

VOLUNTARY ASSISTED DYING BILL 2021

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

Ms TRISH DOYLE (Blue Mountains) (14:42): Today I stand in this Chamber as a co-sponsor of the Voluntary Assisted Dying Bill 2021 and make a contribution to debate on this significant reform to be. People's lives and deaths are powerful and personal, and that is the essence of this bill. For the record, today I share with the House some of these stories of people's lives and deaths. Kim of Winmalee, in the Blue Mountains, wrote to me:

Today my 86-year-old grandfather drove his car into a river. He suffered kidney, bowel and renal failure. He hadn't been able to stand on his own for years and has slowly lost his dignity, but not his mind. He long lobbied for the right to choose his end. Please, please, please save another family this heartache ... Please support this Bill and allow people to die with dignity when they choose.

I share my friend Coralie's story as reported in an article in *The Sydney Morning Herald* in November 2017, which reads:

The tragedy occurred half a lifetime ago, but for Coralie Richmond the memory remains acute.

Called to her parents' home in the Blue Mountains suburb of Lawson by her distraught mother one day in 1981, Richmond found her father Geoffrey on the floor, bleeding.

The 72-year-old had been enduring great pain as a consequence of asbestosis he had developed from exposure to the deadly fibres while building houses.

That morning—the day after a doctor instructed him to take a series of X-rays to Westmead hospital—Geoffrey had put a shotgun to his temple and pulled the trigger.

"I think he said, 'I'm so ill, I'm in so much pain, I have to do something about it'," says Coralie Richmond about her father.

"I had to ring the ambulance then I had to ring the police because a gun had been discharged," Richmond recalls. "The police asked, 'Is the gunman still around?' I told them, 'Look, it was my father, he's tried to take his own life'."

Richmond's father spent about a week in Westmead Hospital before he died.

A Christian and member of the Salvation Army, Richmond is a long-time advocate for voluntary assisted dying laws, including legislation due for debate in the NSW Parliament next week.

She can't say for sure, but Richmond believes her father would have been likely to take a more peaceful path had such laws have been in place, avoiding the trauma experienced by her and her family—

and felt to this day. Allow me the indulgence of reiterating my plea to the Parliament on a similar bill from 2017:

This bill strikes at the heart of so many in our community. There is nothing more fundamental than a person's right to treatment, palliative care and support when dealing with a terminal or life-changing illness. Previously in this place, I have spoken about the need for greater investment in palliative care services, particularly in rural and regional areas of this State, and this is something I remain committed to. However, it is easy for opponents of the Voluntary Assisted Dying Bill 2017 to see the bill as providing an alternative to skilled and well-funded palliative care, when this is so clearly not the case. This kind of polarising argument denies the fears, needs and concerns of many people facing a terminal illness or suffering unbearable pain in the last months and weeks of their lives.

I am saying that we need both well-funded and well-resourced palliative care as well as other end-of-life options for people whose needs cannot be met by palliative care alone. What this bill provides is choice for those suffering unbearably, with no hope of recovery, to have access to a medically assisted, quick, peaceful and dignified death. As has been well documented in countries where such legislation exists, a relatively small number of people will choose voluntary assisted dying. Yet this important legislation provides reassurance for those suffering that should it become too great, they can control when they wish to end their own lives, surrounded by those who love them.

I acknowledge the personal struggles of people living with terminal illness and those involved in the care of the terminally ill, including family members and carers, palliative care doctors and nurses, non-government agencies and support services. It is currently illegal to assist people facing unbearable pain to end their own suffering. This not only places dying people in an unenviable situation but also places their families and others involved in their care in the same situation. Should a dying person wish to end their pain and suffering,

they may be forced to end their life prematurely and alone so as not to legally implicate their loved ones. Surely this is not the way that an advanced society such as ours should treat people at the end of their lives.

I acknowledge that this legislation raises mixed emotions; however, I believe what must remain at the centre of this debate are the rights and dignity of those suffering. I assert that voluntary assisted dying is a dignified and reasonable choice for competent people to make when their medical condition results in untreatable and incurable suffering and pain. Further, when they have already lost more than we can imagine, having this choice can be of great psychological benefit. Even if they never take this option, knowing it is possible can provide enormous relief. I urge members to become educated on the issue and familiar with the experience of the countries where assisted dying legislation exists. Please listen to those directly affected.

