

Voluntary Assisted Dying

SA Voluntary Assisted Dying Implementation Conference Frequently Asked Questions

The SA Voluntary Assisted Dying Implementation Conference was held virtually on Wednesday 16 November 2022.

The conference provided information about how voluntary assisted dying will be implemented in South Australia including an overview of the process and support services.

Attendees submitted over 150 questions and comments in the online chat during the conference. You can find the answers to these questions below.

Table of Contents

Support.....	2
Disclaimer.....	2
About voluntary assisted dying	3
Accessing voluntary assisted dying	4
Medical practitioners and voluntary assisted dying.....	8
Request and assessment process	11
Medication supply and administration process	16
Voluntary assisted dying support services	19
Support for health services	23
Legal.....	27

Voluntary Assisted Dying

Support

Some people may find issues relating to voluntary assisted dying concerning or distressing. If reading this material or thinking about voluntary assisted dying has raised some issues regarding grief and bereavement or personal crisis, the helpline below provides telephone support and counselling 24 hours a day, 7 days a week.

- Visit the [Lifeline website](#) or call [13 11 14](#)
- visit our [Bereavement Portal](#) site
- visit the [SA Health mental health services webpage](#) for a range of services
- call the Mental Health Triage Service on [13 14 65](#)
- call Kids Helpline on [1800 551 800](#)

Disclaimer

Material published by the Department for Health and Wellbeing about the *Voluntary Assisted Dying Act 2021* is for general use only. The information is provided in good faith to assist the community and health practitioners understand the framework for voluntary assisted dying in South Australia.

While every reasonable effort has been made to ensure the accuracy of the information, no guarantee is given that the information is free from error or omission. It is the responsibility of the user to make their own enquiries and decisions about relevance, accuracy, currency and applicability of information in this circumstance.

Whilst the Department endeavours to ensure that documents are as current as possible at the time of their preparation, it takes no responsibility for matters arising from changed circumstances or information or material which may have become available subsequently.

The information provided does not substitute advice of a registered health practitioner, lawyer or any other professional. Accordingly, before taking any actions based upon such information, we encourage you to consult with the appropriate professionals where required.



Voluntary Assisted Dying

About voluntary assisted dying

What is voluntary assisted dying?

Voluntary assisted dying in South Australia is a process that enables an eligible individual to voluntarily access and self-administer a medication that will cause their death, under the steps and process set out in the [Voluntary Assisted Dying Act 2021](#) (the Act). In some circumstances a medical practitioner can administer the medication for the person.

Voluntary assisted dying will give [eligible](#) South Australians with a terminal illness choice at the end of life, while ensuring the integrity of the safeguards embedded in the Act.

Why would someone access voluntary assisted dying?

Most people will find that [palliative care](#) and end of life services provide the support they need. These services help to improve the quality of life for people with advanced disease and provide support to their family and carers.

Even with the best care, some people getting close to the end of their life can experience suffering that is unable to be relieved in a way that is tolerable to them and may want to ask for assistance to die. If these people meet all the eligibility criteria and follow the process set out in the Act, they may access voluntary assisted dying.

Is voluntary assisted dying the same as voluntary euthanasia?

Technically, euthanasia means a doctor administers the life-ending medication to a dying person - rather than the person taking it themselves.

In Australia, the term 'voluntary assisted dying' covers both practices.

The term voluntary assisted dying is preferred in Australia because it also centres the dying person's choice. Voluntary assisted dying is not something that happens to you, but something you choose.

South Australia uses 'voluntary assisted dying' because the law allows people who are eligible near the end of their lives to make their own decision about how and when they die.



Voluntary Assisted Dying

Will people request voluntary assisted dying because they can't get palliative care?

Voluntary assisted dying is not an alternative to palliative care and end of life care services.

Most people who request voluntary assisted dying will be supported by palliative care and end of life services. All people accessing voluntary assisted dying will be told about their treatment options including palliative care treatment and encouraged to receive this support.

Find out more about [palliative care services](#) in South Australia on the SA Health website.

When will voluntary assisted dying be available?

Voluntary assisted dying will be available in South Australia from 31 January 2023.

What information will be available to the general community about voluntary assisted dying?

Information about voluntary assisted dying is available to the general community online and in a range of accessible formats at www.sahealth.sa.gov.au/vad.

People are encouraged to check the website as it contains the latest information on voluntary assisted dying in South Australia. The landing page is updated regularly to make new information easy to find.

Accessing voluntary assisted dying

Who will be able to access voluntary assisted dying?

Only people who meet the Act's [eligibility criteria](#) can access voluntary assisted dying. To be able to access voluntary assisted dying a person must:

- be 18 years old or over.
- be an Australian citizen or permanent resident.
- live in South Australia and have lived in South Australia for at least 12 months at the time of making a first request.
- have decision-making capacity in relation to voluntary assisted dying.
- be acting freely and without coercion.
- have been diagnosed with a disease, illness or medical condition that:
 - is incurable
 - is advanced and progressive



Voluntary Assisted Dying

- will cause death within six months, or 12 months if you have a neurodegenerative disease
- is causing suffering to you that cannot be relieved in a manner that you consider tolerable.

