

# Voluntary Assisted Dying Board Charter

The Voluntary Assisted Dying Board Charter sets out the powers and responsibilities of the Voluntary Assisted Dying Board (**the Board**) in alignment with the *Voluntary Assisted Dying Act 2019* (**the Act**).

## 1. Purpose of the Board

The Board is a statutory board established by the Act. The Board is established for the purpose of ensuring proper adherence to the legislation and to recommend safety and quality improvements.

## 2. Functions of the Board

The functions of the Board as set out in Part 9 of the Act are:

- to monitor the operation of the Act;
- to provide to the Minister for Health or the CEO of the Department of Health (**the CEO**), on its own initiative or on request, advice, information and reports on matters relating to the operation of the Act, including any recommendations for the improvements of voluntary assisted dying;
- to refer to any of the following persons or bodies any matter identified by the Board in relation to voluntary assisted dying that is relevant to the functions of the Commissioner of Police, the Registrar of Births, Deaths and Marriages, the State Coroner, the CEO, the Director General of the Department of Justice, the Australian Health Practitioner Regulation Agency and the Director of the Health and Disability Services Complaints Office;
- to conduct analysis of, and research in relation to, information given to the Board under this Act;
- to collect, use and disclose information given to the Board under this Act for the purposes of performing its functions;
- any other function given to the Board under this Act.

## 3. Principles

In exercising a power or performing a function under the Act, Board members must have regard to the following principles set out in Section 4 of the Act:

- a. every human life has equal value;
- b. a person's autonomy, including autonomy in respect of end of life choices, should be respected;

- c. a person has the right to be supported in making informed decisions about the person's medical treatment, and should be given, in a manner the person understands, information about medical treatment options including comfort and palliative care and treatment;
- d. a person approaching the end of life should be provided with high quality care and treatment, including palliative care and treatment, to minimise the person's suffering and maximise the person's quality of life;
- e. a therapeutic relationship between a person and the person's health practitioner should, wherever possible, be supported and maintained;
- f. a person should be encouraged to openly discuss death and dying, and the person's preferences and values regarding their care, treatment and end of life should be encouraged and promoted;
- g. a person should be supported in conversations with the person's health practitioners, family and carers and community about treatment and care preferences;
- h. a person is entitled to genuine choices about the person's care, treatment and end of life, irrespective of where the person lives in Western Australia and having regard to the person's culture and language;
- i. a person who is a regional resident is entitled to the same level of access to voluntary assisted dying as a person who lives in the metropolitan region;
- j. there is a need to protect persons who may be subject to abuse or coercion;
- k. all persons, including health practitioners, have the right to be shown respect for their culture, religion, beliefs, values and personal characteristics.

## **4. Board Membership**

The Board comprises of the chairperson, deputy chairperson and 3 members appointed by the Minister for Health.

Membership is for a term not exceeding 3 years and is specified in the instrument of appointment. However, Board members may be reappointed. If a member (other than the chairperson) is not able to act, another person may be appointed to act temporarily in the member's place by the Minister for Health. A member may continue for up to three months after their term has expired in certain circumstances.

### **4.1 Role of members**

The responsibilities of the Board members are to:

- know and uphold the Board Charter;
- know and understand the Act;
- know and understand Board policies and agreements;
- contribute to the decisions of the Board in alignment with the Act, the Board Charter and any other relevant requirements;
- appropriately prepare for and attend meetings of the Board;
- provide input into the Board meeting schedule and agenda as appropriate;
- diligently carry out resolutions made by the Board;
- embrace the solidarity principle that applies once a decision has been made and demonstrate collective accountability and responsibility for the decision taken.

## 4.2 Role of the Chairperson

In addition to the expectations for members, the role of the chairperson is to lead the Board to achieve its objectives and execute its responsibilities in line with the Board Charter.

The responsibilities of the chairperson are to:

- take action to ensure the Board complies with the functions of the Board outlined in the Act, the Board Charter, and any other relevant policies or guidelines;
- facilitate and convene Board meetings, including:
  - working with the Secretariat (discussed below) and Board members to set the Board meeting schedule, and ensuring proper notice is given and an agenda provided for each meeting;
  - working with the Secretariat to make sure that appropriate preparation and consultation has occurred to enable proper consideration of the agenda items by Board members;
  - presiding at the Board meetings in line with best practice meeting standards;
  - authorising circulation of draft Board meeting minutes (prepared by the Secretariat) to members;
- be the Board's primary contact person for any liaison with relevant stakeholders, the End of Life Care Program Team, Department of Health, and the CEO;
- approve the release of information where this is in accordance with the VAD Board Information Governance Policy and delegation schedule;
- undertake annual performance reviews with Board members and provide induction for new Board members.

## 4.3 Role of the Deputy Chairperson

In addition to the expectations for members, the role of the deputy chairperson is to act in the chairperson's place where required.

## 5. Responsibility and behaviours

Members are expected to comply with the Code of Ethics (*Commissioner's Instruction No. 7 - Code of Ethics*) and the Board Code of Conduct.