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Another constituent and a very dear friend of mine, Maurice Brady, died in January this year, after nearly two decades battling heart failure. End-stage heart failure is said to be one of the scenarios in which voluntary assisted dying should be available. In Maurice's case this was not an option, and he struggled on until the end finally came.

Maurice did not complain. I have spoken about Maurice today because of my dear friend and former staffer, Suzie, and the help she has provided me in preparing today's speech. In 2017, I also said:

Blue Mountains advocate Anne Gabrielides suffers from motor neurone disease. With her husband, Paul, at her side, she sought my support for this legislation to ensure end-of-life choices for terminally ill people. Anne appealed to me:

Of all people, you understand the importance of your voice in convincing, negotiating with and inspiring your audience.

Similarly, my job up until a year ago was to convince, negotiate and inspire parents of deaf children so they could teach their children how to listen, learn and realise their potential.

Our voices, yours and mine, convey many years of learning and experience and now mine has gone.

My voice is not the only thing I've lost, but I am not going to take your time or mine complaining about the things I have lost, because they're gone and will never return.

I have accepted the fact that this disease is going to win the war but I will win some battles along the way.

But I want to win the last battle and die with dignity on my terms when I am good and ready.

In January 2018 I attended the funeral of Anne Gabrielides with a number of members in this place, not long after she said this to me. She did not get her dying wish. Today, for Anne and her family, I honour her vibrant life, rather than focus on her death, and I reiterate my plea: let us legislate for this reform. I turn briefly to some of the concerns and objections to voluntary assisted dying that people have raised with me, and for the sake of brevity I will note those major concerns. [*Extension of time*]

Some of these concerns include people's worries about coercion and elder abuse, and we have heard those arguments put in this place. People have raised concerns about safeguards and whether the stringent measures are enough. People have raised concerns about the fact that palliative care could offer what is needed and that the bill does not. I believe these issues have been comprehensively and adequately addressed previously by a number of members and I need not repeat them. I put on the record that many people contacted my office and respectfully, diplomatically and with heart put some of their concerns to me.

This issue is not abstract for me. It is not just a bill; it is deeply personal. My nanna, Jean, is almost 96 years old. She has always been a rock—actually a gem—in my life. She has lived a long and fantastic life. I adore her stories of adventure, love, family and travel. She suffers from many ailments now and she is tired. She lives alone and independently with little home care help. Nanna's mobility has decreased to the point that some days she can barely move. For someone who was agile, fit and spritely, and always fiercely independent, life is now difficult for her and for me to see her like that. She is not long for this world. When we talked recently about her death she quietly expressed a desire to go with dignity on her own terms, and she deserves that. My world will be turned upside down when she shuffles off this mortal coil, but I do not want her to endure hurt and anxiety any more. I love you, Nanna. I do not want to see you feel so vulnerable and suffering against your will. I want for you, what you wish: to go gently at a time of your choosing.

I thank Alex Greenwich, the member for Sydney, who has doggedly pushed for this critical bill, for his tireless, consultative and inclusive work. I thank Dying with Dignity NSW, which has worked with me in my community for many years. In particular, I thank Shayne Higson, Kiki Paul, Penny Hackett, Richard Mills and all the remarkable volunteers we have seen today, yesterday and in the preceding weeks and years. I thank Go Gentle Australia and acknowledge all the people whose lives and deaths are included in the raw, real, powerful booklet entitled *State of Suffering: Testimonies of the damage done in the absence of a Voluntary Assisted Dying law*. I thank Andrew Denton for his important, informative podcasts. I thank the many beautiful people who work in palliative care, 90 per cent of whom said to me, "We have to have this bill." I thank every person who contacted me to express their heartfelt plea one way or another.

When a person arrives at the stage of their life when their bodies have failed them and they have lost control of everything, the least we can do is provide them with choice and control in deciding when enough is enough. On behalf of Anne Gabrielides, Maurice Brady, Coralie Richmond, my old great warrior womyn Margaret Jones and my darling Nanna, I call on this Parliament to support choice for people when they are dying. When death is imminent, choosing how to die is critical. I commend the bill to the House.