Further information about the [eligibility criteria](#) for accessing voluntary assisted dying can be found at www.sahealth.sa.gov.au/vad.

Can someone with dementia access voluntary assisted dying?

A person diagnosed with dementia may be eligible to access voluntary assisted dying if they meet the Act's eligibility criteria, which includes having an advanced disease likely to cause death within six months (or 12 months for neurodegenerative diseases) and having decision-making capacity throughout the process.

If dementia affects a person's capacity to make a decision about voluntary assisted dying, they will not meet the eligibility criteria and be unable to access voluntary assisted dying.

Can someone with Parkinson's disease access voluntary assisted dying?

Parkinson's disease is a neurodegenerative disease and would require an opinion from an expert in Parkinson's disease to confirm a person's eligibility.

Patients with Parkinson's disease may be eligible to access voluntary assisted dying if they meet the Act's eligibility criteria, including having an advanced disease likely to cause death within six months (or 12 months for neurodegenerative diseases) and having decision-making capacity throughout the process.

Can someone with a mental illness access voluntary assisted dying?

The same [eligibility criteria](#) apply for all people accessing voluntary assisted dying. This means that if you have a mental illness and meet the eligibility criteria under the Act, then you can access voluntary assisted dying.

Having a mental illness without meeting the eligibility criteria means you cannot access voluntary assisted dying.

A person is not eligible for access to voluntary assisted dying only because the person is diagnosed with a mental illness within the meaning of the *Mental Health Act 2009*.



Voluntary Assisted Dying

Can a person request voluntary assisted dying in an Advance Care Directive?

An [Advance Care Directive](#) guides decision-making about ongoing health care, living arrangements and other personal matters as well as who can make decisions for a person if they lose the capacity to make decisions themselves.

While a person is at liberty to include their desire to access voluntary assisted dying in an Advance Care Directive, this will not be considered a request for voluntary assisted dying. This is reflected in the *Advance Care Directives Act 2013*.

The *Voluntary Assisted Dying Act 2021* requires people requesting voluntary assisted dying to have decision-making capacity throughout the entire voluntary assisted dying process, to make sure their decision remains voluntary and consistent.

Can a person's family or friend or ask for voluntary assisted dying on the persons behalf? What about a person's substitute decision maker appointed through an Advance Care Directive?

A person can only access voluntary assisted dying if they request it personally.

Another person, for example a family member or friend, can support the person to access voluntary assisted dying. However, they cannot request to access voluntary assisted dying on that person's behalf.

Similarly, a person who is appointed as a person's substitute decision maker appointed in an Advance Care Directive cannot request to access voluntary assisted dying on that person's behalf.

What if someone needs an interpreter or assistance with communication?

A request for voluntary assisted dying must be made:

- to a registered medical practitioner
- clearly and unambiguously
- by the person personally.

A person who prefers or needs to communicate in a language other than English can use a suitably qualified interpreter to help them make their request to access voluntary assisted dying. The Act requires an interpreter who assists a patient throughout the Voluntary Assisted Dying Pathway to:

- be accredited by the [National Accreditation Authority for Translators and Interpreters](#)
- not be a member of the person's family
- not know or believe they may benefit from the death of the person



Voluntary Assisted Dying

- not own and is not responsible for the day-to-day management of a health facility where the person lives or is being treated, for example a residential aged care facility
- not be directly involved in providing the person health services or professional care.

A person who has a disability that affects their ability to be understood by others can communicate their request to access voluntary assisted dying through speech, gestures, or other means of communication available to them.

Health practitioners should take reasonable steps to support the person to communicate in their most effective form of communication and in a way that enables the patient to actively participate and understand.

My patient wants information about accessing voluntary assisted dying. What do I tell them?

Registered health practitioners should manage discussions about voluntary assisted dying and end-of-life care with sensitivity, empathy, and respect for the patient's autonomy.

Questions about voluntary assisted dying present an opportunity for registered health practitioners to have an open, honest, and meaningful discussion with the patient about their suffering and end of life care needs.

People may ask about voluntary assisted dying because they are experiencing suffering and want support to understand their end-of-life care options.

Registered health practitioners may have a conversation with the patients situation, how they are feeling, their options for treatment and care and their priorities as they approach end of life.

If a patient seeks information about voluntary assisted dying, health practitioners should:

- provide what information they can about voluntary assisted dying
- tell them where to find more information, for example online at www.sahealth.sa.gov.au/vad
- tell the patient that they should discuss voluntary assisted dying with their treating medical practitioner if they want to make a first request.

The Act permits registered health practitioners to choose the extent of their involvement in voluntary assisted dying, taking into consideration if they have a conscientious objection to voluntary assisted dying.

Registered health practitioners who choose not to participate in a discussion about voluntary assisted dying are encouraged be aware of their professional obligation not to impede or obstruct access to voluntary assisted dying.



Voluntary Assisted Dying

I am a health practitioner. Can I encourage my patient to consider voluntary assisted dying?

The Act does not permit a health practitioner to initiate a conversation or suggest voluntary assisted dying to a patient they provide health or professional care services to. Doing so may constitute unprofessional conduct under the *Health Practitioner Regulation National Law (South Australia) Act 2010* which may attract disciplinary action.

