

South Australia’s Voluntary Assisted Dying Laws

On 31 January 2023, Voluntary Assisted Dying laws came into effect in South Australia by way of the *Voluntary Assisted Dying Act 2021* (SA) (the Act).

What is Voluntary Assisted Dying?

Voluntary assisted dying is a process set out in the Act that enables eligible persons to voluntarily access and self-administer, or in certain circumstances have a medical practitioner administer, a medication that will cause their death. This process permits eligible South Australians with a terminal illness a choice to end their life, allowing them to die with dignity.

Who can access Voluntary Assisted Dying?

The criteria that must be satisfied before voluntary assisted dying can be accessed under the Act centre around residency in South Australia and the seriousness of the illness being suffered.

Initially, a person must:

- Be aged 18 years or older;
- Be an Australian citizen or permanent resident;
- Live in South Australia and have lived in South Australia for at least 12 months prior to making a first request;
- Have the capacity to make decisions in relation to voluntary assisted dying; and
- Be acting freely and without coercion.

Once sufficient residency is satisfied, the person wishing to access voluntary assisted dying must also have a disease, illness or medical condition that is:

- Incurable;
- Advanced and progressive;
- Will cause death within six months; and
- Is causing suffering that cannot be relieved in a manner considered tolerable by the individual.

What is the process to access Voluntary Assisted Dying?

The first step for a person seeking to access voluntary assisted dying is to attend a registered medical practitioner and make a request. The registered medical practitioner will complete an initial assessment as to whether the person meets the eligibility criteria. If eligibility is established, a second registered medical practitioner will conduct an assessment and the person will then need to appoint a support person, sign a declaration and make a further request amongst a number of other criteria before making a final request and being prescribed medication that the person may then use to end their life.

The multiple step process has safeguards throughout and is designed to ensure the person is aware of the treatment and palliative care options available to them and is making a fully informed decision, voluntarily and without coercion, in their request to end their life.

How can Andersons help?

If you require any advice in relation to Voluntary Assisted Dying, please do not hesitate to contact us.

This article was researched and written by Law Clerk Hannah Goldman and settled by Senior Associate Megan Horsell.

The information in this article is general in nature and was accurate at the time of publication. Laws and circumstances can change. For advice specific to your situation, please seek professional legal advice.