



KOPWA VOLUNTARY ASSISTED DYING POSITION STATEMENT

VAD – what is it?

The *Voluntary Assisted Dying Act 2022* (NSW) (**VAD Act**) was passed on 19 May 2022 and commenced operation in New South Wales from 28 November 2023.

In general terms, VAD means assistance provided by an authorised health practitioner to administer, or for a person to self-administer, a poison or controlled substance for the purpose of causing a person's death, and includes steps reasonably related to the administration of that substance.

Decisions about VAD can only be made by a care recipient with decision making capacity. Substitute decision makers cannot make decisions about VAD on behalf of a care recipient who has impaired decision-making capacity.

For the avoidance of doubt, the following actions are not VAD:

- (a) a care recipient with decision making capacity refusing to receive medical treatment, even where that treatment may prolong their life;
- (b) a care recipient with decision making capacity refusing food and/or water, even where this may result in, or hasten, their death;
- (c) a medical practitioner refusing to provide treatment to a care recipient, where the medical practitioner considers the treatment would be futile; and
- (d) a care recipient receiving palliative care treatment in accordance with a treatment plan, including receiving prescribed palliative medication which is intended to relieve pain or other symptoms.

KOPWA and our responsibilities and obligations under the VAD Act

KOPWA respects the rights of our care recipients to live their lives the way they choose.

We encourage our care recipients to actively participate in decision-making regarding their care. We support and respect their rights to self-determination. This includes a care recipient's right to navigate their end-of-life experience when they have capacity to do so and provided the decision is in line with the VAD Act.

KOPWA supports personal choice, including best practice in palliative care and Voluntary Assisted Dying (VAD) however KOPWA only provides VAD Services to the extent required by the VAD Act.

KOPWA is committed to responding with respect and support to any aged care recipient who wishes to explore or consider voluntary assisted dying. This includes respecting an aged care recipient's wish to seek consultations with an external practitioner who can provide the aged care recipient with information and advice about voluntary assisted dying.

Consistent with KOPWA's decision not to offer VAD Services other than as required by the VAD Act , KOPWA will not:

- (a) hinder an aged care recipient's right to access information or their right to make a request about voluntary assisted dying;
- (b) hinder an aged care recipient's family member from accessing information about voluntary assisted dying;



- (c) hinder access by an authorised voluntary assisted dying practitioner or Voluntary Assisted Dying Navigator Service (VAD Navigator) to a KOPWA aged care facility to provide information or advice to an aged care recipient, where the access is requested by an aged care recipient or otherwise required under the relevant legislation;
- (d) initiate a conversation with an aged care recipient about voluntary assisted dying or suggest voluntary assisted dying in substance to an aged care recipient; or
- (e) induce an aged care recipient to make a request for access to VAD or to access VAD, and to self-administer a VAD substance.

VAD – Access to information

Any decisions involving end-of-life care should be made with appropriate healthcare practitioners in line with state law and requirements. KOPWA staff, members and volunteers are not permitted under law to discuss VAD with care recipients, which includes both patients and carers. If a patient or carer has questions about assisted dying, KOPWA will refer them to the appropriate healthcare practitioners, in accordance with state law and requirements. This is because there are strict laws, requirements and regulations that govern who can initiate, or have discussions about assisted dying.

If information or services are requested by an aged care recipient but those information or services are not available at the KOPWA facility, KOPWA will:

- (a) notify the aged care recipient that the information or services are not available and give the aged care recipient details of the VAD Navigator (or similar) that may assist them; and
- (b) provide support and assistance to the aged care recipient where they require transfer to another service to access voluntary assisted dying services, in accordance with the requirements of the VAD Act.

Your agreements

Prior to entering our residential aged care service or a home care service, we will provide consumers (or their representatives) with an aged care agreement. The aged care agreement contains all terms and conditions associated with the accommodation, care and services that KOPWA will provide. The terms of KOPWA's agreements reflect KOPWA's position on voluntary assisted dying.

Publication of information

Approved providers that do not wish to provide VAD services are also required to publicly disclose that they do not provide VAD services in their homes so that people are aware of their position.

KOPWA provides information about VAD via its policy and this fact sheet and will ensure it otherwise responds with respect and support to any aged care recipient who wishes to explore or consider voluntary assisted dying.

However, any information held or communicated by the provider or its staff in respect of VAD must not be:

- (a) used to counsel or incite a person to end or attempt to end their life, or promote a particular method of ending their life or provide instruction on a particular method of ending their life; or
- (b) transmitted to any person by a Carriage Service.



Questions

Please direct any questions about this statement to the Director of Nursing & Clinical Care.