



# Voluntary Assisted Dying

## Relevant Facts

Version 2

Approved: 7 May 2024



This document has been approved by the Voluntary Assisted Dying Commission. To contact the Voluntary Assisted Dying Commission, call 1800 568 956 (toll free), email [vad@health.tas.gov.au](mailto:vad@health.tas.gov.au) or send a letter to:

GPO Box 125

HOBART TAS 7001

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## Accessibility

This publication is available in other languages, in digital and Easy Read Formats, and as an audio recording. Call 1800 568 056 (toll free), email [vad@health.tas.gov.au](mailto:vad@health.tas.gov.au) or scan the QR code below using your smartphone to access these versions of the document.



## Acknowledgment

Components of this document are based on a Western Australian Government publication, *Approved information for a person making a First Request for voluntary assisted dying*, Department of Health 2022.

## About this document

Voluntary assisted dying is a legal process that enables a person who is suffering from a terminal disease, illness, injury, or medical condition, to access a substance to end their life.

This document (the *Relevant Facts*) gives information about:

- the operation of the legislation that allows voluntary assisted dying in Tasmania (the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021*),
- when a person can access voluntary assisted dying, how this is decided, and the help that is available,
- the Voluntary Assisted Dying Commission, and
- where to get advice about palliative care, and other treatment or pain relief.

This document is to be given to a person who expresses a wish, or who attempts to make a formal First Request, to access voluntary assisted dying. It may also be given to a family member of a person who is found, following their formal First Request, to be eligible to access voluntary assisted dying.

The Voluntary Assisted Dying Navigation Service can provide further information about voluntary assisted dying in Tasmania. The Service can help a person find a medical practitioner or registered nurse who is willing and authorised to participate in the voluntary assisted dying process, and link people who need help to services that can provide it. To contact the Voluntary Assisted Dying Navigation Service, call 1800 568 956 (toll free) or email [vad@health.tas.gov.au](mailto:vad@health.tas.gov.au)

## What is Voluntary Assisted Dying?

Voluntary assisted dying is a legal process that enables a person who is suffering from a terminal disease, illness, injury, or medical condition, to access a substance to end their life, with support and assistance from medical practitioners.

The person can choose to take the substance themselves or to have it administered to them by, with help from, or in the presence of, a medical practitioner or registered nurse.

Voluntary assisted dying in Tasmania is regulated by the Tasmanian End-of-Life Choices (Voluntary Assisted Dying) Act 2021 (the Act). The Act identifies when a person in Tasmania is eligible to access voluntary assisted dying and sets out the steps in the voluntary assisted dying process. It also establishes the Voluntary Assisted Dying Commission. It can be accessed from [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au)

## Who is Eligible to Access Voluntary Assisted Dying?

A person is eligible to access voluntary assisted dying in Tasmania if they meet all the eligibility criteria.

### Age

The person must be an adult (18 or older).

### Residency

The person must be an Australian citizen or permanent resident or have lived in Australia for at least three years before they make their formal First Request. The person must have also been living in Tasmania for at least 12 months before they make their formal First Request.

### Medical Requirements

The person must have an advanced, incurable, and irreversible disease, illness, injury, or medical condition that is not treatable in a way that the person finds acceptable, and that is expected to cause their death within six months, or within 12 months if the condition is neurodegenerative.

The person must also be experiencing persistent suffering linked to their condition that **they** find intolerable.

### Voluntariness

The person must be acting voluntarily. That is, they must be acting without coercion (feeling pressured by others) or duress (force) or because they feel threatened or that they will be punished or treated badly, or more favourably, in some way.

