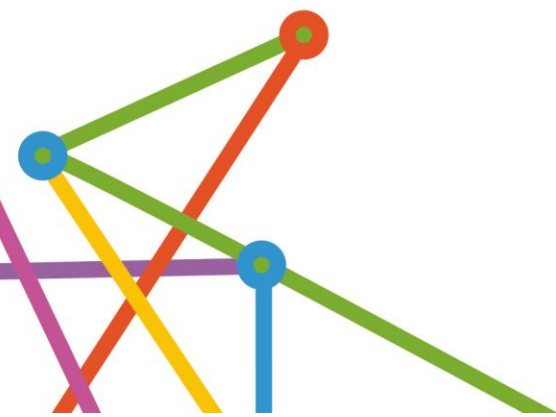


# Voluntary Assisted Dying (VAD)

Position Paper

June 2021



## Key messages

- WA Primary Health Alliance (WAPHA) recognises that formulation of Voluntary Assisted Dying (VAD) legislation has been undertaken with robust consultation across Western Australian (WA) communities, health professionals and government, and all health professionals must operate within the boundaries of State and Federal Law. WAPHA supports patient centered decisions in end-of-life care and respects that this may include palliative care and requests for VAD.
- The VAD legislation was developed in the context of significant clinical and legal scrutiny and is underpinned by strict eligibility criteria, approval processes and access to the VAD substance.
- WAPHA's role in the implementation of the VAD legislation is to support the work of the WA Department of Health in ensuring General Practitioners (GPs) and other primary health care professionals, service providers and stakeholders are well informed and prepared for implementation. This is primarily a communication and information sharing role and includes:
  - Increasing awareness of authorised information and training resources in primary care contexts as requested.
  - Development and maintenance of a dedicated VAD HealthPathway.
  - Linking GPs and other stakeholders to the Western Australian Voluntary Assisted Dying Statewide Care Navigator Service (SWCNS) when and as required.

## Background

Western Australia has passed legislation which enables VAD to become a choice available to people on 1 July 2021. VAD involves a process to access medication and to enable a person to legally choose the manner and timing of their death. Put simply, VAD means that some adults could ask for medical help to end their life if they have a disease or illness that is so severe it is going to cause their death and they are suffering badly. The term 'voluntary assisted dying' emphasises the voluntary nature of the choice of the person and their enduring capacity to make this decision.

VAD is the legal process that enables an eligible person to access, administer or be administered the VAD substance for the purpose of causing their death. The Western Australian Voluntary Assisted Dying Act 2019 (the Act) is the legislation that regulates VAD in WA. The 1 July 2021 is the commencement date of VAD in WA.

The Act outlines a **complex multi-step process** in place. The process requires:

- Three requests to access VAD must be made: First Request; Written Declaration; and Final Request.
- Two assessments independently completed by eligible medical practitioners to confirm the patient is eligible.
- The patient be informed of many different aspects relating to treatment and palliative care options, as well as VAD.
- A decision for either self-administration or practitioner administration of the VAD substance.
- A person who is eligible remains eligible through the entire process and can revoke their involvement at any stage.

**To be eligible for VAD**, the person must meet all of the eligibility criteria. This includes that they:

- are aged 18 years or over
- are an Australian citizen or permanent resident
- have been ordinarily resident in WA for at least 12 months

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- have been diagnosed with at least one disease, illness or medical condition that is advanced, progressive and will cause death; and, will, on the balance of probabilities cause death within a period of six months (or 12 months for neurodegenerative); and, is causing suffering that cannot be relieved in a manner that the person considers tolerable
- must have decision-making capacity in relation to VAD
- must be acting voluntarily and without coercion
- must have an enduring request for access to VAD

### Communicating about VAD

- A patient may raise the topic of VAD with anyone involved in their care, and any health practitioner can respond to questions (if they are comfortable to do so).
- Healthcare workers (including registered health practitioners, or any other person who provides health services or professional care services) are not permitted to initiate a conversation about, or suggest VAD to, a patient.
- Only a medical practitioner or nurse practitioner can raise the topic of VAD if, at the same time, they discuss palliative care and treatment options and the likely outcomes of that care and treatment.
- The Commonwealth Criminal Code Act 1995 also has a direct impact on communicating about components of the VAD process in WA.