The person must initiate a discussion about voluntary assisted dying with their health practitioner. This is to ensure that the person's request is their own and is made voluntarily and without coercion. Once a person has requested information about voluntary assisted dying, health practitioners can provide relevant information.

Medical practitioners and voluntary assisted dying

I am a medical practitioner, and my patient makes a first to access voluntary assisted dying. What do I do?

A first request must be made:

- to a registered medical practitioner
- clearly and unambiguously
- by the person personally.

Medical practitioners who accept a first request become the patient's [Coordinating Medical Practitioner](#) and are responsible for supporting the patient, their family, and carers throughout the voluntary assisted dying pathway.

You can choose whether or not you want to assist and your level of involvement.

You have seven calendar days from the date the patient made the request to decide if you want to accept their request or not.

Your level of involvement is up to you. You may be prepared to assist by providing your patient with information only, or you may be prepared to support the patient throughout the voluntary assisted dying process.

If you do decide to assist the patient and accept the first request, you will need to record the first request and complete the [Mandatory Voluntary Assisted Dying Training for Medical Practitioners](#) available in the [Voluntary Assisted Dying Clinical Portal](#).

You can also contact the SA Voluntary Assisted Dying Care Navigator Service (Care Navigator Service) who can offer support to you and your patient, including to find an alternative medical practitioner if you choose not to participate.



Voluntary Assisted Dying

Who can be a patient's Coordinating Medical Practitioner for voluntary assisted dying?

Medical practitioners are the only health practitioners able to undertake the assessments required to enable a person to access voluntary assisted dying under the Act.

There are two main roles medical practitioners can undertake in supporting a person to access voluntary assisted dying:

- **Coordinating Medical Practitioner:** supports the patient throughout the voluntary assisted dying process and conducts an assessment of the person's eligibility to access voluntary assisted dying
- **Consulting Medical Practitioner:** conducts an independent assessment of the person's eligibility to access voluntary assisted dying.

Registered medical practitioners who act as the Coordinating or Consulting Medical Practitioner must either:

- hold a fellowship with a specialist medical college; or
- be a vocationally registered general practitioner.

Either the Coordinating Medical Practitioner or each Consulting Medical Practitioner must:

- have practised as a registered medical practitioner for at least 5 years after completing a fellowship with a specialist medical college or vocational registration (as the case requires)
- have relevant expertise and experience in the disease, illness or medical condition expected to cause the death of the person being assessed.

Medical practitioners are not eligible to act as the Coordinating Medical Practitioner or Consulting Medical Practitioner for a patient if they meet any of the below criteria:

- they are a family member of the patient
- they know or reasonably believe they may be a beneficiary under the patient's will
- they know or reasonably believe they may otherwise benefit from the death of the patient.

Medical practitioners must complete the Mandatory Voluntary Assisted Dying Training for Medical Practitioners before they undertake an assessment of a patient's eligibility to access voluntary assisted dying.



Voluntary Assisted Dying

What training do I need to undertake to be a patient's Coordinating Medical Practitioner for voluntary assisted dying?

Medical practitioners must successfully complete the [Mandatory Voluntary Assisted Dying Training for Medical Practitioners](#), accessed online via the [Voluntary Assisted Dying Clinical Portal](#).

Medical practitioners can complete the training at any time, including:

- before the practitioner receives a request for voluntary assisted dying
- after the practitioner has accepted a first request for voluntary assisted dying
- after the practitioner has accepted a referral for a consulting assessment for voluntary assisted dying.

Training remains valid for five years from the date of successful completion.

Will a list of medical practitioners who participate in voluntary assisted dying be publicly available?

The Act includes confidentiality provisions that protect the privacy of all those participating in voluntary assisted dying, including both patients and practitioners. As such, a list of medical practitioners participating in voluntary assisted dying will not be publicly available.

People considering accessing voluntary assisted dying can contact the Care Navigator Service who offer support and help connect people with an appropriate medical practitioner participating in voluntary assisted dying.

Do I have to participate in voluntary assisted dying if my patient asks me to?

All health practitioners have the right to choose whether or not they want to participate in voluntary assisted dying.

Health practitioners are not obliged to participate in voluntary assisted dying.

You can choose your level of involvement in voluntary assisted dying, including:

- providing information
- participating in the requests and assessments
- applying for voluntary assisted dying permit
- prescribing or administering medication
- being present at the time of administration of medication.

If you do conscientiously object it is important you do not impede or obstruct the patient's access to voluntary assisted dying.



Voluntary Assisted Dying

Request and assessment process

What's the first step a person needs to take to access voluntary assisted dying?

A person should discuss their intent to access voluntary assisted dying with their treating medical practitioner in the first instance.

A person makes a first verbal request to access voluntary assisted dying:

- to a registered medical practitioner
- clearly and unambiguously
- by themselves personally.

The medical practitioner has 7 calendar days to tell the person if they will accept the request and become the person's Coordinating Medical Practitioner or if they refuse the request, for example because they have a conscientious objection or they're not eligible to participate.

