



# Who can access voluntary assisted dying?

## Eligibility criteria

To be eligible to access voluntary assisted dying you must be assessed by both a Coordinating Medical Practitioner and Consulting Medical Practitioner as meeting **all** the criteria listed below:

- You are 18 years old or older.
- You are an Australian citizen or permanent resident.
- You live in South Australia and have lived in South Australia for at least 12 months at the time of making a first request.
- You have decision-making capacity in relation to voluntary assisted dying.
- You are acting freely and without coercion.

You must also have been diagnosed with a disease, illness or medical condition that meets all the below conditions:

- It is incurable.
- It is advanced and progressive.
- It will cause death within six months, or 12 months if you have a neurodegenerative disease such as motor neurone disease.
- It is causing suffering to you that cannot be relieved in a manner that you consider tolerable.

Voluntary assisted dying is not available in South Australia to a person living with a mental health condition or disability, without this person also being diagnosed with a terminal illness that meets the necessary criteria outlined above.

## You must be 18 years old or over

You can only start the formal process to seek voluntary assisted dying when you are an adult. You may be asked to provide proof of age by providing any of the below documents:

- Driver's license.
- Proof of age card.
- Birth certificate.
- Passport.
- Age pension card.
- Seniors Card.

If you are under 18, you may like to discuss your end of life treatment and care options with:

- your family
- a close friend
- your doctor or another health practitioner
- someone else you feel comfortable talking to
- Kids Helpline on [1800 551 800](tel:1800551800).



## You must be an Australian citizen or permanent resident

You must be an Australian citizen or permanent resident to access voluntary assisted dying.

You will be asked to show proof of your citizenship or permanent residency during the assessment process. You can do this by providing **any** of the below documents:

- Australian birth certificate if you were born in Australia before 20 August 1986.
- Australian passport issued in your name on or after 1 January 2000 that was valid for at least two years.
- Australian citizenship certificate.

If you were born in Australia on or after 20 August 1986 and do not have an Australian passport that meets the above criteria, contact the [Australian Passport Office](#) to confirm what documents you need to provide to prove you are an Australian citizen.

You can verify that you are an Australian permanent resident by providing both the below documents:

- Passport.
- Verification of your permanent resident visa from the Australian Government [Department of Home Affairs Visa Entitlement Verification Online \(VEVO\) website](#).

Online verification of your permanent resident visa through Department of Home Affairs can be completed by either:

- yourself
- someone you have elected to act as your advocate
- the Coordinating Medical Practitioner.

## You must live in South Australia and have lived in South Australia for at least 12 months

To access voluntary assisted dying, you must:

- live in South Australia
- have lived in South Australia for at least 12 months at the time of making the first request.

You can demonstrate that you live in South Australia and have lived in South Australia for 12 months at the time of making a first request by providing any of the below documents:

- Driver's license
- Proof of age card
- Vehicle registration
- Age pension card
- Registration on the South Australian electoral roll
- Residential lease agreement
- Current statement from a financial institution (for example, bank, credit union)
- Utility bill (for example, gas, electricity)
- medical records
- statutory declaration from a health or support worker confirming you have lived in South Australia for 12 months at the time of making a first request
- any other form of identity that shows your name, address, and signature.

Whether you live in South Australia and have lived in South Australia for 12 months at the time of making a first request is a decision reviewable by [SACAT](#).



You have decision-making capacity in relation to voluntary assisted dying if you can:

- understand information relevant to the decision relating to accessing voluntary assisted dying and the effect of the decision
- retain that information to the extent necessary to make the decision
- use or weigh that information as part of the process of making the decision
- communicate the decision and your views and needs as to the decision in some way, including by [speech, gestures or other means](#).

Decision-making capacity is assessed at multiple points in the [Voluntary Assisted Dying Pathway](#) including:

- as part of the eligibility assessments, including the first assessment, consulting assessment(s) and specialist opinion regarding decision making capacity
- at the time of the written declaration
- at the time of administration, under a Practitioner Administration Permit.

Decision making capacity may also be assessed at other stages of the pathway if a health practitioner involved in your care expresses concern to the Coordinating Medical Practitioner that you have lost decision making capacity in relation to voluntary assisted dying.

All people, including those with a mental illness or disability, are presumed to have decision making capacity, including in relation to voluntary assisted dying, unless there is evidence otherwise.