## Decision-Making Capacity

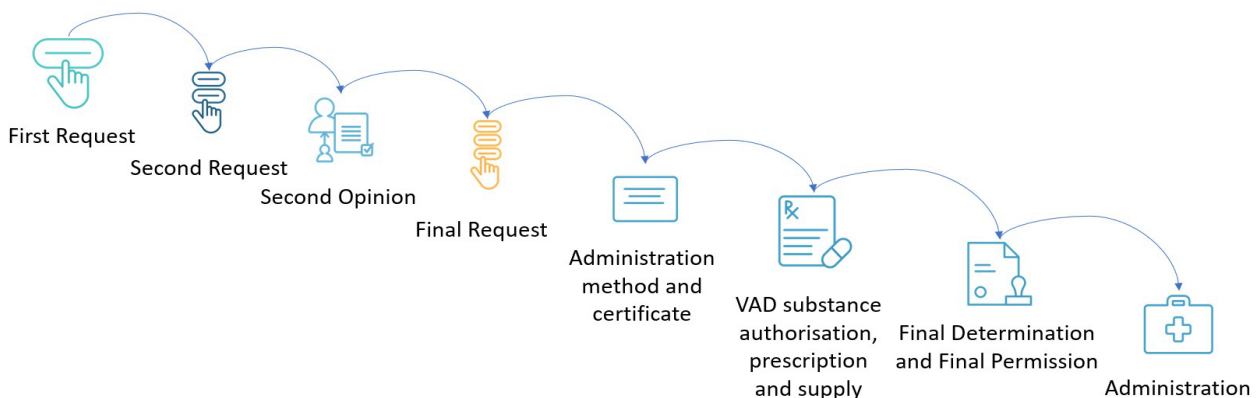
The person must have decision-making capacity throughout the voluntary assisted dying process, including when they give their Final Permission.

- This means that a person must have the capacity to:
- understand the information or advice that they need to be able to make the decision,
- remember the information or advice for long enough to be able to make the decision,
- use or evaluate the information or advice to make the decision, and
- communicate the decision, and their opinions about the decision, in some way.

## How is a Person's Eligibility Determined?

The voluntary assisted dying process has a number of formal steps, with medical practitioners (or registered nurses, in the case of the Final Permission) determining eligibility at each point. Three separate requests, and five separate assessments are required, and in most cases the process takes several weeks to complete.

At any of the formal steps, the person will become ineligible if they lose capacity to make the decision, or if the medical practitioner (or registered nurse) believes they are not acting voluntarily.



To be actively involved in the voluntary assisted dying process, a person's medical practitioner (or registered nurse) must be suitably qualified and experienced. They must also have completed specific training.

Medical practitioners, registered nurses, and pharmacists can refuse to participate in the voluntary assisted dying process. This may be because they do not agree with voluntary assisted dying, because they are not suitably qualified and experienced, because they have not completed the specific training, or for any other reason. They do not need to explain why they refuse to participate.

Discussing voluntary assisted dying with a medical practitioner or registered nurse will not automatically begin the voluntary assisted dying process. The person must make a formal First Request for the process to begin. A person can stop the process at any point.

## The Voluntary Assisted Dying Process



### First Request

The First Request is a person's formal request to a medical practitioner to determine whether they are eligible to access voluntary assisted dying. The person must have received a copy of the *Relevant Facts* (this document) from the particular medical practitioner in person and not by email, over the internet, or by post before they make the request.

A First Request can be made verbally, or in writing. A person who makes their First Request verbally must clearly indicate to their medical practitioner, in person, that they wish to access voluntary assisted dying. A person who makes their First Request in writing may either sign the request themselves or if they cannot sign themselves, have another person sign on their behalf.

The medical practitioner will decide whether to accept or refuse the person's First Request.

A medical practitioner who decides to accept a person's First Request becomes the person's Primary Medical Practitioner for the process.

The Primary Medical Practitioner will give the person information about their condition and treatment, prognosis, and information about palliative care and treatment options.

The Primary Medical Practitioner will then determine whether the person is eligible, or ineligible, to access voluntary assisted dying.

If English is not the person's first language, or if they have communication difficulties, a translator or other person can make the formal First Request on the person's behalf.



### Second Request

If the Primary Medical Practitioner determines the person is eligible to access voluntary assisted dying, the person may, after 48 hours, make a Second Request.

A Second Request must be in writing and must be witnessed.

The Second Request asks the Primary Medical Practitioner to determine, for a second time, whether the person is eligible to access voluntary assisted dying.

Upon receipt of the request, the Primary Medical Practitioner will determine whether the person is eligible, or ineligible, to access voluntary assisted dying.



## Second Opinion Referral

If the Primary Medical Practitioner determines the person is eligible to access voluntary assisted dying on the Second Request, the Primary Medical Practitioner must refer the person to another medical practitioner for a Second Opinion.

The medical practitioner to whom the person is referred must decide whether to accept or refuse the referral.

