doctor has refused my request for voluntary assisted dying. What can I do?**

If a medical practitioner refuses your request to access voluntary assisted dying, they must provide you with the approved information sheet. They may also suggest another medical practitioner who can help you.

If they do not suggest someone else, you can contact the Statewide VAD Care Navigator Service to help you find a medical practitioner who is willing to assess your eligibility for accessing voluntary assisted dying.

**My Coordinating Practitioner did the First Assessment and decided I am not eligible for voluntary assisted dying. What can I do?**

If the Coordinating Practitioner determines you are not eligible for voluntary assisted dying, usually this will be the end of the assessment process. They can discuss other options available to you, including palliative care.

If you choose to, you can request to start the process again with another medical practitioner by making another First Request. You can also ask to start the process again in the future, for example if things change.

If the Coordinating Practitioner determines you are not eligible because:

- you do not have decision-making capacity in relation to voluntary assisted dying, or
- you have not been ordinarily resident in WA for 12 months, or
- you are not acting voluntarily and without coercion

and you disagree with this decision, then you can apply to the State Administrative Tribunal (SAT) for a review of that decision.

More information can be found in the information sheet *Accessing Voluntary Assisted Dying in Western Australia – Review of certain decisions*.
My Consulting Practitioner did the Consulting Assessment and decided I am not eligible for voluntary assisted dying. What can I do?

If the Consulting Practitioner assesses that you are not eligible for voluntary assisted dying, you and your Coordinating Practitioner may agree to refer you to another medical practitioner for another Consulting Assessment.

If your Coordinating Practitioner does not think it is appropriate to refer you for another Consulting Assessment, the process ends. You may want to talk to your Coordinating Practitioner, or another health professional involved in your care about options available to you, including palliative care.

I am eligible for voluntary assisted dying. How will I take the voluntary assisted dying substance?

That is a decision for you and your Coordinating Practitioner. Many people will take the voluntary assisted dying substance themselves.

If you cannot swallow, cannot otherwise physically take the substance yourself or have concerns about taking the substance yourself, you can discuss having an eligible medical practitioner or nurse practitioner administer the voluntary assisted dying substance.

Can I choose where and when to take the voluntary assisted dying substance?

In most circumstances, yes. Usually people will take the voluntary assisted dying substance in their home as this is a comfortable, familiar and supported environment.

If you want to take it somewhere other than your home (e.g., hospital, hospice or residential care) you will need to check if the facility is able to support you or can move you to a facility that is. Some hospitals, hospices and residential care facilities may not agree with voluntary assisted dying or may not have the staff or privacy needed to safely support you when you take the substance.

You should start talking to your Coordinating Practitioner as early as possible about where you would prefer to take the voluntary assisted dying substance.

Can I choose who is with me when I take the voluntary assisted dying substance?

Yes. You should think about who you want with you when you take the voluntary assisted dying substance. You are encouraged to have at least one other person there, so you are not alone (but you do not have to if this is your choice).

If you are going to take the substance yourself you may want to have a medical practitioner or other health professional, such as a nurse, with you. They can make sure you are comfortable during the dying process. This will need to be arranged beforehand.

If you are going to take the substance yourself and choose not to have someone present it is important to let your Contact Person know when and where you plan to take the voluntary assisted dying substance as they have special responsibilities under the law.

What if no one can be with me when I take the voluntary assisted dying substance?

If (for whatever reason) your carer, family members, friends or support person cannot be with you, or you have no one available, talk with your Coordinating Practitioner or the Statewide VAD Care Navigator Service about how someone could be there to support you.

If I am having a practitioner administer the voluntary assisted dying substance to me do I need a witness?

Yes, you do. It is your choice as to who is with you at the time of administration but there must be somebody there to act as a witness to the administration of the substance. The witness must be 18 years or older, must not be related to the Administering Practitioner or work for the Administering Practitioner.
Can anyone stop me from taking the voluntary assisted dying substance?

The only person who can decide whether to take the voluntary assisted dying substance is you.

If your decision to take the substance is difficult for those close to you, your Coordinating Practitioner or another health professional may be able to help you find ways to talk about voluntary assisted dying with them.

Could something go wrong when I take the voluntary assisted dying substance?

Your Coordinating Practitioner will talk to you about the likely outcome and any risks of taking the voluntary assisted dying substance.

We know from places where voluntary assisted dying has been available for a while that most people will lose consciousness shortly after taking the voluntary assisted dying substance or having the substance administered. Most people will die very soon after this.

Is there support available for the people I leave behind?

After your death, your family and friends may experience a range of emotions such as sadness, anger, relief, disbelief, anxiety or numbness. Supporting each other is important in helping people who have experienced bereavement. Grief can be very painful, but most people can gradually find ways to live with their loss.

There are several community organisations that offer support and counselling services to help with managing grief.

More information for family, friends and carers is available in the information sheets Voluntary assisted dying in Western Australia – Supporting someone through the process and Voluntary assisted dying in Western Australia – Considerations for an assisted death.

What can I do to make the voluntary assisted dying process as straightforward as possible?

Preparing for assessment in advance can be helpful. For example, you may need documentation in relation to your citizenship and/or residency status to show to your Coordinating Practitioner.

It may also help to be aware that the time taken for the whole process can vary. This will depend on a number of things such as whether or not you need additional assessments during the process or travel for assessments is involved.

Talking with others about end-of-life can help you to make decisions about the choices available to you. It can also make all the difference to how others feel about the decisions you make, especially those closest to you.

Your plans should also be discussed with a medical practitioner or other health professional involved in your care. They will be able to provide additional advice and support. Discussing what you want to happen, how you want it to happen and who you want to be involved will allow the people you trust to support you and your wishes.

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.