### **Depression and decision-making capacity**

Someone who is at the end of life may experience depression, a loss of hope and suffering. Having depression does not necessarily mean that someone does not have decision making capacity in relation to voluntary assisted dying. If a medical practitioner assesses that you have depression, they should explore how this may be affecting your decision-making capacity and offer treatment or a specialist opinion if required.

### **Communication barriers and decision-making capacity**

A person may have a communication barrier that affects their ability to be understood by others. For example, someone may have a communication disability, or would prefer or needs to communicate in a language other than English.

Having a communication barrier does not mean that a person does not have decision making capacity.

The Act allows a person to [communicate their request](#) to access voluntary assisted dying through speech, gestures or other practical and appropriate techniques, including:

- using information or formats tailored to the needs of the person
- assisting a person to communicate their decision
- giving a person additional time and discussing the matter with the person
- using technology that alleviates the effects of a person's disability.



## You must be acting freely and without coercion

A medical practitioner must be satisfied that your circumstances meet all the below criteria throughout the Voluntary Assisted Dying Pathway:

- your request to access voluntary assisted dying is being made voluntarily
- you are making the decision free from coercion
- your request is enduring.

A medical practitioner may talk to you on your own and discuss:

- why you are requesting voluntary assisted dying
- how you reached the decision to request voluntary assisted dying
- what or who may have influenced you.

Questions medical practitioners could ask you include:

- Do you feel any pressure from others to request voluntary assisted dying?
- Do you have any concerns about your family after you die?
- Do you have, or are there any, significant financial concerns?
- Is there anything we need to know that you do not want your family to know?
- How do your family and friends feel about your request for voluntary assisted dying? Do they support your decision?
- Is your GP aware of your request for voluntary assisted dying? Does your GP support it?

A medical practitioner may also observe the dynamics between you and your carer or family. If appropriate and you consent, your medical practitioner may undertake discussions with your carers or family members to explore how they feel about your decision. It may also be appropriate for your medical practitioner to ask other members of your healthcare team if they have made any observations about your motivations for the decision.

If you are assessed as eligible for access to voluntary assisted dying, you will be required to make a written request to access voluntary assisted dying.

The written declaration must specify that you make the declaration voluntarily and without coercion and understand the nature and the effect of the declaration you are making.

The written declaration must be signed by you in the presence of two witnesses and the Coordinating Medical Practitioner. If you are unable to sign yourself, that this can be done by another person on your behalf, in your presence.

## You must meet the clinical assessment

You must be diagnosed with a disease, illness or medical condition that meets **all** the conditions listed below:

- It is incurable, including if it can be managed but not cured.
- It is advanced in its trajectory.
- It is progressive, meaning that you are experiencing an active deterioration and will continue to decline and not recover.
- It will cause death.
- It is expected to cause death within six months, or 12 months if it is a neurodegenerative disease.
- It is causing suffering that cannot be relieved in a manner that you consider tolerable.

## Neurodegenerative condition with a six-to-12-month prognosis

If your medical practitioner can determine that you have a neurodegenerative condition that will cause death within six to 12 months, they must refer you to a medical practitioner with appropriate skills and training to provide a specialist opinion.

## Suffering

The advanced disease must be causing you suffering that cannot be relieved in a way that is acceptable to you. People experience suffering in different and personal ways.

It may be appropriate for a medical practitioner to discuss your options for treatment and care to alleviate suffering, for example referral to [palliative care services](#), [home medicines review](#), or support through services such as [My Aged Care](#) and the [National Disability Insurance Scheme](#).

## Who can I contact for more information?

The [South Australian Voluntary Assisted Dying Care Navigator Service \(SAVAD-CNS\)](#) provides a service to assist people considering voluntary assisted dying, their family, friends and carers, health practitioners and health service providers to navigate the Voluntary Assisted Dying Pathway.

SAVAD-CNS can be contacted by email and phone during standard business hours (9.00 am to 5:00 pm).

**Email:** [Health.VADCareNavigators@sa.gov.au](mailto:Health.VADCareNavigators@sa.gov.au)

**Phone:** [0403 087 390](tel:0403 087 390)

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## For more information

**Health Services Programs Branch**  
**Department for Health and Wellbeing**  
**[Health.VoluntaryAssistedDying@sa.gov.au](mailto:Health.VoluntaryAssistedDying@sa.gov.au)**  
**[www.sahealth.sa.gov.au/vad](http://www.sahealth.sa.gov.au/vad)**