A medical practitioner who decides to accept a referral becomes the person's Consulting Medical Practitioner for the process.

The Consulting Medical Practitioner will consider the person's medical history and any other relevant information. The Consulting Medical Practitioner may also examine the person but does not have to do so.

The Consulting Medical Practitioner will then determine whether the person is eligible, or ineligible, to access voluntary assisted dying.



## Final Request

If the Consulting Medical Practitioner determines the person is eligible to access voluntary assisted dying, the person may make a Final Request to their Primary Medical Practitioner.

A Final Request must be in writing.

On receipt of the request, the Primary Medical Practitioner will determine whether the person is eligible, or ineligible, to access voluntary assisted dying.

If the person is still eligible, the Primary Medical Practitioner will then decide whether to become the person's Administering Health Practitioner (the practitioner who will either supply or administer the voluntary assisted dying substance to the person). If the Primary Medical Practitioner decides not to be the Administering Health Practitioner, another medical practitioner or a registered nurse will be appointed to take on this role.



## **VAD Substance Authorisation, Prescription and Supply**

If the Primary Medical Practitioner determines the person is eligible to access voluntary assisted dying at the point of the Final Request, the Primary Medical Practitioner will ask the Voluntary Assisted Dying Commission to issue a Substance Authorisation.

The Voluntary Assisted Dying Commission will either issue, or refuse to issue, a Substance Authorisation to the person's Primary Medical Practitioner. The Commission can only issue a Substance Authorisation if it has received all the required information from the Primary Medical Practitioner, and is satisfied that all aspects of the Act have been met.

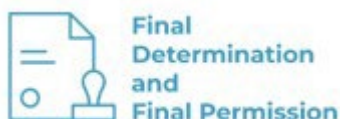
The Substance Authorisation details will be different depending on the method of administration that is chosen. This means that the person will need to have decided how they would like the substance to be administered before the Substance Authorisation is issued (this can change later if their circumstances change).

If the Voluntary Assisted Dying Commission issues a Substance Authorisation, the Primary Medical Practitioner will prescribe a voluntary assisted dying substance.

Unlike most medicines, the substance prescription won't be given to the person. Instead, it will be given directly to a specialist pharmacist employed by the Voluntary Assisted Dying Pharmacy Service.

The specialist pharmacist will discuss the person's medical condition with them. The specialist pharmacist will then supply the voluntary assisted dying substance to the person's Primary Medical Practitioner.

The person's Primary Medical Practitioner will store the substance securely until it is needed.



## **Final Determination and Final Permission**

A person's Administering Health Practitioner must determine whether the person still has decision-making capacity and is acting voluntarily before the person receives assistance to die. This determination is called the Final Determination.

If the Administering Health Practitioner determines that the person has decision-making capacity and is acting voluntarily, the Administering Health Practitioner will advise the person that they are entitled to receive assistance to die.



The person may then give their Administering Health Practitioner a Final Permission. The Final Permission must be in writing.



## Administration

### Administration

A person can decide to either privately self-administer the substance (take it on their own), or have the substance administered to them by, or with the assistance of, or in the presence of, their Administering Health Practitioner.

A person who decides to take the substance on their own must appoint another person to be their contact person.



### Timeframes

Timeframes apply to some parts of the voluntary assisted dying process:

A medical practitioner has 48 hours to decide whether or not to accept a person's formal First Request.

The time between a person's formal First Request and their Second Request, and between a person's Second Request and their Final Request, must be at least 48 hours in each case unless specific circumstances apply.

A medical practitioner has 48 hours to decide whether or not to accept a referral from a person's Primary Medical Practitioner.

A person's Administering Health Practitioner, following the Final Request and after determining that they are acting voluntarily and have decision-making capacity, must, within 24 hours, advise the person that they are entitled to receive assistance to die.

# Information about the Voluntary Assisted Dying Commission

Tasmania's Voluntary Assisted Dying Commission:

- monitors the Act's operation,
- reviews decisions about a person's residency, decision-making capacity, and voluntariness,
- investigates suspected contraventions of the Act, and
- issues Substance Authorisations.

The Voluntary Assisted Dying Commission has an Office to help it with these functions.

The Voluntary Assisted Dying Commission also helps people to access voluntary assisted dying and distributes information about the Act. The Voluntary Assisted Dying Navigation Service sometimes performs these functions on the Commission's behalf.

