

VOLUNTARY ASSISTED DYING BILL 2021

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

Mr MARK COURE (Oatley) (12:01): I speak in support of the Voluntary Assisted Dying Bill 2021 to uphold the autonomy of individuals and their right to choose. I understand the debate has strong views on both sides. I acknowledge that the bill sets out a number of principles that focus on the values of individual liberty and autonomy under the law, including that every life has equal value; a person's autonomy should be respected; suffering is reduced; and all involved, including medical professionals and patients, should have their beliefs respected and protected from pressure or duress. In relation to personal liberty, I will speak about the beliefs of people in my electorate. Last month I gave my constituents the opportunity to share their views via an online survey. Almost 70 per cent of local residents are in favour of voluntary assisted dying, and I assure my community that I thoroughly read every response and the feedback provided.

New South Wales is the only State in Australia that has not acted on the issue of voluntary assisted dying, with Victoria, Western Australia, Tasmania, South Australia and Queensland all passing legislation in that space. The existence of voluntary assisted dying in other Australian jurisdictions has given New South Wales the benefit of past experience so that we can learn from those models. As the bill deals with the life of individuals, we must ensure that safe and effective legislative frameworks are in place to protect those who may be vulnerable or those who have only a matter of weeks or days to live. It is about allowing people to die with dignity and on their own terms. Capacity and autonomy are the fundamental pillars of the legislation, and I acknowledge the comprehensive nature of the safeguards in place to ensure that the process is not used outside of its intended purpose.

It is particularly important to highlight the issue of capacity. There is concern among many that sick loved ones may be pressured into requesting voluntary assisted dying for a variety of reasons. That is certainly a legitimate argument; however, it fails to consider the practical framework of the legislation itself, as well as the integrity of our medical professionals who already make decisions about capacity every day. Yet, at present, there is no single legislative source or guide for determining capacity. Medical professionals must draw upon their own experiences and training, as well as source guidelines from the Department of Health and other peak bodies, such as the Australian Medical Association. The bill provides a single legislative framework that streamlines the process and, again, ensures that appropriate safeguards are in place.

Division 3, section 6 of the bill defines decision-making capacity and sets out a criteria for medical professionals to assess a person's capacity. That is a fundamental protection for individuals in regard to interpretation, and it must be commended and recognised. Many have spoken in this debate about palliative care in New South Wales, and I acknowledge the incredible work that our palliative care nurses, doctors and staff perform every day. Those men and women are the unsung heroes of our community, and we must commend their commitment to protecting and supporting those in need.

I recently visited Calvary Health Care in Kogarah to announce a funding injection to improve its palliative care facilities. That will ensure that residents of the St George and Sutherland shires have access to world-class facilities and medical assistance. That was part of a \$5.5 million investment in end-of-life care across New South Wales, with 34 palliative care facilities benefitting from that funding. New South Wales provides some of the best support and facilities in palliative care that is seen in Australia and throughout the world. I have also heard many argue that voluntary assisted dying is not necessary with improved palliative care; however, that point falls short of the reality that many terminally ill patients face. Palliative care can address physical pain, but it cannot remove the immense suffering that many patients experience when knowing that their life is about to end, often in a humiliating and horrific way.

Despite the \$700 million investment into St George Hospital and the record funding provided to hospitals across the State, palliative care is not suitable for every patient and it cannot support the lives and livelihoods of every person. I do not suggest that palliative care is not necessary; I suggest that individuals deserve the autonomy and freedom of choice to choose their fate when palliative care is not enough. Importantly, section 28 of the bill states that a coordinating practitioner must advise their patient of palliative care and treatment options available to assist them, if they are eligible for voluntary assisted dying. I acknowledge the Premier's address to the House on the bill and welcome his commitment to increase palliative care funding. That is in addition to the \$220 million the New South Wales Government already spends on

palliative care services every year. That increased investment is paramount in supporting our elderly and vulnerable but, again, we must provide options and assistance to those when palliative care no longer can.

As a Catholic, I also understand the importance of showing empathy and compassion to one another. I respect all viewpoints in the debate. That is why we must put the power into the hands of individuals and let them lead their own lives as they see fit. Drawing back to the core concept of individual liberty, it is important that we all understand the eligibility criteria associated with voluntary assisted dying. Section 16 of the bill outlines a strict eligibility criteria that is centred on the need for a person to act voluntarily, and not under pressure or duress. Section 10 outlines that a healthcare worker is not to initiate discussion about voluntary assisted dying. Further to that, medical professionals can conscientiously object to providing assistance, which gives them the right to choose, as outlined in express provisions found in section 9 of the bill.

Those safeguards are significant and cannot be understated. The premise of the bill and the values it upholds ensures that the individual rights of patients and medical professionals are protected and supported. As a Liberal, I agree above all else with enshrining the able rights and freedoms of every person in the State. As a Catholic, I understand and respect all religious beliefs about the need to uphold life above all else. Over the years I have met with the team from Dying with Dignity and heard directly about those seeking voluntary assisted dying. Their stories are humbling and truly shed light on why the bill is needed—to provide a choice for individuals in their darkest hours.

I have heard from locals about the pain and suffering felt by their loved ones experiencing terminal illnesses. Stories from people like Sylvia in Blakehurst, whose husband passed away from a very rare form of lung cancer, or Courtney from Lugarno, whose father passed away following his battle with pancreatic cancer. These individuals were crying out for access to voluntary assisted dying because the mental, emotional and physical pain was too much to bear. These stories still resonate strongly with me to this day, and I cannot imagine the pain felt by the patients, their loved ones and their families. I have also met with the mover of the bill, the member for Sydney, to discuss my immediate concerns with this bill that focus around capacity and built-in safeguards. I will continue to work closely with the member for Sydney in this space and look towards seeking amendments to this bill at a later date.

While noting that a similar bill was put before the House in 2017, I recognise the significance of this current bill in reflecting the views held by a broad range of stakeholder groups. This bill has been drafted in direct consultation with the NSW Nurses and Midwives' Association, the Paramedics Association, the Pharmaceutical Society of Australia, the Law Society of New South Wales, the New South Wales branch of the Services Union, the NSW Ombudsman and aged-care providers. Given the refinements to safeguards, changing public opinion and thorough stakeholder consultation, I firmly support this current bill.

While opinions on this bill differ, there has been a common thread throughout this debate about the need to protect the sanctity of human existence. I believe, as does the majority of my community, that this bill balances the value of life and the autonomy and the freedom of the people of New South Wales. Now is the time for action and reform. We must bring New South Wales in line with the rest of our nation and provide individuals with the ability to put their life in their own hands.