

Voluntary Assisted Dying Legislation – Australian States/Territories and New Zealand August 2022

Jurisdiction	Legislation	Status	Legislation Scope/Comments
New Zealand	End of Life Choice Act 2019	Act in force	<ul style="list-style-type: none"> The End of Life Choice Act 2019 came into force on 7 November 2021. It is now lawful to offer assisted dying (AD) to terminally ill individuals who meet the legislation's eligibility criteria. S. 15 of the Act states that if the dying person's competence is not established by the attending and the independent medical practitioners, then a psychiatrist must provide a third opinion. The Support and Consultation for End of Life in New Zealand (SCENZ) Group was established with a RANZCP member joining the Group. The first learning module about the Act is online, covering health professionals' roles and responsibilities.
Queensland	The Voluntary Assisted Dying Act 2021	<i>The Voluntary Assisted Dying Act 2021</i> was passed on 16 September 2021	<ul style="list-style-type: none"> In April 2019, the QLD Branch made a written submission to the Inquiry into aged care, end-of-life and palliative care and voluntary assisted dying. During the election campaign, Premier Anastacia Palaszczuk committed to bring on a conscience vote in parliament to pass assisted dying laws. In 2021, the State Parliament held an Inquiry into how end-of-life laws might operate. Subsequently, the Queensland Law Reform Commission (QLRC) was asked to develop proposed voluntary assisted dying laws. The Queensland Branch provided feedback to the Queensland Law Reform Commission (QLRC) draft <i>Voluntary Assisted Dying (VAD) Bill 2021</i>, in July 2021.
ACT	Not yet	Powers to legislate under review	<ul style="list-style-type: none"> In 1997, the Federal Parliament banned the territories from making laws on several "moral" issues — the result of legislation introduced by federal Liberal MP Kevin Andrews. In 2018, a bid to repeal the legislation fell two votes short in the Senate. In August 2022, when ACT Chief Minister Andrew Barr named his new cabinet, he included the new position of Human Rights Minister. Chief Minister Barr has stated that Minister Tara Cheyne, would "lead the Government's advocacy for the right of our community to determine laws on voluntary assisted dying" (Source ABC, 10.11.2020). On 3 August 2022, the <i>Restoring Territorial Rights Bill 2022</i>, a private member's bill, passed the Federal House of Representatives which will reinstate the territorial governments' powers to legislate. It awaits a vote in the Senate, which is expected by the end of 2022.
Victoria	Voluntary Assisted Dying Act 2017	Act in force	<ul style="list-style-type: none"> In April 2017, the Victorian Branch made a written submission to the Ministerial Advisory Panel on voluntary assisted dying, which noted the need to increase supports to the palliative care sector and to provide training for non-psychiatrically trained medical practitioners to recognise diminished capacity and other risk factors. Victoria was the first state in Australia to pass voluntary assisted dying laws, which came into effect on 19 June 2019. Voluntary assisted dying is only for people who are suffering from an incurable, advanced and progressive disease, illness or medical condition and who are experiencing intolerable suffering. The condition must be assessed by two medical practitioners as being expected to cause death within six months. There is an exception for a person suffering from a neurodegenerative condition, where the condition must be expected to cause death within 12 months. As of June 2020, 124 patients have utilised the new laws to end their lives, with 104 cases of self-administered medication and a further 20 doing so with the assistance of a medical practitioner.
Western Australia	Voluntary Assisted Dying Act 2019	Act in force	<ul style="list-style-type: none"> Western Australia legalised voluntary assisted dying in December 2019. The legislation came into effect on 1 July 2021, after an 18-month implementation phase and the formation of an implementation panel. The panel oversaw development of clinical guidance, medication protocols and training for participating health practitioners, as well as information for the community and health professionals.
Northern Territory	Not yet	Powers to legislate under review	<ul style="list-style-type: none"> In 1995 the Northern Territory legalised Voluntary Assisted Dying in the <i>Rights of the Terminally Ill Act 1995</i>. However, this was overturned two years later when the federal government passed a bill that banned legally assisted suicide in the NT and in the ACT (see above – ACT). The government has not announced plans to advocate further on this issue.
New South Wales	Not yet	Act passed, currently being implemented	<ul style="list-style-type: none"> The <i>Voluntary Assisted Dying Bill 2021</i>, introduced to the NSW Parliament by Independent MP for Sydney, Alex Greenwich, was referred to the Standing Committee on Law and Justice for inquiry on 19 October 2021. The NSW Branch made a submission to the Inquiry, and Prof Carmelle Peisah gave evidence at a hearing of the Committee. The Committee's report was tabled on 22 February 2022. On 19 May 2022, the <i>Voluntary Assisted Dying Act 2022</i> passed through the NSW Parliament. The legislation will come into effect from 28 November 2023, after an 18-month implementation period, including the establishment of new systems and a new oversight body.
South Australia	Voluntary Assisted Dying Act 2021	Taskforce working through implementation of the Act	<ul style="list-style-type: none"> Act received assent on 24 August 2021. Implementation of the Act is under the purview of the Voluntary Assisted Dying Implementation Taskforce, established in November 2021. The South Australia Branch successfully lobbied for the inclusion of a RANZCP representative on the Taskforce. The new SA Attorney-General has indicated his intent to fast-track implementation of the legislation as much as possible.
Tasmania	End-of-Life Choices	Bill with Parliament	<ul style="list-style-type: none"> The <i>End-of-Life Choices Bill</i> of more than 140 clauses was introduced through the Legislative Council in 2019. The Act was passed on 22 April 2021, with a two-year implementation period.

[\(Voluntary
Assisted Dying\)
Act 2021](#)

- The College has met with the Department of Health and other stakeholders about challenges of implementation and ongoing concerns, particularly in the North-West. Under the proposed laws, a person over the age of 18 years must have a prognosis of expected death within six months, or 12 months for a neurodegenerative condition, to access voluntary assisted dying.
- Labor sought, unsuccessfully, to allow health care facilities opposed to voluntary assisted dying to transfer patients seeking access to the drugs - including people living in residential aged care.
- The new system is expected to come into effect in April 2023.