Medical practitioners must meet the requirements in the Act to be the person's Coordinating Medical Practitioner.

I want to access voluntary assisted dying, but my treating medical practitioner has chosen not to participate. What do I do?

If a person's treating medical practitioner chooses not to participate as a Coordinating or Consulting Medical Practitioner, the person can contact the Care Navigator Service who offer support and help connect people with an appropriate medical practitioner participating in voluntary assisted dying.

How long does the voluntary assisted dying process take?

Accessing voluntary assisted dying is a complex process with robust safeguards. A person must make three requests for voluntary assisted dying, be assessed as eligible by two independent medical practitioners, appoint a contact person and arrange supply of the medication. For this reason, the process takes time.

A person seeking to access voluntary assisted dying is advised to start early and plan ahead by talking about their end of life care with their treating medical practitioner. This will help avoid stress at an already challenging time.

Under the Act, the person can only make a final request to access voluntary assisted dying at least nine days from the date they made the first request and at least 1 day after their consulting assessment. The nine day period can only be shortened if the Coordinating and



Voluntary Assisted Dying

Consulting Medical Practitioners have each independently assessed that patient's death is likely to occur before this.

What documents do I need to show I am eligible to access voluntary assisted dying?

To access voluntary assisted dying, two independent medical practitioners must verify you meet the eligibility criteria in the Act.

You will need to provide proof of all the below:

- that you are aged 18 or older
- that you are an Australian citizen or permanent resident
- that you have lived in South Australia for at least 12 months.

A driver's license, proof of age card or birth certificate are examples of documents that may be used to prove you are eligible.

You can prepare for your assessment by completing a Prepare for Assessment Form in the Clinical Portal. It will help you to:

- collect information you will need to provide in the first assessment
- collect evidence required to establish your eligibility, for example proof of age
- understand what to expect at the first assessment.

The Care Navigator Service can also support you to prepare for your assessment.

Can a person appeal a decision if they are assessed as not eligible to access voluntary assisted dying?

The South Australian Civil and Administrative Tribunal (SACAT) is an independent legal entity that helps people in South Australia resolve issues within specific areas of law.

Under the Act, SACAT can review decisions made by the Coordinating or Consulting Medical Practitioner that impact a person's eligibility to access voluntary assisted dying.

Each of the following are SACAT reviewable decisions:

- that the patient is not ordinarily resident in South Australia
- that the patient was or was not ordinarily resident in South Australia for at least 12 months at the time of making a first request
- that the patient has or does not have decision-making capacity regarding voluntary assisted dying.



Voluntary Assisted Dying

A person can apply to SACAT for review of the decision within 28 calendar days after the date the decision was made. SACAT may extend this timeframe if special circumstances exist provided that the patient will not be unreasonably disadvantaged because of the extension.

More information is available on the [SACAT](#) website.

Can I discuss or assess my patient for voluntary assisted dying over the telephone or via video conference?

The Commonwealth *Criminal Code Act 1995* contains offences which limit the use of a carriage service to access and transmit suicide-related material. This directly impacts how certain parts of the Voluntary Assisted Dying Pathway can be communicated.

General information about voluntary assisted dying and the request and assessment process may be discussed over the telephone or via video conference. Information must not advocate, encourage, incite, promote, or teach about how to undertake the act of self-administration of a voluntary assisted dying medication.

All discussions that provide information relating specifically to the act of administering a voluntary assisted dying medication or provides details or instructions about the act of administering a voluntary assisted dying medication must not be discussed or shared by telephone, fax, email, videoconference, internet, and the like.

Are other treatment options offered to people seeking to access voluntary assisted dying?

Voluntary assisted dying is another end of life choice available to eligible South Australians as part of high-quality, person centred end of life care.

This is in addition to other choices that people may make about their end of life care, including palliative care.

All people have the right to be supported in making informed decisions about their end of life care and to understand their medical treatment options including comfort and palliative care.

The Act requires a person's Coordinating and Consulting Medical practitioners to inform them about the treatment options available to them, including palliative care, and the likely outcomes of that treatment.



Voluntary Assisted Dying

What happens if I do not have someone to witness my written declaration or be my contact person?

Before accessing the voluntary assisted dying medication, a person must:

- make a second request to access voluntary assisted dying through a written declaration
- appoint a contact person who is responsible for returning any unused or remaining voluntary assisted dying medication to the SA Voluntary Assisted Dying Pharmacy Service (Pharmacy Service) within 15 days after the date of the patient's death.

If a person does not have an eligible person to witness their written declaration or be their contact person, they can contact the Care Navigator Service who can provide support to arrange for a person to act as a witness or a contact person.

What happens if a person can no longer physically sign a written declaration or contact person appointment form?

If a person is not able to sign the written declaration or contact person appointment form, another person may sign the declaration on the person's behalf and in the presence of the person.

What happens if a patient's decision-making capacity becomes impaired during the voluntary assisted dying process?

The Act has strict eligibility criteria to access voluntary assisted dying which includes the person having decision-making capacity in relation to voluntary assisted dying.

A person is presumed to have decision-making capacity, including in relation to voluntary assisted dying, unless there is evidence to the contrary. Medical practitioners must specifically assess the patient's capacity to make decisions about voluntary assisted dying.

