



## Factsheet 45 VAD legislation in Australia, comparison by jurisdiction

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**Note:**

1. Victoria’s Voluntary Assisted Dying Act (2017) used as base (note: Northern Territory does not have VAD legislation)
2. Comparison highlights provisions where there are significant differences between states or where most public discussion is generated
3. A ✓ means the details in left hand column apply; main variations highlighted for each state
4. Offences: not following any of the requirements listed below constitutes an offence; penalties range from fines, to deregistration, to prison terms

Provision	Victoria	Western Australia	Tasmania	South Australia	Queensland	New South Wales	ACT
<b>1. Name of Act</b>	Voluntary Assisted Dying Act (2017)	Voluntary Assisted Dying Act (2019)	End of Life Choices (Voluntary Assisted Dying) Act (2021)	Voluntary Assisted Dying Act (2021)	Voluntary Assisted Dying Act (2021)	Voluntary Assisted Dying Act (2022)	Voluntary Assisted Dying Act (2024)



Provision	Victoria	Western Australia	Tasmania	South Australia	Queensland	New South Wales	ACT
<b>Date passed by Parliament</b>	November 29, 2017	December 19, 2019	March 4, 2021	June 21, 2021	September 16, 2021	May 19, 2022	June 5, 2024
<b>Date commenced</b>	June 19, 2019	July 1, 2021	October 23, 2022	January 31, 2023	January 1, 2023	November 28, 2023	November 3, 2024 <sup>45</sup>
<b>Review of Act</b>	First review 4 years after commencement	First review 2 years after commencement, then every 5 years	First review 3 years after commencement then every 5 years	First review 4 years after commencement	First review 3 years after commencement	First review 2 years after commencement then every 5 years	First review 3 years after commencement, then every 5 years
<b>2.VAD residency eligibility criteria</b>							
<ul style="list-style-type: none"> <li>• 18 years or over</li> </ul>	✓	✓	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> <li>• Australian citizen or permanent resident</li> </ul>	✓	✓	<ul style="list-style-type: none"> <li>✓ Or resident in Australia for three years</li> </ul>	✓	<ul style="list-style-type: none"> <li>✓ Or resident in Australia for three years</li> <li>• Or NZ citizen with special category visa</li> </ul>	<ul style="list-style-type: none"> <li>✓ Or resident in Australia for three years</li> </ul>	Silent
<ul style="list-style-type: none"> <li>• Resident in state for 12 months</li> </ul>	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>✓ Or granted an exemption eg near border resident, person receives medical care in Qld</li> </ul>	<ul style="list-style-type: none"> <li>✓ Or granted an exemption eg former near border or NSW resident or on compassionate grounds</li> </ul>	<ul style="list-style-type: none"> <li>✓ Or granted an exemption due to close association with ACT</li> </ul>
<b>3.VAD medical eligibility criteria</b>							



Provision	Victoria	Western Australia	Tasmania	South Australia	Queensland	New South Wales	ACT
Diagnosed with a disease, illness or medical condition that is advanced, progressive and will cause death	✓	✓	✓ • Plus injury • Advanced and irreversible	✓	✓	✓	✓ Combination of conditions; 'expected' to cause death
Illness is incurable	✓	Silent	✓	✓	Silent	Silent	Silent
Causing suffering which cannot be relieved in a manner tolerable to the person	✓	✓	✓	✓	✓	✓	✓ Plus anticipation of suffering
Death is expected within six months or 12 months for a neurodegenerative condition	✓	✓	✓ Time prognosis exemption possible through VAD Commission	✓	12 months for all	✓	Silent
Must have decision making capacity at every stage	✓	✓	✓	✓	✓	✓	✓
Decision making capacity presumed unless proven otherwise	✓	✓	✓	✓	✓	✓	✓
Person is acting voluntarily and without coercion	✓	✓	✓	✓	✓	✓	✓
Mental illness not a criteria	✓	✓	✓	✓	✓	✓ Dementia not a criteria for VAD (S16(2)(b))	✓



