

Being a witness to the second request

Voluntary assisted dying

To access voluntary assisted dying, a person needs to make a second request, in writing, in front of two witnesses.

The purpose of having two witnesses is to provide a safeguard to ensure the:

- person's request for voluntary assisted dying is voluntary
- person is not being pressured into accessing voluntary assisted dying by someone else.

The two witnesses to the second request have an important role. You should think carefully about whether you believe you will be able to carry out this role.

Eligibility

To be a witness to the second request you must be 18 years or older.

You cannot be a witness if:

- you know or believe you are a beneficiary of the person's will
- know or believe you may otherwise benefit financially or in any other way from the death of the person
- you are the owner or manager at a facility where the person lives or is being treated
- you are the coordinating or consulting doctor for the person.

As long as you are not one of the above, you can be a witness. if you are:

- a partner or spouse of the person
- a family member of the person

- a friend of the person
- someone who provides care to the person
- a healthcare worker involved in the care of the person
- someone the person trusts to take on the role.

Role of the witness

You will need to fill in the witness section of the *Second Request Form*. This is the form the person must complete to make a second request to access voluntary assisted dying.

You will need to certify in the form that:

- the person signed their request in front of you
- the person appeared to sign their request freely and voluntarily.

You will also need to state in the form that you are not knowingly an ineligible witness (see Eligibility above).

If the person cannot sign the form themselves

If the person is unable to sign the *Second Request Form*—for example, their condition means they are unable to hold a pen—another person can sign the form on their behalf. They may only sign the form at the person's request. This person must be 18 years or older. They cannot be the person's coordinating or consulting doctor, or one of the witnesses.

MORE INFORMATION

health.qld.gov.au/vad



Queensland
Government

If another person signs on behalf of the person making the request, as a witness you must certify that:

- the person making the request appeared to freely and voluntarily tell the other person to sign the form for them
- the other person signed the request in front of you and the person making the second request.

You must also state in the form that you are not knowingly an ineligible witness (see Eligibility above).

Freely and voluntarily

You will need to certify on the *Second Request Form* that you believe the person appeared to sign the form freely and voluntarily.

In deciding if you believe the person is acting freely and voluntarily, you may want to have a conversation with them about voluntary assisted dying. Any conversation should be approached sensitively.

You should think about whether you believe it is the person's own choice to access voluntary assisted dying or if you believe they are being pressured by someone to access voluntary assisted dying. Things to look out for can include:

- the person does not appear to understand voluntary assisted dying or why they are accessing it
- the person does not appear to understand the form that they are signing
- the person has mentioned that they are accessing voluntary assisted dying because they feel like a burden to family
- the person keeps changing their mind on why they are accessing voluntary assisted dying

- the person always looks to someone else; a friend, family, or carer to answer questions for them
- another person talks over the top of the person accessing voluntary assisted dying.

If you are concerned about whether the person is acting freely and voluntarily you can raise your concerns with the person's coordinating doctor or contact the Queensland Voluntary Assisted Dying Support Service (QVAD-Support). If you do not believe the person has signed the *Second Request Form* freely or voluntarily, you should not sign the form.

Present during signing

You must be present when the person or a person signing on their behalf signs the *Second Request Form*. This must be done in person. It cannot be done over the phone, video communication or the internet.

If you and the other witness cannot be present at the same time, the person will need to sign the form twice, once in front of you and once in front of the other witness. Ineligible witnesses

You will need to state in the *Second Request Form* that you do not believe you are an ineligible witness. You are an ineligible witness if you do not meet the eligibility criteria listed above.

If an interpreter is used

In some cases, an interpreter may be required to help the person to make the second request. Your responsibilities do not change if an interpreter is needed.

The interpreter must certify on the *Second Request Form* that they provided a true and correct interpretation and translation.

Change of witness

You can choose not to be a witness to the second request for any reason.

You can also change your mind and withdraw from your role as a witness to the second request. You need tell the person you no longer want to be a witness, but you do not have to tell them your reasons.

The person accessing voluntary assisted dying can also change their mind about whether they want you to be their witness to the second request. They should tell you they have changed their mind.

You do not need to fill out any forms to stop being a witness.

Legal protections

There are specific protections in the *Voluntary Assisted Dying Act 2021* for people who assist a person accessing voluntary assisted dying. This means you will not be breaking any laws in Queensland by carrying out your responsibilities as a witness to the second request for voluntary assisted dying.

QVAD-Support

QVAD-Support provides advice to all Queenslanders about voluntary assisted dying.

QVAD-Support is run by care coordinators who are medical, nursing, and allied healthcare workers. You can contact QVAD-Support if you have any questions about

your role as a witness to the second request or voluntary assisted dying.

You can talk to a care coordinator Monday to Friday, 8.30am-4pm. **Phone:** 1800 431 371

Email: QVADSupport@health.qld.gov.au

Support

You do not need to do this on your own and help is available. When someone is dying or has died it can be a very stressful time. Grief is different for everyone. There is no right way to feel when experiencing loss or helping someone through the voluntary assisted dying process. Grief can be complex, and it can also start before someone dies.

If grief or your involvement supporting someone through the voluntary assisted dying process is affecting your physical or mental wellbeing, you might consider speaking to your doctor or another healthcare worker (for example, a psychologist). Asking for help is okay. Different people may need and want different levels of support.

Additional resources available to help you:

- When someone dies: A practical guide for family and friends
<https://clinicalexcellence.qld.gov.au/sites/default/files/docs/improvement/end-life-care/bereavement-booklet.pdf>
- During sad news and sorry business: information and practical ideas for First Nations peoples about things to do before and after an adult passes away in Queensland.
<https://clinicalexcellence.qld.gov.au/sites/default/files/docs/improvement/end-life-care/bereavement-sad-news-sorry-business.pdf>

Support services

Call one of the helplines below for support and counselling:

24/7 crisis services

- Mental Health Access Line call 1300 64 22 55 (24/7)
- Lifeline call 13 11 14 (24/7 – phone, text, online)
- Suicide Call Back Service call 1300 659 467 (24/7 – phone and online)

Support services

- Beyond Blue call 1300 22 4636 (24/7 – phone, online)
- Griefline call 1300 845 745 (6am to midnight AEST, 7 days a week)
- Queensland Transcultural Mental Health Centre call 3317 1234 or 1800 188 189 (outside Brisbane) or 1300 64 22 55 (24/7)
- World Wellness Group (multicultural support) call 1300 079 020
- 13YARN (13 92 76) for Aboriginal and Torres Strait Islander people

For more information and support visit <https://www.qld.gov.au/health/mental-health/help-lines>.



Help in your language

If you need an interpreter, ask your doctor for one. It is free.

For help reading this information call:

- Multicultural Connect Line free hotline number: 1300 079 020
- Interpreter Service (Help with English): 13 QGOV (13 74 68) and ask for an interpreter
- Translating and Interpreting Service: 13 14 50