

Voluntary assisted dying

Information for health practitioners

The Parliament of New South Wales passed the **Voluntary Assisted Dying Act 2022** (the Act) on 19 May 2022. This Act will allow eligible people the choice to access voluntary assisted dying from 28 November 2023. From now until November 2023, the NSW Ministry of Health (NSW Health) will plan for and implement voluntary assisted dying in NSW. The legislation has many safeguards to ensure voluntary assisted dying is safe, accessible and appropriate. NSW Health will provide ongoing information to health practitioners throughout 2022 and 2023.

When can voluntary assisted dying be accessed?

The law will come into effect on 28 November 2023. This allows for an 18-month implementation period. People cannot access voluntary assisted dying in NSW before 28 November 2023.

Health care workers may provide general information to patients about voluntary assisted dying before implementation, but the formal application process cannot commence before 28 November 2023.

Who is eligible for voluntary assisted dying in NSW?

A person can only access voluntary assisted dying under the law if they meet the following criteria:

1. They must be an adult (18 years and older), who is an Australian citizen, a permanent resident of Australia, or have been resident in Australia for at least three continuous years.
2. They must have been living in NSW for at least 12 months.
3. They must have at least one disease, illness or medical condition that is advanced, progressive and:
 - a. Will, on the balance of probabilities, cause their death within six months (or within 12 months for neurodegenerative diseases like motor neurone disease), and

- b. Is causing the person suffering that cannot be relieved in a way the person considers tolerable.
4. They must have decision-making capacity in relation to voluntary assisted dying and be acting voluntarily.
5. They must have the ability to make and communicate requests and decisions about voluntary assisted dying throughout the formal request process.

Who can provide voluntary assisted dying services in NSW?

Authorised practitioners that meet certain criteria defined in the Act are eligible for the roles of:

- **coordinating practitioner** – conducts a first eligibility assessment and coordinates all steps of the voluntary assisted dying process
- **consulting practitioner** – conducts a second eligibility assessment, called a consulting assessment
- **administering practitioner** – administers the prescribed voluntary assisted dying substance to the patient. This role is only required if the patient chooses practitioner administration.

To be eligible as a **coordinating or consulting practitioner**, the practitioner must be a medical practitioner who holds specialist registration, or general registration and has practiced in the medical profession for at least 10 years.

To be eligible as an **administering practitioner**, the practitioner must be a medical practitioner who holds specialist registration or holds general registration and has practiced in the medical profession for at least 5 years. The practitioner may also be an overseas-trained specialist who holds limited registration or provisional registration, or be a nurse practitioner.

In addition, eligible practitioners must also:

- complete approved mandatory training
- not be a family member of the patient
- not know or believe that they will benefit financially or materially from the death of the patient (beyond reasonable fees incurred as a practitioner)
- meet any other requirements that may be prescribed by regulations.

Can health care workers conscientiously object to voluntary assisted dying?

Yes. Health care workers who have a conscientious objection to voluntary assisted dying have the right to refuse to:

- participate in the request and assessment process,
- prescribe, supply or administer a voluntary assisted dying substance
- be present at the time of the administration of a voluntary assisted dying substance.

If a medical practitioner with a conscientious objection receives a request to provide voluntary assisted dying services, they must immediately refuse the request.

All medical practitioners who receive a first request, including those with a conscientious objection, are required to complete a first request form to notify the Voluntary Assisted Dying Board within set time frames and document the patient's request in their medical record.



Are there education and training requirements for health care workers?

NSW Health is currently developing education and training packages for voluntary assisted dying. These training packages will be available by September 2023.

The education and training packages in development include:

- comprehensive mandatory training for practitioners who wish to take on a formal role in the voluntary assisted dying process,
- awareness raising training for any health care workers.

Can health care workers initiate a discussion about voluntary assisted dying with patients?

A medical practitioner can initiate a discussion about or suggest voluntary assisted dying to a person if, in the same discussion, they also advise of:

- standard treatment options and their likely outcomes for the disease, illness or medical condition and
- palliative care and end of life care options.

A health care worker (other than a medical practitioner) can initiate a discussion about or suggest voluntary assisted dying to a person if, in the same discussion, they also advise that:

- palliative care and treatment options are available, and
- the person should discuss the options with their medical practitioner.

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Medical practitioners and health care workers should not provide information beyond their expertise. General information can be found on the [NSW Health website](#).

What support will be available for health care workers?

The Voluntary Assisted Dying Care Navigator Service will be available to provide information to health care workers and will establish a community of practice to support authorised coordinating, consulting and administering practitioners.

What do I need to do?

You may wish to consider your own position on voluntary assisted dying and how you may respond if a patient asks you about it once it becomes a legal option.

During the implementation period, NSW Health will develop supporting information and training for health practitioners. This will include further advice on the rights and obligations of health practitioners under the Act.

How will I be kept up to date on progress?

As implementation progresses, more information and resources will be communicated to health practitioners and made available on the [NSW Health website](#).



All people should receive the high-quality care they need, including palliative care.

The law sets guiding principles that a person approaching end of life should be provided with the high-quality care and treatment they need, including palliative care. All people in NSW should have equitable access to health services, including those in regional, rural and remote areas.

More information on palliative care services and resources in NSW is available on the [NSW Health website](#).

Further information

- [Voluntary Assisted Dying Act 2022](#)
- [Bill and debate - Parliament NSW](#)
- [Information for community on voluntary assisted dying](#) – share with patients