Provision	Victoria	Western Australia	Tasmania	South Australia	Queensland	New South Wales	ACT
Disability not a criteria	✓	✓	✓	✓	✓	✓	✓ See S11(2)
<b>4.Process to access VAD</b>							
First Request (orally) to Coordinating Medical Practitioner (CMP)	✓	✓	✓ Three requests to Primary Medical Practitioner (PMP)	✓	✓	✓	✓ • Or in writing • CMP may be a nurse practitioner
Assessed as eligible by VAD trained CMP and Consulting Medical Practitioner in two separate consultations	✓	✓ First assessment report notes if person has a disability	✓ Two assessments by PMP before consulting assessment; additional assessment after consulting assessment	✓	✓	✓ First assessment report notes if person has a disability	✓ • Nurse practitioner may do one assessment • Either CMP or consulting practitioner must be a doctor
Referral to other health practitioner if additional advice required to assess eligibility	✓ Must refer and accept advice re a neurological condition	✓	✓	✓ Must refer and accept advice re a neurological condition	✓	✓	✓
If either assessment negative, can seek new assessment	✓	✓ Only for consulting assessment	✓ Limit of two consulting assessments	✓	✓	✓	✓ Only for consulting assessment



Provision	Victoria	Western Australia	Tasmania	South Australia	Queensland	New South Wales	ACT
Information must be provided about palliative care, other treatment options and likely outcomes	✓	✓	✓	✓	✓	✓	✓
Second request, in writing, witnessed by Coordinating Medical Practitioner and two witnesses	✓	Coordinating Medical Practitioner not required to be present	Coordinating Medical Practitioner (PMP) not required to be present	✓	Coordinating Medical Practitioner not required to be present	Coordinating Medical Practitioner not required to be present	Coordinating Medical Practitioner not required to be present
Person has choice of self or practitioner administration	✓ Practitioner administration if self administration not possible	✓	✓	✓ Practitioner administration if self administration not possible	✓	✓	✓
Contact person appointed for self administration	✓	✓	✓	✓	✓	✓	✓ <ul style="list-style-type: none"> <li>• May be Coordinating or Consulting MP</li> <li>• Increased role for CP compared with state legislation</li> </ul>
Confirmation of eligibility by Health Sec or VAD Commission	✓	✓	✓	✓	✓	✓	✓



Provision	Victoria	Western Australia	Tasmania	South Australia	Queensland	New South Wales	ACT
Third or Final request to CMP/PMP	✓	✓	✓	✓	✓	✓	✓
Final Review form submitted by Coordinating Medical Practitioner	✓	✓	✓	✓	✓	✓	✓
VAD Permit issued	✓	Not required	✓ VAD Substance Authorisation	✓	Not required	✓ VAD Substance Authority	Not required
Minimum period between first and final request	9 days	9 days	6 days (48 hours between first, second and final requests)	9 days	9 days	5 days	Silent
<b>5. Doctor requirements</b>							
Doctor must be VAD trained	✓	✓	✓	✓	✓	✓	✓ Nurse practitioner may undertake one VAD assessment
Doctor cannot be a family member	✓	✓	✓	✓	✓	✓	✓
Doctor cannot be a beneficiary	✓	✓	✓	✓	✓	✓	✓
Specialist qualifications or specified years with general qualification	✓ One doctor must have 'relevant experience' in eligible condition; interpreted in Victoria to mean	✓	✓ Both doctors to have 'relevant experience' in eligible condition	✓ One doctor to have 'relevant experience' in eligible condition	✓	✓	✓



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	one doctor must be a 'specialist' in the eligible condition						
Years of practice	5	1 yr for specialist; 10 years for GP	5	5	5 1 yr for specialist	10 for general registration	1 year post specialist qualification
CMP must submit forms at multiple milestone points during VAD request process	✓	✓	✓	✓	✓	✓	✓
If Doctor unable or unwilling to assess VAD, must provide details of alternate VAD provider or service eg Care Navigators	Silent	✓	✓	Silent	✓	✓	✓
<b>6. Witnesses to written declaration</b>							
<ul style="list-style-type: none"> <li>• Two witnesses</li> <li>• Independent</li> <li>• Cannot be employed by institution in which person resides</li> <li>• Cannot be a beneficiary</li> </ul>	✓	✓	<ul style="list-style-type: none"> <li>• One witness can be a beneficiary or residential care provider (or employee) or resident in same facility (but not if they are the only witness)</li> </ul>	✓	✓	<ul style="list-style-type: none"> <li>• No relatives or employees of assessing doctors</li> <li>• Silent re employees of</li> </ul>	✓



