

## VOLUNTARY ASSISTED DYING BILL 2021

*Legislative Assembly Second Reading Debate – copied from Hansard 19 November 2021*

**Ms YASMIN CATLEY (Swansea) (13:13):** I voice my support for the Voluntary Assisted Dying Bill 2021. I thank the member for Sydney for his advocacy on this important issue and for his hard work in developing the bill. I also acknowledge the ongoing work of the Hon. Trevor Khan in the other place, who has advocated for and supported legislation on voluntary assisted dying in the New South Wales Parliament for a very long time. Dying is one of the few things that is certain in life; however, how it takes place differs for each and every person. For terminally ill people, dying can be a prolonged experience and involve a great amount of suffering and pain. It is my view that the absence of legislation that permits voluntary assisted dying in New South Wales can only worsen the experience for terminally ill people and their loved ones by preventing them from having a choice and a dignified death.

Forming my view on voluntary assisted dying is not something that I have done lightheartedly. I have always—and will always—valued and considered the differing views amongst the people that I represent in the Swansea electorate when making my decision. I would like to share with the House some of their stories and experiences. Meredith from Summerland Point informed me that her mother died from heart failure earlier this year and spent the final stages of her life in palliative care. She said the care was great and very much thanked the wonderful people who helped support her mother, but her mother experienced a significant amount of pain and pleaded with the doctors to end her suffering by accelerating her death. Meredith also told me that her mother had begged her and her brother to put an end to her suffering. Knowing that there was nothing that could be done to end her mother's pain and suffering was extremely heartbreaking for Meredith and her siblings. She believes that if voluntary assisted dying was legal at the time that her mother was enduring her illness, she would not have undergone the extent of suffering that she did.

Peggy Walker from Swansea told me of her brother, who passed away three years ago from cancer. He too spent his final moments in palliative care. Peggy told me that the pain her brother had to put up with during the final stages of his life was, in her words, horrific. She believes that palliative care is just a process that hospitals follow when there is no other option and that voluntary assisted dying should be legalised to relieve the suffering of terminally ill people. Sharon of Marks Point has also gone through the trauma of watching a terminally ill loved one suffer tremendously; last year Sharon nursed her father while he slowly died from cancer. She told me that this was a distressing and heartbreaking time as she had to endure the drawn-out and horrendous death of her father. Sharon's father repeatedly asked her for medical help to die and to put an end to his suffering. To alleviate the suffering of terminally ill people and provide peace of mind to their loved ones, Sharon believes that voluntary assisted dying must be legalised in New South Wales.

Of course, a number of Swansea residents have shared with me their opposition to the bill, and I wish to share their views as well. Rod of Swansea stated that he opposes voluntary assisted dying because he fears that there will be a rise in elder abuse. These are genuine concerns and I respect them. He believes that if an individual is unable to take care of themselves and has reduced decision-making capabilities and/or financial management issues, their vulnerability to being pressured into voluntary assisted dying by a family member or others responsible for their care increases. It is his view that a detailed study into the prevalence of elder abuse is required to combat the issue. Rod believes that it would be recklessly negligent to legalise voluntary assisted dying before putting in place a system to effectively address elder abuse, but I assure Rod that clause 6 of the bill addresses his concerns explicitly. Clause 6 states that the person wishing to have an assisted death must have decision-making capacity and be acting voluntarily, without being subject to pressure.

Anna noted that suicide is an issue across the country and has become more prevalent during the challenges many have faced throughout the pandemic. In addition she also mentioned the importance of providing quality palliative care. Anna believes that a greater focus should be placed on improving mental health and palliative care services over legalising voluntary assisted dying. Anna is right. We need to address the increasing suicide rates and do more for good quality palliative care. We also need to make sure that we provide equality in the palliative care that is delivered right across this State.