Decision-making capacity must be assessed at multiple points in the Voluntary Assisted Dying Pathway:

- 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 the person's care expresses concern to the Coordinating Medical



Voluntary Assisted Dying

Practitioner that the patient has impaired decision-making capacity in relation to voluntary assisted dying.

The Act requires that people requesting voluntary assisted dying have decision-making capacity throughout the entire process, to make sure their decision remains voluntary and consistent. If at any point during the Voluntary Assisted Dying Pathway a person is assessed as not having decision-making capacity in relation to voluntary assisted dying, they will not be able to access voluntary assisted dying.

Whether a patient has decision-making capacity in relation to voluntary assisted dying is a decision reviewable by SACAT.

How do medical practitioners submit all the forms to the Voluntary Assisted Dying Review Board?

All forms required under the Act are completed and submitted to the Voluntary Assisted Dying Review Board online through the [Voluntary Assisted Dying Clinical Portal](#).

The Voluntary Assisted Dying Clinical Portal is the secure online system used by medical practitioners to manage requests for voluntary assisted dying in South Australia.

Medical practitioners will be able to use the Voluntary Assisted Dying Clinical Portal to:

- access the Voluntary Assisted Dying Mandatory Medical Practitioner Training
- complete and submit forms required to access voluntary assisted dying
- apply for a permit to prescribe a voluntary assisted dying medication.

How is information in the Voluntary Assisted Dying Clinical Portal be kept safe and secure?

A range of security measures are in place to ensure information in the [Voluntary Assisted Dying Clinical Portal](#) is kept secure, including:

- only verified users authorised by the Department for Health and Wellbeing can access the Voluntary Assisted Dying Clinical Portal
- all users access the Voluntary Assisted Dying Clinical Portal with a unique username, password, and multi-factor authentication
- users only have permissions to access information that is reasonably necessary to support a specific patient to access voluntary assisted dying
- all users are required to take reasonable steps to protect the security of information stored in the Voluntary Assisted Dying Clinical Portal in line with the Voluntary Assisted Dying Clinical Portal Terms of Use.



Voluntary Assisted Dying

Can a patient's information be updated once it has been recorded in the Voluntary Assisted Dying Clinical Portal?

A patient's information can be updated in the Voluntary Assisted Dying Clinical Portal, a reason for edits or updates will need to be provided where a form has been submitted.

Who can administer the voluntary assisted dying medication?

Only the person named on the voluntary assisted dying permit is legally authorised to administer the voluntary assisted dying medication.

If the person has been granted a self-administration permit, then only they can self-administer the medication at the time and place of their choice.

If it is a practitioner administration permit, then the only person's Coordinating Medical Practitioner can administer the medication at the person's request in the presence of a witness.

Medication supply and administration process

Can I die at home with voluntary assisted dying?

Voluntary assisted dying is about choice. Voluntary assisted dying provides an option to choose the manner, place and time of death for eligible people who are terminally ill and suffering intolerably as they near the end of their life.

People can choose to be at home, often with loved ones present when they administer the voluntary assisted dying medication. A person may also choose to self-administer somewhere other than a private home, for example a hospital or community health service.

Do I need to take the medication within a certain timeframe?

There is no obligation to take the medication once it has been supplied.

Who can administer the voluntary assisted dying medication?

The voluntary assisted dying permit determines who is legally authorised to administer the voluntary assisted dying medication.

If the person has a self-administration permit, they must take the medication independently.

If the person has a practitioner administration permit, only the Coordinating Medical Practitioner can administer the medication. This can only occur at the person's request in the presence of a witness.



Voluntary Assisted Dying

How will a person take the voluntary assisted dying medication?

Most people will take the medication as a mixture, either by swallowing it or by giving it through a feeding tube (enteral administration). If someone is unable to take the medication in this way it can be given intravenously, but this can only happen if they have been issued with a practitioner administration permit.

How long does the medication take to be effective?

Most people fall asleep within a few minutes of administration of voluntary assisted dying medication. In most cases, death occurs within 60 minutes, but it can sometimes take longer.

Who can be present at a person's death?

People accessing voluntary assisted dying can choose the time and place of their death as well as who will be present.

A person should have at least one support person present when self-administering the medication. This helps to make sure the medicine works effectively, that the person's body can be cared for after death. They may also ensure the person's contact person is notified if they are not present. The contact person is responsible for ensuring any unused medication is safely stored and returned to the Pharmacy Service for disposal.

Being present for a person's death can be a positive experience for carers, family or friends, but may be confronting for some. People are encouraged to inform their supports so they can be prepared for what to expect and decide whether attending the death is right for them.

A person may ask a health practitioner or care worker to be present at their death. It is up to the individual health practitioner to decide whether to attend or not attend.

Can I take the medication interstate?

Voluntary assisted dying permits only apply within the South Australian borders.

The patient and their supports will not be protected by the Act if they administer the medication outside of South Australia.

What role will pharmacists play in the delivery of voluntary assisted dying?