Provision	Victoria	Western Australia	Tasmania	South Australia	Queensland	New South Wales	ACT
			<ul style="list-style-type: none"> <li>Requires only one witness if witness is a Commissioner for Declarations</li> </ul>			residential facility	
<ul style="list-style-type: none"> <li>One witness can be a family member</li> </ul>	✓	No family members	✓ (Not if there is only one witness)	✓	Both witnesses may be family members	No family members	Silent
<ul style="list-style-type: none"> <li>Witness to certify that person signed voluntarily, appeared to have decision making capacity, and understood effect of declaration</li> </ul>	✓	Witness certifies only that person signed voluntarily	No certification – witness to the signing only	✓	Witness certifies only that person signed voluntarily	Witness certifies only that person signed voluntarily	Witness certifies only that person signed voluntarily
<ul style="list-style-type: none"> <li>Signed in presence of Coordinating Medical Practitioner</li> </ul>	✓	Silent (ie, not required)	Silent (ie, not required)	✓	Silent (ie, not required)	Silent (ie, not required)	Silent (ie, not required)
<b>7.Substance Administration</b>							
Self administration	✓	✓	✓	✓	✓	✓	✓
Choice of practitioner administration	✓ Only if unable to self administer	✓ Only if self administration is 'inappropriate'	✓	✓ Only if unable to self administer	✓	✓	✓





Provision	Victoria	Western Australia	Tasmania	South Australia	Queensland	New South Wales	ACT
Practitioner administration must be witnessed	✓	✓ Witness not to be family member of person or employee of administering practitioner	Not required	✓	✓	✓	✓
Nurse practitioner administration permitted	No	✓	Registered nurse with 5 years' experience	No	✓ Plus nurse with 5 years' experience	✓	✓ Or nurse
<b>8.Contact Person</b>							
<ul style="list-style-type: none"> <li>Contact person appointed for self administration at time of final request</li> <li>Responsible for management and return of unused drugs</li> </ul>	✓	✓ Can be either assessing practitioner	✓	✓	✓	✓ Can be coordinating medical practitioner	✓ <ul style="list-style-type: none"> <li>Can be CMP</li> <li>Contact Person can receive and prepare VAD substance</li> <li>Must provide reports to VAD Board</li> </ul>
<b>9.VAD Permit</b>							
<ul style="list-style-type: none"> <li>Coordinating Practitioner applies for VAD Permit</li> <li>VAD Permit issued after Health Sec checks all processes completed</li> </ul>	✓	Not required	✓ <ul style="list-style-type: none"> <li>Called a VAD Substance Authorisation</li> <li>Complex requirements</li> </ul>	✓	Not required	✓ Called a VAD substance authority Issued by Board	Not required



Provision	Victoria	Western Australia	Tasmania	South Australia	Queensland	New South Wales	ACT
<ul style="list-style-type: none"> <li>Doctor must receive VAD Permit before writing prescription</li> </ul>			for administration <ul style="list-style-type: none"> <li>Prescription can be written prior to receipt of VAD Substance Authority</li> </ul>				
<b>10.Initial discussion of VAD with patient</b>							
Doctor may initiate discussion about VAD in context of other end of life treatment options	No – specifically forbidden	✓ and nurse practitioner	✓	No – specifically forbidden	✓ and nurse practitioner	✓	✓
Healthcare worker may initiate VAD discussion providing information about palliative care and other treatment options is also provided	Silent	No – specifically forbidden	✓ And person advised to discuss VAD with doctor	Silent	No – specifically forbidden	✓ As well as advise the person to talk to their doctor about treatment options	✓ Includes nurse, social worker, counsellor and others prescribed by regulation
<b>11.Conscientious Objection</b>							
<b>a. Individuals</b>							
<ul style="list-style-type: none"> <li>Doctors can conscientiously object to participation in all aspects of VAD process</li> </ul>	✓	✓	✓	✓	✓	✓	✓



