

## Summary: Victorian VAD Amendment Bill 2025

By Jane Morris (DWDV President)

*With greatly appreciated help from Jane Nosworthy (DWDV Secretary)*

### Legislative Assembly October 30, 2025

*"We must ensure that the process moves at the pace of an illness and not at the pace of bureaucracy."* Emma Vulin MP

We were elated to see the Voluntary Assisted Dying Amendment Bill 2025 pass through Victoria's Legislative Assembly on Wednesday evening. It was a momentous occasion in which the Bill was passed 67-14 votes without amendment.

Parliamentary proceedings began at 1pm on Tuesday and progressed until 2am, only to recommence less than 9 hours later.

Emma Kealy, Member for Lowan and Deputy Leader of The Nationals, was the lead speaker on the Bill. She acknowledged the amazing work of everyone in Victoria who supports people through their end-of-life care. She also highlighted the story of a close friend of the Member for Shepparton who, diagnosed with MND, was tragically unable to access VAD because she did not meet the Australian citizenship requirements, despite having lived in Australia for over 50 years.

Emma Vulin, Member for Pakenham, then spoke. Emma was diagnosed with MND 2 years ago and has since captivated the hearts and admiration of not only Victorians but people all round the world. Using her newly acquired assisted voice technology, Emma provided a heart-rending speech that left many in tears. She has paved the way for future MPs with a disability or terminal illness to serve in the Victorian Government. Emma has done so much to inform the public about MND and has incredibly played an integral role in the successful passage of the Bill in the House.

No one will ever forget Jade Benham's (The Nats) speech as she displayed candour, courage and strength of character as she emotionally explained, from a personal perspective, the difference between suicide and VAD. Her speech traversed all political boundaries and she will be forever remembered for her "heart on her sleeve" speech.

A standout moment on Tuesday was when the Leader of the Opposition, Brad Battin, courageously announced that he had voted against the VAD Bill in 2017 but had since changed his mind. He referenced the deaths of 2 personal friends and now acknowledges the importance of choice. This was reminiscent of a similar and highly persuasive position adopted by the former Premier, Daniel Andrews, in the 2017 VAD debate.

## Amendments

**Thirteen amendments were tabled in the bill. I have listed only those that initiated the most discussion.**

**Removal of the ‘Gag Clause’.** Proponents of this clause emphasised the ethical necessity of being able to inform patients that VAD is a legal end-of-life option. Some MPs referred to stories of individuals, with a terminal illness and unbearable suffering, consulting with their doctor, leaving their appointment unaware that VAD existed. Tragically they died the cruel and torturous death that VAD would have prevented them from enduring.

**Requiring conscientiously objecting health practitioners to provide minimum information to patients.** This amendment respects the right of health practitioners to conscientiously object to VAD but requires them to advise patients that another registered health practitioner or health service provider may be able to assist them and to provide information approved by the Secretary to the Department of Health. The Explanatory Memorandum notes that this ‘approved information’ will include contact information for the Statewide Care Navigator Service and the relevant Department of Health. Some MPs argued that this information should be specified as part of the legislation, however, this would not allow flexibility for the information to be updated over time as appropriate.

**Extension of the prognosis eligibility period** from six months to 12 months for people with a terminal illness. The sixth month prognosis has proved extremely difficulty for doctors to assess and has proved too short a time frame for those to traverse the VAD process.

**Compassionate exemptions from the residency requirements** were welcomed. Many stories of individuals denied access to VAD, were related. One story referred to an individual denied access to VAD only because, despite living in Victoria for decades, they were still considered a New Zealand citizen and not recognized as a permanent citizen of Australia.

**Requirement for a second opinion for those diagnosed with a neurological condition.** There was limited discussion about the requirement for an individual with a neurodegenerative illness to consult with a third doctor to confirm the 12-month prognosis until death time frame. The fact that there are only 2 neurologists in regional Victoria highlighted how difficult it can be for those with neurodegenerative conditions to access VAD.

**Interpreter exemptions.** Currently interpreters must be accredited by the relevant body, NAATI. This has proved problematic for those who speak a language in which there is no accredited interpreter or, in which there may be only one or two. This issue is also severely compounded by the telehealth issue that requires the interpreter to be physically present for all VAD discussions. An amendment is proposed, similar to other states, to allow the Secretary of the Department of Health to provide an exemption that would allow a member of the individual’s community to act as a non-accredited interpreter. Family members would not be permitted to participate. Discussion around this amendment related to fears of coercion, however, some important points were raised about the challenges of accessing a NAATI-accredited interpreter in many community languages.

The current requirement that **one of the two assessing doctors be a specialist in the patient’s condition** was referred to several times. Critics say this is an extremely problematic issue in regional areas. Victoria is the only jurisdiction in which either the coordinating doctor or consulting doctor must be a “Specialist” in the nature of the underlying condition for which VAD accessibility is sought. It is anticipated that this will be discussed further in the Legislative Council.

## Final Comments

Having sat through the entire 2017 VAD Parliamentary debate, I again felt privileged to witness the passage of the VAD Amendment Bill in the Legislative Assembly. No matter one's political affiliation, it was heartening to witness the respectful and considerate debate that ensued from discussion of such an emotive piece of legislation. Liberal and ALP MPs were afforded a conscience vote and this allowed us to see politics at its finest. The respect, love and admiration nearly all MPs expressed for Emma Vulin traversed all political boundaries.

I would also like to acknowledge the incredible courage of MPs such as the Opposition Leader, Brad Battin, who had previously voted against the VAD legislation in 2017, to publicly voice their change in stance.

The Health Minister Mary-Anne Thomas, who introduced the VAD Amendments Bill, should be congratulated for her consistently respectful composure during the entire debate, ably assisted by her Chief of Staff, Melissa Arch.

**We now await debate in the Legislative Council.**

**We encourage all DWDV members to express their support for the VAD Amendment Bill to their local MPs.**

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## How your MP voted

**Ayes** (67): Juliana Addison, Jacinta Allan, Brad Battin, Jade Benham, Roma Britnell, Colin Brooks, Josh Bull, Tim Bull, Martin Cameron, Ben Carroll, Annabelle Cleeland, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Gabrielle de Vietri, Steve Dimopoulos, Wayne Farnham, Eden Foster, Will Fowles, Matt Fregon, Ella George, Luba Grigorovitch, Sam Groth, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Emma Kealy, Sonya Kilkenny, Nathan Lambert, John Lister, Gary Maas, Alison Marchant, Tim McCurdy, Steve McGhie, Cindy McLeish, Paul Mercurio, John Mullahy, James Newbury, Danny O'Brien, Kim O'Keeffe, Danny Pearson, John Pesutto, Pauline Richards, Tim Richardson, Ellen Sandell, Michaela Settle, David Southwick, Ros Spence, Nick Staikos, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Vicki Ward, Rachel Westaway, Dylan Wight, Belinda Wilson, Jess Wilson

**Nays** (14): Anthony Carbines, Anthony Cianflone, Chris Crewther, Matthew Guy, David Hodgett, Kathleen Matthews-Ward, Michael O'Brien, Richard Riordan, Brad Rowswell, Natalie Suleyman, Peter Walsh, Iwan Walters, Kim Wells, Nicole Werner