

VOLUNTARY ASSISTED DYING BILL 2021

Legislative Assembly Second Reading Debate – copied from Hansard 25 November 2021

Mr BRAD HAZZARD (Wakehurst—Minister for Health and Medical Research) (16:57): I start my contribution to debate on the Voluntary Assisted Dying Bill 2021 by acknowledging the challenges of decision-making in such a complex and sensitive area, and how that evokes strong views from both sides of the debate. For many years it has just been plain too hard to deal with. It is still hard, but this debate has to be had. I thank the member for Sydney, Alex Greenwich, for his preparedness to bring the big and challenging issues to Parliament. I thank members on both sides of the debate for ensuring that the range of views is well represented in our Parliament.

When those issues have come up in the previous 29 of my 30 years in Parliament, I have not been supportive, but today's bill is different. Today's circumstances in Australia are different. Today we owe an obligation to our citizens to give them the same entitlements that now exist in every other State in Australia. Those who oppose the bill have placed great emphasis on the availability of palliative care. I respect that view, but it is not one with which I agree. As have many members of the community, I have seen up close and personal the use and the necessary benefits of palliative care. I remember holding the hand of my mother and asking her whether she wanted palliative care, telling her it would be likely that her death would come somewhat quicker. I asked her to squeeze my hand if she did, and she did squeeze my hand. She died the next day. I thank the palliative care specialist who came and gave her that peaceful passing.

The bill does not remove the importance and the value of palliative care. It gives choice to those who are approaching the end of their life, to those who may suffer what none of us would want family members or friends or anyone to suffer. It enables that person to control their own passing. In the course of considering my position, as can be expected in my capacity as health Minister, I have spoken to other health Ministers in other jurisdictions in Australia. Every other State has had precisely the same debate as the debate we are now having. Every other Parliament has heard the range of views that we are hearing in this debate in the Parliament of New South Wales. I can convey to the House, with the agreement of every other health Minister I have spoken to, Liberal or Labor, that they supported and will continue to support similar legislation in their States.

Minister Stephen Wade, the Liberal health Minister in South Australia, has confirmed to me his support. He informs me the bill in South Australia was introduced by two Labor members, but senior members of the Liberal Government, including the health Minister, supported the bill and it passed 33 to 11 in the Assembly. In Victoria in 2017, then health Minister Jill Hennessy spoke passionately about the introduction of what was then breaking new ground and the Victorian Parliament, after long debate, passed the first voluntary assisted dying legislation in our nation. The current Labor health Minister, Martin Foley, continues to support the voluntary assisted dying and has been kind enough to share insights into the Victorian experience. Some of those learnings will inform this bill.

In Western Australia, health Minister Roger Cook introduced the legislation after the findings of a joint select committee into the issue. It was also treated as a conscience vote in that State. Minister Cook's advice to me was that "the voluntary assisted dying legislation combined the best of compassion with all the checks and balances of a modern legislated regime". Further, he said, "Voluntary assisted dying is about choices at the end of life where death is inevitable and reasonably anticipated as imminent." Queensland introduced similar legislation, and it passed into law. Queensland health Minister, Yvette D'Ath, remains a strong supporter, reflecting the broad will of the Parliament in passing the legislation. In Tasmania, the former Liberal health Minister, Sarah Courtney, introduced the End-of-Life Choices (Voluntary Assisted Dying) Bill 2020. She noted in her introductory words the following:

I have elected to take carriage of this Bill because I respect the right of individual Tasmanians to make ... decisions about their own lives and I want to help ensure that, if the Bill should pass, Tasmania will have the most robust law and appropriate system possible.

I want it to be legal for an individual to choose the end of their life when their circumstances involve intolerable suffering due to an advanced, incurable and irreversible medical condition that is expected to cause death.

She further said:

What we are doing with this legislation isn't about reaching in, and artificially interfering with what is, ultimately inevitable for all of us—death—it is about empowering a person, an individual, a Tasmanian, at a time of grave need. It is about being compassionate and providing the best professional support and advice. It is about empowering a person to make an informed choice about themselves.

The Tasmanian Parliament passed its voluntary assisted dying bill on 23 March 2021. So every State in Australia—Victoria, South Australia, Western Australia, Queensland and Tasmania—have all supported voluntary assisted dying and given their residents who find themselves in this very challenging period of their lives choice. It is a choice that may not be taken up but provides a caring and compassionate opportunity for them to manage their own passing without the anticipated pain, suffering, and anguish and that of their friends and family. Today I spoke to the health Ministers in the Australian Capital Territory and the Northern Territory. They both expressed their strong support for voluntary assisted dying. I understand that both Ministers recognise the intrinsic value of the Victorian legislation, which has served as a model in each of the other States. Their communities will have to wait until the Federal Government passes legislation to entitle them to make decisions for the destiny of their Territory's populations.

What we have today before us is an opportunity, with careful consideration, to give choice to the 8.5 million residents of New South Wales should they ever find themselves in the most difficult of circumstances and they fall into the very narrow and carefully stated group of people that the bill will enable to have the choice of voluntary assisted dying. Every health Minister that I have referred to has life experience but also the experience of being health Ministers. We all understand the imperative of valuing life and enabling life to continue where that is absolutely possible. But where it is not possible, we all share a similar view that in certain very limited circumstances choice should be available to individuals who would otherwise end their lives in the most difficult and sometimes just plain awful circumstances.

I understand that there will be a range of amendments introduced in the Consideration in Detail stage if the bill passes the second reading stage—which I hope it will. They will be introduced by members who support and do not support the bill. I ask all members who move such amendments to do so with the intent of improving the bill and not making it less effective in giving the citizens in our State the same rights in relation to choice that the majority of the Australian population can access across all States in this country. I again thank those who brought the bill to the House. As I said at the outset, if it was easy, it would have been done a long time ago. It presents great challenges to us all, but those challenges must be met.

It is inconceivable that when every State in Australia has given their citizens, their residents, the choice that is offered through voluntary assisted dying legislation, we as legislators would not permit our citizens, our residents, the same choice. Finally, as currently the longest-serving Liberal member of Parliament in the Legislative Assembly, I thank all the members who have spoken on this debate for the way in which the debate has been presented, with courtesy and respect to all views. I also extend my thanks to the Premier of New South Wales, Dominic Perrottet, for enabling this most challenging of debates to proceed by way of a conscience vote. I commend the bill to the House.