

Joint statement: Protect an older person's right to access VAD, no matter where they call home

We urge the NSW Upper House to vote against the Voluntary Assisted Dying Amendment (Residential Facilities) Bill 2025



Seniors Rights Service



Older Women's Network NSW



Cancer Voices NSW



ACON



Uniting NSW.ACT



Royal Australian College of General Practice NSW



Australian Nursing & Midwifery Federation NSW



Doctors Reform Society



VAD Health Practitioners Australia & NZ



Australian Paramedics Association NSW



Australian Lawyers Alliance



Go Gentle Australia



Marque Lawyers



Dying with Dignity NSW



Christians Supporting Choice for VAD

If passed, the bill would allow aged care providers to prevent residents from accessing Voluntary Assisted Dying (VAD) in their facilities – even though Australian law recognises these to be residents' own homes.

The bill would mean dying people are forced to find alternative accommodation and care when they need support the most. In states where providers do not have obligations under VAD legislation, residents have been forced to move facilities in their final days and weeks. This inflicts stress, anxiety and harm on elderly people in aged care and rolls back carefully crafted rights in the NSW VAD Act.

It's a retrograde step for NSW and undermines rights guaranteed in Australia's aged care framework.

Under the current NSW law, no aged care provider is forced to deliver VAD. They are required only to allow reasonable on-site access for external health professionals. This makes sure that older people – who have paid to live in these homes – are not deprived of a lawful, carefully safeguarded choice at the end of life.

NSW MLCs, please stand with older people and protect their hard-won rights.

The current law

Under the NSW Voluntary Assisted Dying Act 2022, residents of aged care facilities have the right to arrange and access all parts of the VAD process on the premises:

- first request
- first and second assessment
- written declaration
- final request
- delivery of the VAD medication (if eligible and authorised), and
- administration of the VAD medication.

The Act requires aged care providers to allow reasonable access to all authorised VAD practitioners; doctors, care navigators and pharmacists.

The bill erroneously seeks to align residential facilities with hospitals. There is a fundamental difference: an aged care facility is a person's home. Aged care homes provide accommodation, personal care and access to nursing and health care services, including access to VAD services.

Five reasons this bill must not succeed

1. It contradicts rights enshrined in federal law. The Aged Care Act 2024 (Cth) emphasises dignity, choice, control over daily life, and access to visitors and services. An attempt to wind back these rights so soon after abuses were exposed in the Royal Commission is disappointing. Moreover, [legal advice says the bill is unconstitutional](#) and invalid.
2. Transfers cause serious harm, delays, prevent VAD access and prolong suffering for dying people. That's why the NSW VAD Act requires on-site access for permanent residents (unless transfer is reasonably feasible and will not harm the dying person). By greenlighting transfers in every scenario, the bill exacerbates this harm.
3. Aged care is a home, not a hospital. In 2022, NSW Parliament rejected attempts to let facilities deny VAD access to residents. This is in line with other Australian jurisdictions including South Australia, Queensland, and the ACT (and planned in Western Australia).
4. Rural and regional people will be most severely impacted. Country people living in aged care often have no alternative facilities to transfer to. Claims that residents of these facilities can just choose another supportive facility are naive. It is common for regional towns to have just one aged care facility and in many cases this is faith-based. It takes 41 days on average to find an aged care spot, [according to the AIHW](#). Finding a reasonably accessible, non-denominational aged care facility in a regional area is likely to take much longer. This is precious time that dying people do not have.
6. A statutory review of the NSW VAD law will commence after 28 November 2025 and is the better forum to raise concerns about VAD's operation. A surprise amendment, with little or no consultation with those most affected or the bodies that represent them, is to pre-empt and undermine the agreed review process.