Pharmacists in the SA Voluntary Assisted Dying Pharmacy Service are responsible for:

- supplying the voluntary assisted dying medication kit
- educating about the administration, storage and return of voluntary assisted dying medication



Voluntary Assisted Dying

- supporting in the prescription, administration, storage and return of voluntary assisted dying medication
- facilitating the safe return and disposal of any unused medications.

What happens to remaining or unused voluntary assisted dying medication?

Remaining or unused voluntary assisted dying medication must be returned to the SA Voluntary Assisted Dying Pharmacy Service where it will be safely disposed of. In the event of the person's death the Contact Person is responsible for ensuring this is done within 15 calendar days.

Do people living in regional areas have to return the medication to the SA Voluntary Assisted Dying Pharmacy Service?

The Act requires unused medication to be returned to the dispensing pharmacy, which means it must be returned to the SA Voluntary Assisted Dying Pharmacy Service. The pharmacist will explain how returning unused medication can be arranged when they supply the medication.

What safeguards are in place to ensure the medication is not misused?

Once the medication has been supplied to the person, they are responsible for storing it securely in the locked box provided until they choose to use it or return it to the pharmacy service.

We know from interstate experience that people take this responsibility very seriously and there have been no known instances where a medication has been misplaced, stolen or misused.

If the person chooses to return the medication or dies before taking it, responsibility for returning the medication transfers to their contact person. If they do not fulfil their responsibilities under the Act the contact person may be charged with an offence and face a penalty of up to 12 months imprisonment.

Can a person who accesses voluntary assisted dying be an organ donor?

The Act does not prevent people who have accessed voluntary assisted dying from being organ donors.

A person should obtain further information from their medical practitioners around their medical eligibility and challenges associated with voluntary assisted dying and a successful organ transplantation to make an autonomous decision about organ donation.



Voluntary Assisted Dying

Will voluntary assisted dying deaths be reported to the State Coroner?

When someone dies, a doctor must notify Births, Deaths and Marriages of the death within 48 hours if they either:

- were responsible for a patient's medical care immediately before their death
- examined the body of the patient after death

If a doctor knows or has reason to believe that the person who died was the subject of a voluntary assisted dying permit they must notify both:

- the Registrar of Births, Death and Marriages
- the State Coroner.

In most cases, the Coroner will not need to investigate the death.

Voluntary assisted dying support services

If my patient wants to access voluntary assisted dying but their treating medical practitioner has chosen not to participate, who do I refer them to?

The Care Navigator Service is available to support all people and health services seeking information and support about voluntary assisted dying and to provide assistance connecting patients with an appropriate medical practitioner participating in voluntary assisted dying.

What if my family does not support me to access voluntary assisted dying?

For some people, death and dying can be difficult to talk about. But it is important that you do so and plan ahead to make the right choices for you.

If you would prefer to, you can keep the conversation confidential between you and your doctor. Just like any other aspect of your healthcare and treatment, you do not have to share details if you do not want to.

You may also contact the Care Navigator Service. The Care Navigator Service is available to support you to access voluntary assisted dying and help connect you with appropriate medical practitioners and health services participating in voluntary assisted dying.

I'm in my 80s and have no family. Who will support me if I need to access voluntary assisted dying?

People without family or support are encouraged to contact the Care Navigator Service. The Care Navigator Service can provide individualised support, assistance in connecting people



Voluntary Assisted Dying

with appropriate medical practitioners and health services participating in voluntary assisted dying and accessing voluntary assisted dying support packages.

What are the Care Navigator and Pharmacy Services and when will they be available?

The SA Voluntary Assisted Dying Care Navigator Service and the SA Voluntary Assisted Dying Pharmacy Service will be available from 31 January 2023.

The Care Navigator Service is responsible for providing:

- general information about end of life care services, including voluntary assisted dying
- individualised support for people accessing voluntary assisted dying
- assistance connecting people with appropriate medical practitioners and health services participating in voluntary assisted dying
- access to voluntary assisted dying support packages
- individualised support to medical practitioners and health services
- education and training to health services.

The Pharmacy Service is responsible for:

- educating the patient about the administration, storage and return of voluntary assisted dying medication
- supporting Coordinating Medical Practitioners in the prescription, administration, storage and return of voluntary assisted dying medication
- facilitating the safe return and disposal of any unused medications.

What is the role of the Voluntary Assisted Dying Review Board?

The inaugural [SA Voluntary Assisted Dying Review Board](#) has been appointed by the Minister for Health and Wellbeing to oversee voluntary assisted dying in South Australia.

The eight-member Review Board is responsible for the review of functions and powers exercised under the *Voluntary Assisted Dying Act 2021*.

The Review Board has been appointed ahead of the commencement of voluntary assisted dying in South Australia to ensure it is fully operational as people access voluntary assisted dying from 31 January 2023.

More information on the Review Board is available at www.sahealth.sa.gov.au/vad.



Voluntary Assisted Dying

What information will the Voluntary Assisted Dying Review Board collect to monitor matters relating to voluntary assisted dying?

The Act permits the Voluntary Assisted Dying Review Board to collect information on voluntary assisted dying in South Australia to ensure it is carried out in accordance with the Act and to promote improvements in delivery. The Review Board will collect information on:

- people applying for and accessing the Voluntary Assisted Dying Pathway
- medical practitioners participating in the Voluntary Assisted Dying Pathway
- self-administered and practitioner administered permits
- feedback and complaints in relation to the Voluntary Assisted Dying Pathway.