A disclosure of interest is required where a member has a material personal interest in a matter being considered or about to be considered by the Board. Where a Board member obtains personal information because of a function that the person has or had under the Act they must not record, use or disclose that information, except where permitted under the Act.

## 6. Skills, knowledge and experience of Board members

The required skills, knowledge and experience of Board members are outlined in the Voluntary Assisted Dying Board Skills Matrix.

## 7. Secretariat

The Board is supported by the Secretariat provided by the Department of Health.

The role of the Secretariat in providing support for Board meetings is to:

- work with the chairperson to set the Board meeting schedule, provide notice of the meeting and prepare the agenda, in consultation with the Board members;
- facilitate appropriate preparation and consultation, as required by the Chairperson prior to circulation of any papers to Board members;
- compile supporting documentation, to support Board members consideration of agenda items, and ensure timely distribution;
- arrange for Department of Health staff to provide End of Life Care policy and program updates and/or information to the Board as required;
- attend Board meetings to record attendance and apologies for each meeting and take minutes;
- circulate draft minutes to Board members for comment and finalise minutes in consultation with the Chairperson.

Furthermore, the Secretariat works with the Board and End of Life Care Program Team, Department of Health, to establish and maintain operational systems to support the Board in performing its functions. This includes providing support to the Board to perform the following functions as directed by the Board:

- liaise with the End of Life Care Program Team, Department of Health on behalf of the Board;
- liaise with relevant external bodies;
- record and retain statistical information as specified in section 152 of the Act;
- ensure notification of receipt of a form submitted to the Board as specified in section 153(1) of the Act;
- ensure that the CEO is provided with a copy of an authorised disposal form or practitioner disposal form as specified in section 153(2) of the Act;
- ensure information is sent to the contact person for a patient as specified in section 149 of the Act;
- support Board processes for the review of voluntary assisted dying cases;
- support the referral process for matters identified by the Board to the relevant authorities as specified in section 118(c) of the Act;
- coordinate and respond to reporting requests from the Minister for Health or the CEO as required;
- manage the information system associated with the Board, including access approval of users;
- coordinate information sharing between the Board, the Department of Health and other persons or bodies as required;
- undertake disclosure of information as specified in section 151 of the Act;
- contact medical practitioners, nurse practitioners, contact persons, authorised suppliers or authorised disposers as required
- undertake monitoring activities in accordance with the VAD Board Monitoring Function Policy;
- manage Board appointments and Performance Reviews;
- operationalise the activities of the Board Strategic Plan.
- coordinate the annual reporting process, including drafting, providing analysis of voluntary assisted dying data, publication and provision to the Minister for Health within statutory time limits as specified in section 155 of the Act;

- coordinate ad hoc reporting for the Minister for Health or the CEO as specified in section 118(b) of the Act as required.

## **8. Operating procedures**

### **8.1 Meeting frequency**

The Board meets monthly. The Chairperson may convene special meetings on an as needs basis.

### **8.2 Quorum**

A quorum for a meeting of the Board is 3 members.

### **8.3 Meeting documentation**

The Secretariat will circulate meeting agendas and papers 5 business days prior to Board meetings. Minutes are to be circulated by the Secretariat within 5 business days of each Board meeting.

### **8.4 Remuneration**

Board members will be paid remuneration and allowances as determined by the Minister for Health on the recommendation of the Public Sector Commissioner. Remuneration and allowances will be paid in accordance with Premier's Circular 2019/07 and Public Sector Commissioner's Circular 2009-20.

### **8.5 Board committees**

The Board may establish committees to assist it in the performance of its functions.

### **8.6 Assistance**

With the approval of the Minister for Health the Board may co-opt any person with special knowledge or skills to assist the Board in a particular matter. A person co-opted to assist the Board may attend meetings and participate in deliberations but cannot vote at a meeting of the Board.

## **9. Reporting**

An annual report on the operation of the Act is required to be provided by the Board to the Minister for Health no more than 6 months after the end of each financial year.

As specified in section 155 of the Act the annual report must include:

- any recommendations that the Board considers appropriate in relation to voluntary assisted dying;
- any information that the Board considers relevant to the performance of its functions;
- the number of any referrals made by the Board under section 118(c) of the Act;
- the text of any direction given to the Board under section 123(1) or 152(2) of the Act;
- details of any disclosure under section 140(1) of the Act that relates to a matter dealt with in the report and of any resolution under section 142 of the Act in respect of the disclosure;
- statistical information that the Board is directed under section 152(2) of the Act to include in the report;

- information about the extent to which regional residents had access to voluntary assisted dying, including statistical information recorded and retained under section 152(1)(c) of the Act, and having regard to the access standard under section 156 of the Act.

## 10. Glossary of Terms

Board Charter	This document, which sets out the powers and responsibilities of the Board.
Board members	Those appointed to the Board, and as described under section 4 of this document.
Secretariat	Provides support to the Board as defined under section 7 of this document.
The Act	The <i>Voluntary Assisted Dying Act 2019</i> .
The Board	The Voluntary Assisted Dying Board, whose powers and responsibilities are set out in this Board Charter.
The CEO	The chief executive officer of the Department of Health.

## Document Control

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Draft 1.0	Implementation Leadership Team	20/07/2020
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