## Reviews

The Voluntary Assisted Dying Commission can, if asked, review decisions that are made by a person's Primary Medical Practitioner, their Consulting Medical Practitioner, or by their Administering Health Practitioner, about the person's residency, decision-making capacity, and voluntariness.

## Investigations

The Voluntary Assisted Dying Commission can investigate suspected contraventions of the Act either following a notification from a person, or on its own motion. The Commission can also refer a suspected contravention to another body such as the Australian Health Practitioner Regulation Agency (Ahpra) or Tasmania Police.

## Exemptions from Prognosis

The Voluntary Assisted Dying Commission can decide that a person is exempt from the requirement that their condition is expected to cause their death within six months, or within 12 months if the condition is neurodegenerative.

The Commission can only decide that a person is exempt if it is satisfied that the person's prognosis is such that the requirement should not apply.

## Contacting the Commission

### Postal details

Voluntary Assisted Dying Commission Department of Health  
GPO Box 125  
HOBART TAS 7001

### Telephone

1800 568 956 (toll-free)

### Hours of operation

Monday to Friday: 9:00 am – 5:00 pm

### Email

[vad.commisssion@health.tas.gov.au](mailto:vad.commisssion@health.tas.gov.au)

### Web

[Voluntary Assisted Dying Commission](http://www.health.tas.gov.au/vad/commission)

[www.health.tas.gov.au/vad/commission](http://www.health.tas.gov.au/vad/commission)

## Contacting the Navigation Service

### Postal details

Voluntary Assisted Dying Commission Department of Health  
GPO Box 125  
HOBART TAS 7001

### Telephone

1800 568 956 (toll-free)

### Hours of operation

Monday to Friday: 9:00 am – 5:00 pm

### Email

[vad.@health.tas.gov.au](mailto:vad.@health.tas.gov.au)

### Web

[Voluntary Assisted Dying](http://www.health.tas.gov.au/vad)

[www.health.tas.gov.au/vad](http://www.health.tas.gov.au/vad)

## Contacting the Pharmacy Service

### Postal details

Voluntary Assisted Dying Pharmacy Service Tasmanian Health Service  
GPO Box 125  
HOBART TAS 7001

### Telephone

03 6166 0168 (toll-free)

### Hours of operation

Monday to Friday: 9:00 am – 5:00 pm

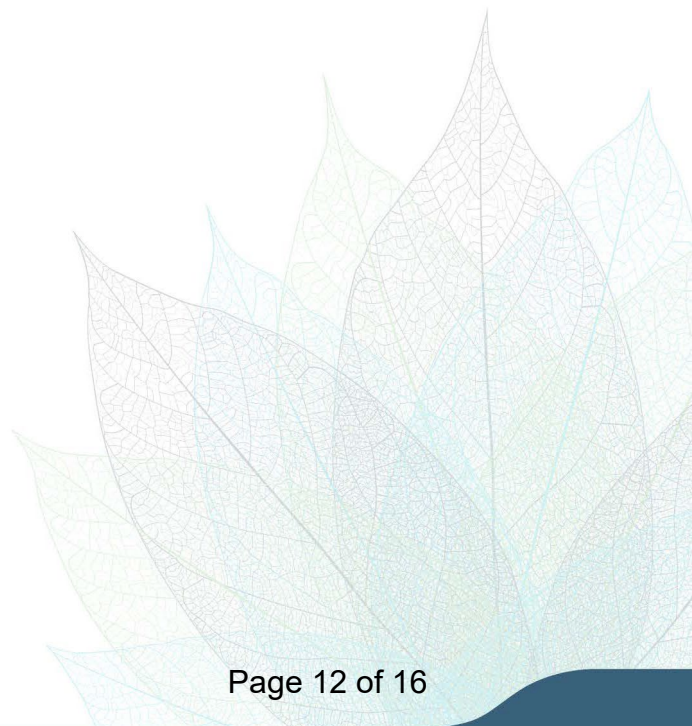
### Email

[vps@ths.tas.gov.au](mailto:vps@ths.tas.gov.au)

### Web

[Voluntary Assisted Dying](#)

[www.health.tas.gov.au/vad](http://www.health.tas.gov.au/vad)



