



Voluntary assisted dying in Western Australia

What every health practitioner and healthcare worker needs to know

Summary

This information sheet is for all healthcare workers (which includes health practitioners and health professionals).

This information sheet is intended to be a starting point for information for healthcare workers only. Further details are available in the WA VAD Guidelines or in the many information sheets available on the Department of Health [voluntary assisted dying website](#).

Section 1 – Participation in voluntary assisted dying

Section 2 – Obligations on **all** healthcare workers

Section 3 – The legal context

Key points include:

- Healthcare workers **must not** initiate discussion about voluntary assisted dying with, or suggest voluntary assisted dying to, a person to whom they are providing professional care services.
- **Only** medical practitioners and nurse practitioners can initiate a discussion about voluntary assisted dying with a person, if at the same time they also inform the person about their treatment and palliative care options and the likely outcomes of that care and treatment.
- All healthcare workers can provide information about voluntary assisted dying to someone who has requested it, or answer questions about voluntary assisted dying that have been asked of them, provided they are comfortable doing so.
- Health practitioners may choose to not participate in the voluntary assisted dying process but should be aware of the *Voluntary Assisted Dying Act 2019* (the Act) and its requirements.
- The Act allows medical practitioners and nurse practitioners who meet the eligibility criteria, and who have completed approved training, to participate in the voluntary assisted dying process.
- Other health professionals can support patients seeking voluntary assisted dying, and colleagues providing voluntary assisted dying, but cannot provide assessment or administration services.
- Health practitioners and healthcare workers should familiarise themselves with the requirements of the Act. Contravention of a provision of the Act is capable of constituting professional misconduct or unprofessional conduct.

Voluntary assisted dying in WA

[The Act](#) is the legislation that regulates voluntary assisted dying in Western Australia (WA). Health professionals should be aware of the Act and its requirements.

Voluntary assisted dying is a legal process that enables a patient to access medication that will cause their death. This medication is known as the voluntary assisted dying substance. The patient can choose to self-administer (prepare and take the substance themselves) or have it administered by a medical practitioner or nurse practitioner (known as the Administering Practitioner) at a time and place of their choosing.

A person must meet all eligibility criteria to be able to access voluntary assisted dying. The information sheet *Accessing voluntary assisted dying in Western Australia – Who is eligible?* sets out these eligibility criteria in detail.

Section 1 – Participation in voluntary assisted dying

Which health professionals can participate in voluntary assisted dying in WA?

Medical practitioners and nurse practitioners who meet the eligibility criteria, and who have completed the Western Australian Voluntary Assisted Dying Approved Training (WA VAD Approved Training), may undertake roles in the voluntary assisted dying process under the Act.

An eligible medical practitioner can participate in the roles of Coordinating Practitioner, Consulting Practitioner and Administering Practitioner.

An eligible nurse practitioner can participate in the role of Administering Practitioner.

These roles are detailed further in the information sheet *Accessing voluntary assisted dying in Western Australia – Overview of the process*.

The eligibility requirements for medical practitioners and nurse practitioners are detailed further in the information sheet *Providing voluntary assisted dying in Western Australia – Health professional participation*.

Can I choose whether to participate in voluntary assisted dying?

Yes. Participation in the voluntary assisted dying process is a choice.

Whether you participate in the process, or support colleagues who do, will depend on your skills and training as well as your eligibility, availability and willingness to be involved.

Even if you will not be participating in or supporting voluntary assisted dying, the topic may be brought up by someone in your care. You should consider how you will respond to best support your patient. You should also be aware of the resources, systems and processes that are available in your workplace to manage requests for information about, or access to, voluntary assisted dying.

What if I hold a conscientious objection to voluntary assisted dying?

If you have a conscientious objection to voluntary assisted dying you are under no obligation to participate in the process. However, you must not inhibit a person's access to voluntary assisted dying.

If you are a medical practitioner, you should be aware of your obligations under the Act if a patient asks you for access to voluntary assisted dying (makes a First Request). These obligations are outlined in further detail below.

I am a medical practitioner, is there specific information I need to know?

Yes. The Act places specific obligations on medical practitioners. More information is available on the information sheet *Voluntary assisted dying in Western Australia – What every medical practitioner needs to know*.

Section 2 – Healthcare worker obligations

Prohibition on raising voluntary assisted dying

Healthcare workers **must not** initiate discussion about voluntary assisted dying with, or suggest voluntary assisted dying to, a person to whom they are providing professional care services.

A contravention of the above by a registered health practitioner is unprofessional conduct for the purposes of the *Health Practitioner Regulation National Law Act (WA) 2010*.

If, however, a patient requests information or they initiate a discussion about voluntary assisted dying, healthcare workers **can** provide information or answer questions about voluntary assisted dying that have been asked of them, provided they are comfortable doing so.

Section 3 – The legal context

The Act is highly detailed. This reflects the importance of ensuring that the operation of voluntary assisted dying in WA is safe and appropriate. The Act provides protections for individuals involved in the voluntary assisted dying process but also clearly articulates offences and circumstances that may be considered professional misconduct or unprofessional conduct. The Voluntary Assisted Dying Board, an independent statutory body created by the Act, can refer matters to various agencies including WA Police, the State Coroner, the Australian Health Practitioner Regulation Agency (AHPRA), and the Director General of Health. The Director General of Health (as the CEO) has powers to investigate suspected breaches of the Act.

Protections

The Act provides protection from criminal liability for a person who:

- assists a person to request access to voluntary assisted dying
- assists a person to access voluntary assisted dying
- is present when the voluntary assisted dying substance is administered.

The Act also provides protection from civil and criminal liability for a person who:

- in good faith, and with reasonable care and skill, does a thing in accordance with the Act or believes the thing is done in accordance with the Act.

This is also not regarded as a breach of professional ethics or standards, nor is it considered professional misconduct or unprofessional conduct.

The Act provides protection from civil and criminal liability for certain persons who do not administer lifesaving treatment in circumstances where the patient does not request it and the person believed, on reasonable grounds, that the patient was dying after self-administering or being administered the voluntary assisted dying substance in accordance with the Act. This includes registered health practitioners, ambulance officers (and volunteers) and other people in roles which usually imply a duty to administer lifesaving treatment.

In addition, in such circumstances non-administration of treatment is not regarded as a breach of professional ethics or standards, nor is it considered professional misconduct or unprofessional conduct.

Additional information can be found in *Voluntary Assisted Dying in Western Australia – Information for first responders*.

Offences

There are several offences that health professionals and others should be aware of before participating in the voluntary assisted dying process to ensure compliance with the Act. These offences cover:

- unauthorised administration of the voluntary assisted dying substance
- inducing another person to request or access voluntary assisted dying
- inducing self-administration of the voluntary assisted dying substance
- providing false or misleading information for any purpose under the Act
- advertising Schedule 4 or 8 poison as a voluntary assisted dying substance
- recording, use or disclosure of information obtained under the Act
- publication of personal information concerning a proceeding before the State Administrative Tribunal under the Act
- failure to give a form to the Voluntary Assisted Dying Board.

Penalties for committing these offences include monetary fines and imprisonment. It is important that health professionals familiarise themselves with this section of the Act.

Professional misconduct or unprofessional conduct

A breach of a provision of the Act by a registered health practitioner may be professional misconduct or unprofessional conduct for the purposes of the *Health Practitioner Regulation National Law (Western Australia) Act 2010*. This is the case even if the breach is not an offence under the Act. The Voluntary Assisted Dying Board can refer matters to both AHPRA and the Health and Disability Complaints Office (HaDSCO).

Where can I find more information on voluntary assisted dying?

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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