The Review Board will use information it collects to monitor and report on voluntary assisted dying in South Australia and to make information about voluntary assisted dying publicly available at regular intervals.

What support is available to people who want to access voluntary assisted dying and live in a regional or remote area?

The Care Navigator Service is available to assist individuals, medical practitioners, healthcare teams and private and public health services across the state to navigate the Voluntary Assisted Dying Pathway.

The Care Navigator Service is available to provide:

- general information about end of life care services, including voluntary assisted dying
- individualised support for people accessing voluntary assisted dying
- assistance connecting people with appropriate medical practitioners and health services participating in voluntary assisted dying
- access to voluntary assisted dying support packages
- individualised support to medical practitioners and health services
- education and training to health services.

A Regional Support Program is being developed to ensure people who live in regional or remote areas can access voluntary assisted dying.

Information on voluntary assisted dying and the Care Navigator Service is available at www.sahealth.sa.gov.au/vad. The website is updated regularly, and information on the Regional Support Program will be uploaded once available.



Voluntary Assisted Dying

What consultation has occurred with Aboriginal communities during the implementation of voluntary assisted dying?

Work is underway to support a culturally safe and accessible pathway to voluntary assisted dying for Aboriginal and Torres Strait Islander people in South Australia.

Together with the community, the Voluntary Assisted Dying Implementation Taskforce aims to build a narrative that promotes understanding of the concept of voluntary assisted dying and creates a cultural connection to it, but we are aware that this will take time.

Staff coming onboard to deliver voluntary assisted dying support services will undertake cultural awareness training and implement models of care informed by collaboration with colleagues in Aboriginal Health Services at a local health network level, with Aboriginal Community Controlled Health Organisations, and other lead Aboriginal professional organisations.

Care provided will also need to consider concepts of family and shared decision-making, and how the voluntary assisted dying process can be confidently navigated while addressing risks of coercion.

The Taskforce has recognised there is a lot to do in this space, and we will continue to meet with Aboriginal health organisations and community to ensure that voluntary assisted dying will be safe, culturally appropriate, and accessible for Aboriginal people who wish to make this choice at end of life.

What grief and bereavement supports are available to patients, families and practitioners participating in voluntary assisted dying?

Grief support is available to families of patients who have been supported by specialist palliative care services. For those patients without specialist palliative care support, access to grief services will be through the bereaved person's general practitioner.

Information about grief and bereavement services is available on the SA Health [Bereavement Portal](#).



Voluntary Assisted Dying

Will mental health care be provided to people accessing voluntary assisted dying?

Patients exploring voluntary assisted dying have the same rights to health care as other people. While mental health clinicians may not be a part of the voluntary assisted dying team, this does not exclude the person accessing voluntary assisted dying from being referred by their doctor to private or public mental health services, disability services, counselling services or any other supportive services that they may require.

For many patients, their palliative care team may provide mental health support, as well as non-government organisation or diagnosis-based organisations who may provide family and individual support.

Support for health services

What should health practitioners consider when deciding whether to participate in voluntary assisted dying?

Deciding to participate in voluntary assisted dying is a personal and professional decision that should be made carefully.

When choosing the extent and level of involvement in discussions about voluntary assisted dying registered health practitioners should take into consideration:

- their personal and professional values regarding end of life care
- their therapeutic relationship with the patient
- the needs and choices of the patient
- the impact on the patient because of their decision
- their willingness to participate in various aspects of the Voluntary Assisted Dying Pathway, for example providing information only, assessing a patient's eligibility, prescribing, or administering the medication
- obligations they have under relevant professional codes of conduct or ethics
- if their employing health service supports voluntary assisted dying or not
- if their employing health service has capacity to safely meet the needs of a patient seeking voluntary assisted dying
- any relevant organisational policies
- their professional obligation not to unduly delay a patient's access to voluntary assisted dying
- the need to inform the patient of their decision as soon as possible.

Voluntary Assisted Dying

How can health services support staff to participate in voluntary assisted dying?

The Care Navigator Service is available to assist healthcare teams and private and public health services and staff across the State to navigate the Voluntary Assisted Dying Pathway.

Additionally, Voluntary Assisted Dying Liaison Officers will be available within the SA Health Local Health Networks to provide education and support to staff.

Health services should consider how they will support conscientious objection within the workforce. Voluntary assisted dying will conflict with the values, beliefs, and culture of some staff. The Act is clear that conscientious objection is a right for all health workers, and health services should consider how they manage this within their service.

For staff who wish to participate there must be protections in place to preserve their right to privacy and protect their views and beliefs to conscientiously provide voluntary assisted dying at end of life. The employee assistance program and the community of practice will be developed and available to support participating clinicians.

What self-care and resilience supports are available to staff supporting a patient to access voluntary assisted dying?

Medical practitioners who elect to add voluntary assisted dying to their scope of practice will be invited to participate in a community of practice to promote peer support.