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<ul style="list-style-type: none"> <li>• Doctor must inform patient of their CO (to reduce delay in the request process)</li> </ul>	No	✓	No	No	✓	✓	No
<ul style="list-style-type: none"> <li>• Doctor who conscientiously objects must provide patient with alternate source of VAD information</li> </ul>	Not required to provide information about VAD	✓	✓	Not required to provide information about VAD	✓	Not required to provide information about VAD	✓
<ul style="list-style-type: none"> <li>• Nurse practitioner may conscientiously object</li> </ul>	Not applicable	✓	Nurse	Not applicable	✓	✓	✓
<ul style="list-style-type: none"> <li>• CO for other health professionals</li> </ul>	Silent	Silent	Pharmacists	Silent	Speech pathologist	Silent	Silent
<b>b. Institutions</b>							
<b>Aged Care facility where person is a permanent resident</b>							
<ul style="list-style-type: none"> <li>• Facility may conscientiously object to providing VAD services by their own staff</li> </ul>	Silent	Silent	Silent	✓	✓	✓	✓
<ul style="list-style-type: none"> <li>• Facility must allow and facilitate access by person's own medical team</li> </ul>	Silent	Silent	Silent	✓	✓	✓	✓



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to carry out all aspects of VAD							
<ul style="list-style-type: none"> <li>If chosen medical team unavailable, facility must facilitate transfer to receive VAD services</li> </ul>	Silent	Silent	Silent	✓	✓	✓	<ul style="list-style-type: none"> <li>✓ If transfer would cause harm, must allow VAD services onsite</li> </ul>
<b>Aged care facility where person is not a permanent resident</b>							
<ul style="list-style-type: none"> <li>Facility may conscientiously object to providing any aspect of VAD</li> </ul>	Silent	Silent	Silent	✓	✓	✓	✓
<ul style="list-style-type: none"> <li>Must provide public information to patients that VAD services not provided</li> </ul>	Silent	Silent	Silent	✓	✓	✓	✓
<ul style="list-style-type: none"> <li><b>First and final requests:</b> facility must allow doctor to attend onsite or arrange transfer to location where VAD permitted</li> </ul>	Silent	Silent	Silent	✓	✓	✓	✓
<ul style="list-style-type: none"> <li><b>First and consulting assessments, written request,</b></li> </ul>	Silent	Silent	Silent	✓	✓	✓	✓



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<b>application for VAD Permit and administration of VAD substance:</b> facility must arrange transfer to a facility where VAD permitted							
<b>However</b> <ul style="list-style-type: none"> <li>If transfer would cause serious harm, suffering, delay or financial loss, facility must allow reasonable access to VAD services on site</li> <li>'Reasonable' clearly defined</li> <li>Example: if transfer would likely cause loss of decision making capacity</li> </ul>	Silent	Silent	Silent	✓	✓	✓	✓
<b>Health establishment eg private hospital</b>							
<ul style="list-style-type: none"> <li>Operator may refuse to permit any aspect of VAD</li> </ul>	Silent	Silent	Silent	✓	✓	✓	No
<ul style="list-style-type: none"> <li>If patient wishes to access VAD, establishment must</li> </ul>	Silent	Silent	Silent	✓	✓ If transfer would cause harm,	✓ If transfer would cause harm,	✓ If transfer would cause harm,