### The Role of Medical Practitioners

Under the Act, medical practitioners who are eligible and have completed the training can act in the role of:

- Coordinating Practitioner – accepts the request for access to VAD; conducts an assessment of patient eligibility; and coordinates the process for the patient.
- Consulting Practitioner – accepts the Consulting Assessment referral and conducts an independent assessment of patient eligibility.
- Administering Practitioner – administers the VAD substance if a practitioner administration decision has been made (the Coordinating Practitioner will often be in this role).

Under the Act, eligible nurse practitioners can act in the role of Administering Practitioner but all other roles must be performed by a medical practitioner.

Any medical practitioner can receive a First Request from a patient, but only eligible medical practitioners can accept a First Request (and must complete the training before starting the First Assessment). If a medical practitioner is not comfortable discussing VAD, they can refer the patient to another health professional who is, or can refer them to the Statewide Voluntary Assisted Dying Care Navigator Services (SWCNS). Contact information is provided below. The SWCNS has been established to support anyone involved with VAD in WA. This includes patients, the family and carers of patients, members of the community, health professionals and service providers. The service is nurse-led and staffed by Care Navigators who are experienced health professionals.

### Information and Resources

For all current information about VAD including SWCNS, medical practitioner training and eligibility information, legislation, information for professionals, information for the community, implementation resources and updates, please visit the WA Department of Health Voluntary Assisted Dying [website](#).

### WAPHA's role

WAPHA's role in the implementation of the VAD legislation is to support the work of the WA Department of Health in ensuring GPs and other primary health care professionals, service providers and

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stakeholders are well informed and prepared for implementation. This is primarily a communication and information sharing role and includes:

- **Increasing awareness of authorised information and training resources in primary care context as requested:** WAPHA will work in partnership with the WA Department of Health and other agencies including the Royal Australian College of General Practitioners, Rural Health West, WA GP Education and Training and Palliative Care WA to fulfil this role. At all times, WAPHA will refer stakeholders to the Act and to the authorised resources and training materials developed by the WA Department of Health which are available on the WA Department of Health Voluntary Assisted Dying [website](#).
- **Development and maintenance of a dedicated VAD HealthPathway:** HealthPathways WA is an online tool that offers GPs locally agreed information to make the right decisions, together with patients, at the point of care. WAPHA has developed a VAD HealthPathway which will be approved by the WA Department of Health VAD Project Team. The VAD Pathway will complement other Pathways related to end of life care. On completion, the VAD HealthPathway will be accessible to health professionals on the HealthPathways [website](#).
- **Linking GPs and other stakeholders to the SWCNS:** Practice Assist staff and other relevant WAPHA staff can liaise with the SWCNS for assistance with access to information and resources on behalf of GPs and commissioned service providers. The SWCNS has been specifically established to support anyone involved with VAD in WA including healthcare workers, service providers, patients and members of the community. The service will be staffed by Care Navigators who are experienced health professionals. The SWCNS can be contacted by email and phone during standard work hours (8:30am – 5:00pm)  
Email: [VADcarenavigator@health.wa.gov.au](mailto:VADcarenavigator@health.wa.gov.au)  
Phone: (08) 9431 2755  
Additional information on this service is available [here](#).

### Out of scope for WAPHA

Any other activity beyond communication and information sharing in primary care to support the work of the WA Department of Health in ensuring GPs and other primary health care professionals, service providers and stakeholders are well informed and prepared for implementation.

### Further information

The **WA Department of Health VAD [website](#)** provides comprehensive and up to date information on all matters relating to VAD for professionals and communities.

WA's VAD legislation may pose ethical, personal and professional issues for people participating in the process at varying levels. **Palliative Care Australia has developed seven Guiding Principles** for those providing care to people living with a life-limiting illness. The purpose of these guiding principles is two-fold:

1. To ensure appropriate care is provided to a person living with a life-limiting illness at all times; and
2. To maintain appropriate, respectful and cooperative relationships between health care professionals.

Further information on Palliative Care Australia's Seven Guiding Principles are available [here](#).

## **WA Primary Health Alliance – Voluntary Assisted Dying Position Paper**

If reading the material in this Position Paper, or thinking about end of life care, has raised some issues regarding grief or bereavement or personal crisis, there are helplines and services available to provide support and counselling 24 hours a day, seven days a week.

[Lifeline](#): Ring 13 11 14 for telephone support and counselling 24 hours a day, seven days a week. You can also visit Lifeline's crisis support chat online, 7:00pm to midnight, seven days a week.