



To: Jeremy Rockliff MP, Premier of Tasmania

CC to: Michael Gaffney MLC, Independent member for Mersey

18th September 2024

Dear Premier,

Repeal of s11(1)(b) of the *End of Life Choices (Voluntary Assisted Dying) Act 2021*

It has been brought to my attention that some older Australians who seek to use the provisions of the *End of Life Choices (Voluntary Assisted Dying) Act 2021* are currently being prevented from utilising the provisions of the Act simply because they do not meet the residency requirements specified in s11(1)(b) of the Act. This section of the Act requires that a person seeking to have choice at the end of their life “*has been ordinarily resident in Tasmania for at least 12 continuous months immediately before the person makes the relevant first request*”.

We recognise that Tasmania was an early adopter of end of life choices legislation in Australia, and this clause was inserted into the Act to ensure that people seeking to take advantage of voluntary assisted dying were residents of Tasmania. This clause, at a time when voluntary assisted dying was not universally available across Australia, specifically restricted residents from another state coming to Tasmania for the purpose of taking advantage of our legislative provisions.

In 2024, however, all Australian states have enacted voluntary assisted dying legislation, which means that most Australians now have access to choice at the end of their life.ⁱ Across Australia, the various state Acts contain very similar provisions as to who is eligible to have choice regarding the end of their life.

COTA Tasmania is aware that for some Australians facing the end of their life, provisions such as s11(1)(b) stop them from being in the company of their loved ones at such a critical time. For someone who has been living in another Australian state or territory, and away from their immediate family, this section of the Act stops them returning to Tasmania for their death.

We consider that it is now time to remove the internal barriers to people seeking to die in the place of their choice. There is no longer a need to maintain such a residency restriction on those Australians facing terminal illness. While we accept the validity of this provision at the time of enactment, no purpose is now served by this section of the Act.

Patron

Her Excellency the Honourable Barbara Baker AC,
Governor of Tasmania

We trust that like us, you can see the value in now repealing this redundant clause and will act during the next sitting of Parliament to introduce this amendment.

Yours sincerely,

A handwritten signature in black ink that reads "Brigid Wilkinson". The signature is written in a cursive style with a long, sweeping tail on the final "n".

Brigid Wilkinson (she/her)

CEO

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ⁱ We understand that Australian Capital Territory (ACT) residents will have access to voluntary assisted dying from 3rd November 2025. See: [Voluntary assisted dying laws in the ACT - Justice and Community Safety Directorate](#)