Jurisdictions that offer the community of practice identify educational benefits from case-based discussions, and professional benefits from linkage with the care navigator service and peers.

Care Navigators and Voluntary Assisted Dying Liaison Officers staff will participate in clinical supervision and support the community of practice sessions to ensure self-care is embedded in the model of care supporting voluntary assisted dying.

I work in a public hospital. Who do I contact if a patient I support wants to access voluntary assisted dying?

Staff in local health networks (LHNs) can contact their Voluntary Assisted Dying Liaison Officer for support when a patient requests voluntary assisted dying in a public health service.

There are four Voluntary Assisted Dying Liaison Officer roles across LHNs dedicated to supporting the safe access to voluntary assisted dying in public health services. They provide high level clinical governance advice and support to health practitioners participating in voluntary assisted dying within the public health system.



Voluntary Assisted Dying

Patients can also contact the Care Navigator Service who assist individuals, medical practitioners, healthcare teams and private and public health services across the state to navigate the Voluntary Assisted Dying Pathway.

Will voluntary assisted dying take place in palliative care settings?

Most people who request voluntary assisted dying will be supported by palliative care and end of life services.

Voluntary assisted dying is about choice and a person may self-administer the voluntary assisted dying medication at a time and place of their choosing.

If a person chooses to self-administer somewhere other than a private home, for example a hospital or community health service, they should communicate with staff at the facility to ensure the location is willing and able to safely meet their needs.

The person may want their palliative or other care provider present at their death.

What support will be available for residential aged care providers to support their residents to access voluntary assisted dying?

The Act is clear that aged care organisations must not hinder a resident's access to information about voluntary assisted dying.

To assist aged care providers prepare for voluntary assisted dying, SA Health is developing an aged care readiness toolkit which will be introduced to the sector with accompanying education.

The toolkit will provide a general staff overview and fact sheets to assist aged care providers to consider the clinical governance issues and to prepare staff and the organisation.

Do patients need to tell their health service that they are accessing voluntary assisted dying?

The Act does not require people to disclose to their health service that they are accessing voluntary assisted dying.

How will health services know if a patient has received their voluntary assisted dying medication?

The Act does not require people to disclose they are in possession of the voluntary assisted dying medication.

The Act protects the privacy of the person accessing voluntary assisted dying and there are penalties in place for breaching confidentiality.



Voluntary Assisted Dying

The Care Navigator Service and Pharmacy Service will work closely with patients to encourage open communication between the patient and those that are providing care to them, to ensure best patient and staff outcomes.

What supports are in place for people in correctional facilities who want to access voluntary assisted dying?

The same eligibility criteria apply for all people accessing voluntary assisted dying. This means if a person in a correctional facility meets the eligibility criteria under the Act they can access voluntary assisted dying.

The Care Navigator Service will support staff and patients in a correctional facility.

What information will be available to support health services to implement voluntary assisted dying?

The Health Service Readiness Toolkit is being developed to support health facilities prepare for voluntary assisted dying implementation. The Toolkit will be uploaded to www.sahealth.sa.gov.au/vad when available.

SA Health local health networks will have access to a Voluntary Assisted Dying Liaison Officer, who is responsible for supporting clinicians and patients understand and progress through the pathway.

The Care Navigator Service is available to assist private facilities, aged care providers, and disability providers and provide information and practical support, for patients and clinicians.

Who can complete the 15-minute quick learning module?

Anyone seeking general information on voluntary assisted dying can complete the 15-minute learning module.

Will template policies and procedures be available for my health service to adapt?

The Health Service Readiness Toolkit is being developed to support health facilities prepare for voluntary assisted dying implementation. The Toolkit will be uploaded to www.sahealth.sa.gov.au/vad when available.



Voluntary Assisted Dying

Legal

Are there penalties for not complying with the voluntary assisted dying laws?

The Act sets out the following offences:

- unauthorised administration of the voluntary assisted dying medication
- inducing another person to make a request for access to voluntary assisted dying
- inducing another person to self-administer the medication
- falsifying a form or record required to be made under the Act
- knowingly making a false or misleading statement in a report or form required under the Act
- the contact person failing to return unused or remaining medication after the death of a patient granted a self-administration permit
- a person failing to give copies of forms to the Review Board.

These offences attract penalties. It is important that anyone participating in the Voluntary Assisted Dying Pathway familiarise themselves with these offences.

A breach of the Act by a registered health practitioner may also be professional misconduct or unprofessional conduct for the purposes of the *Health Practitioner Regulation National Law (South Australia) Act 2010*, even if the breach is not an offence under the Act.

Does voluntary assisted dying affect a person's life insurance claims?

Voluntary assisted dying does not affect life insurance claims or death benefits from superannuation funds. Although most life insurance policies exclude claims if a person has died by suicide, South Australian laws makes it clear that voluntary assisted dying is not suicide. A person's death certificate lists their illness as the cause of death, not voluntary assisted dying. People are encouraged to check with their insurer directly if they have any queries about insurance.

For more information

Email: Health.VoluntaryAssistedDying@sa.gov.au
www.sahealth.sa.gov.au/vad

© Department for Health and Wellbeing, Government of South Australia. All rights reserved.