Then there is Stephen of Belmont, who also shared with me his opposition to the bill. He, too, raised the importance of providing quality palliative care for terminally ill people and the elderly. Stephen also mentioned that even though he appreciates the attempts at safeguard, such as clause 6—the person wishing to

have an assisted death must have decision-making capacity and be acting voluntarily without being subject to pressure—he fears that these are subjective and may not protect the wellbeing of the patient. While Stephen is dubious that clause 6 is subjective, I am confident that this clause and other measures provide the safeguards to protect people who choose to die voluntarily in this State. These are all important points raised by Rod, Anna and Stephen, as are the stories from Meredith, Peggy and Sharon that they shared with me.

While I have only shared with this House just a small sample of views from those who live in the Swansea electorate I have received hundreds of letters, emails and calls. Overwhelmingly, the majority of those have been to encourage me to support this bill. Eighty-two per cent of Swansea residents believe that voluntary assisted dying should be legalised in New South Wales. As the member for Swansea it is important that I acknowledge the views of my local community and represent them in this place. From the conversations I have had with the people of Swansea, as well as health specialists, people of faith and my colleagues, I acknowledge and understand that people have genuine concerns that the bill will impact the safety of vulnerable people. However, I am of the view that this bill that we are debating today will provide and regulate access to voluntary assisted dying to terminally ill people in a way that ensures that vulnerable people are protected, and that respects individual religious beliefs. Furthermore, it will give those who are terminally ill a choice.

Of specific concern is whether the bill will be able to prevent vulnerable people, who are not experiencing pain, from successfully seeking assistance with their death. I want to address this specific concern by outlining the safeguards that are included to specifically protect the lives of vulnerable people. I have already mentioned clause 6 and clause 16. The requirements for those seeking voluntary assisted dying are that they must be an adult, an Australian citizen or a permanent Australian resident or have been a resident in New South Wales for at least 12 months; they must have been diagnosed with at least one disease, illness or condition that is advanced, progressive and will cause death on the balance of probabilities within six months, or is causing suffering to the person that cannot be relieved in a way that the person considers tolerable; and, in clause 16 (2), those who live with a disability or mental health impairment as defined in other legislation will not be sufficient qualification. [*Extension of time*]

Furthermore, in clause 20 (1), the person is not obliged to continue after making the first request and, in clause 26, the request must be referred to another medical practitioner for opinion, disease, illness or medical condition. In stating these safeguards, it is very apparent to me that the member for Sydney and the co-authors of this bill have gone to great lengths to guarantee that the safety and wellbeing of vulnerable people will not be jeopardised in any way, shape or form. It is for these reasons that I have confidence in supporting the Voluntary Assisted Dying Bill 2021.

A number of people have argued that palliative care is the best option for terminally ill people. I highly value the important work of palliative care and have stood alongside local advocates pleading for the New South Wales Government to enable adequate access to palliative care for people right across this State. In saying this, quality palliative care is not always accessible to all. Modern treatments options, such as the intrathecal care, a drug-delivery option that provides pain relief similar to an epidural, as well as blocking nerves, which involves specialists injecting a numbing substance into a group of nerves, are very expensive treatments and they are not available State-wide. I urge the Perrottet Government to put more funding into palliative care to enable greater access and equality of access. But that does not take away from the fact that voluntary assisted dying should not be a choice as well. My own family, just like many families across New South Wales, has experienced watching the end of life and the suffering of family members. While they were being provided wonderful care by nurses and doctors in palliative care—I take this opportunity to thank them, those men and women who do such an amazing job in what can only be described as very emotional circumstances—they would have liked to have had a choice to end their lives in a more dignified way.

I want to finish with the words of Lynn, who is a constituent who lives in the Swansea electorate. Lynn is retired registered nurse. I met her at the Pelican markets just several weeks ago. Lynn asked me to support voluntary assisted dying. She told me of a number of her personal experiences, but she has seen a lot in her long career as a nurse. Lynn has worked to save lives, to protect lives for all of her working life. Yet she has formed a strong view that there is a place and there must be a place in our system for voluntary assisted dying. She has witnessed firsthand horrific suffering and, in her words, unnecessary suffering. Lynn wants to see legislation in this State that provides for people to have a dignified death. She wants to give people a choice. I share Lynn's view. New South Wales must not fall behind the eight ball when it comes to legalising voluntary assisted dying. I encourage all members of this House to listen to the concerns of the community and to support the bill.