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 person 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 and will commence on 1 July 2021.
- The Act makes provisions to protect first responders from civil, criminal and professional liability if they do not provide life-sustaining treatment to a person 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 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 by an eligible 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 will be able to access voluntary assisted dying and what the process will involve in WA.

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

Why does the legislation include provisions to protect first responders?

A first responder being called to attend someone 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 protections in place for a first responder who may be present after a person 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, criminal and professional liability for first responders who are present after a person is administered, or has self-administered, the voluntary assisted dying substance.

In general terms, this means that a first responder who does not provide life-sustaining medical treatment to a person they believe is dying because of the voluntary assisted dying substance is protected in accordance with the Act.

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

In these circumstances the person 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 person who has accessed voluntary assisted dying are able to provide palliative and comfort care to the person.

**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.

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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