# Information about Palliative Care, Treatment, and Pain Relief Options

## Department of Health (Tasmania)

The Tasmanian Department of Health provides palliative care, information on end-of-life planning, and support for people throughout Tasmania. The Department's website and contact details for the Department's Specialist Palliative Care Service are as follows:

### Web

[About Palliative Care](#)

[www.health.tas.gov.a/palliativecare](http://www.health.tas.gov.a/palliativecare)

### Contact Details

#### North

Monday to Friday: 8:30 am – 4:30 pm

Telephone: 6777 4544

#### North West

Monday to Friday: 8:30 am – 4:00 pm

Telephone: 6477 7760

#### South

Monday to Friday: 8:00 am – 4:30 pm

Telephone: 6166 2820

## Palliative Care Tasmania

Palliative Care Tasmania is an independent organisation that can also provide information and support to Tasmanians with a life-limiting illness and their families, and information about palliative care services across Tasmania. Their contact details are as follows:

### Telephone

6231 2799 (statewide)

### Hours of operation

Monday to Friday: 9:00 am – 5:00 pm

### Email

[vps@ths.tas.gov.au](mailto:vps@ths.tas.gov.au)

### Web

[Palliative Care Tasmania](#)

[www.pallcaretas.org.au](http://www.pallcaretas.org.au)

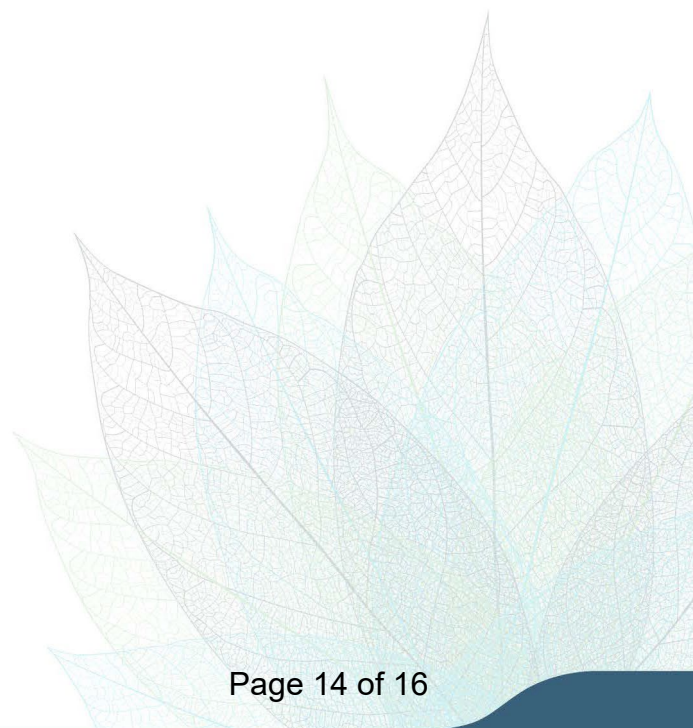
## Care Search

The CareSearch palliative care knowledge network provides online resources and information on palliative care for health professionals, people needing palliative care and their families, and the general community. Their contact details are as follows:

### Web

[Care Search Palliative Care Knowledge Network](http://www.caresearch.com.au)

www.caresearch.com.au



## Information about General Supports

### Beyond Blue

*Beyond Blue* can provide support for mental health and wellbeing, especially if you are experiencing anxiety or depression. Their contact details are as follows:

#### Telephone

1300 224 636 (any time of the day or night)

#### Web

[Beyond Blue](https://www.beyondblue.org.au)

www.beyondblue.org.au

### Lifeline

*Lifeline* can provide crisis support if you need immediate help to deal with emotional distress. Their contact details are as follows:

#### Telephone

13 11 14 (any time of the day or night)

#### Web

[Lifeline](https://www.lifeline.org.au)

www.lifeline.org.au

### A Tasmanian Lifeline

*A Tasmanian Lifeline* is a Tasmanian-based telephone support service if you need one-off or ongoing support. Their contact details are as follows:

#### Telephone

1800 984 434 for support (8.00 am to 8.00 pm, 7 days a week)

#### Web

[A Tasmanian Lifeline](https://www.atasmanianlifeline.com.au)

www.atasmanianlifeline.com.au

**If you or anyone else is in immediate danger, call triple zero 000.**



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