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facilitate transfer to location where VAD services are available					must allow all VAD services onsite	facility must allow all VAD services onsite	facility must allow all VAD services onsite
<b>12. Review of decisions</b>							
Review Body (can review a broad range of decisions)	Victorian Civil and Administrative Tribunal	State Administrative Tribunal	VAD Commission then Supreme Court	SA Civil and Administrative Tribunal	Queensland Civil and Administrative Tribunal	Supreme Court	ACT Civil and Administrative Tribunal
Residency requirement can be reviewed and annulled	✓ Limited to accuracy	✓ Limited to accuracy	✓ Limited to accuracy	✓ Limited to accuracy	✓	✓	✓ + capacity and whether request is voluntary
Review can include request for exemption from the 6 or 12 month prognosis	No	No	✓	No	No	No	Not relevant – no 6 to 12 month prognosis required
Review request by patient or person with an interest in patient	✓	✓	✓	✓	✓	✓	✓
<b>13. VAD Review Board</b>							
Established	✓	✓ VAD Board	✓ VAD Commission	✓	✓	✓ VAD Board	✓ VAD Oversight Board
Number of Members	Silent Appointed by Minister	5 members Appointed by Minister	<ul style="list-style-type: none"> <li>5 members</li> <li>Appointed jointly by Health Minister and AG</li> </ul>	Silent Appointed by Minister	<ul style="list-style-type: none"> <li>Between 5 and 9 members</li> <li>Specifies areas of</li> </ul>	<ul style="list-style-type: none"> <li>5 members, 2 with medical experience</li> </ul>	<ul style="list-style-type: none"> <li>4-7 members</li> <li>Chair and members</li> </ul>



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					expertise of Board members	<ul style="list-style-type: none"> <li>Appointed jointly by Health Min and AG</li> </ul>	appointed by Minister
<b>Powers of Board</b> <ul style="list-style-type: none"> <li>Monitor and review</li> <li>Provide reports to Minister and Parliament</li> <li>Carry out research</li> <li>Encourage continuous improvement in quality and safety</li> <li>Consult and engage with community</li> </ul>	✓	✓	✓	✓	✓	✓	✓
		<ul style="list-style-type: none"> <li>Annual Report to include data on regional access</li> <li>No specific ref to consulting and engaging with community</li> </ul>	Many processing roles and functions - allocated to Sec of Health in other jurisdictions eg provide name of VAD trained doctor to person			Many processing roles and functions – same roles allocated to Sec of Health in other jurisdictions	Report anomalies to appropriate authority eg police, coroner
<b>14.General</b>							
VAD is not suicide clause	Silent	✓	✓	✓	✓	✓	✓
Principles Include clause requiring equality of access for people in regional areas	Silent	✓	✓	Silent	✓	✓	Silent
Clause noting Care Navigator Service to be established	Silent	Silent	VAD Commission to provide assistance	Silent	✓	✓	✓
Time limit for decisions and submission of forms after decision	✓ 7 days	✓ 2 days	✓ 2 to 7 days	✓ 7 days	✓ 2 days	✓ 2 and 5 days	✓ 4 days



Provision	Victoria	Western Australia	Tasmania	South Australia	Queensland	New South Wales	ACT
		7 days re Review Tribunal					
Death Certificate	<ul style="list-style-type: none"> <li>Death certificate states cause of death the underlying condition</li> <li>Notify Registrar and Coroner re VAD use and underlying condition</li> </ul>	<ul style="list-style-type: none"> <li>Death certificate states cause of death the underlying condition</li> </ul>	<ul style="list-style-type: none"> <li>Doctor (or nurse) to notify Commission of person's death</li> <li>No requirement to notify Coroner</li> </ul>	<ul style="list-style-type: none"> <li>Death certificate states cause of death the underlying condition</li> <li>Notify Registrar and Coroner re VAD use and underlying condition</li> </ul>	<ul style="list-style-type: none"> <li>Death certificate states cause of death the underlying condition</li> </ul>	<ul style="list-style-type: none"> <li>Death certificate to state use of VAD and illness or medical condition making person eligible for VAD</li> </ul>	<ul style="list-style-type: none"> <li>Death certificate states cause of death the underlying condition(s)</li> <li>Advise Registrar General that VAD substance used</li> </ul>
Pharmacy – centralised government pharmacy, detailed provisions for timing of prescription, drug supply, drug storage, disposal of unused drug	✓	✓	✓	✓	✓	✓	✓
15-19 month delay between Assent and commencement	✓	✓	✓	✓	✓	✓	✓