

## VOLUNTARY ASSISTED DYING BILL 2021

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

**Mr MATT KEAN (Hornsby—Treasurer, and Minister for Energy and Environment) (14:14):** I speak in debate on the Voluntary Assisted Dying Bill 2021. I appreciate that everyone in this Chamber is approaching this debate with a heavy heart and good intent. We are all trying to balance difficult equities: our consciences, personal experiences, faiths, and obligations as legislators to sensibly and delicately codify one of the most challenging circumstances any person or their family has to navigate. It reflects well on the Parliament that both sides of the debate have largely recognised those sensitivities. I am grateful to the Premier for his leadership in allowing this legislation to be considered, knowing he genuinely and passionately opposes it. We should all cherish his open expression in this Chamber of love and compassion for his grandmother and others in her position. I also believe that the member for Sydney has shown, again, his leadership and immense ability as a parliamentarian in sponsoring and developing the bill. He has applied serious thought to the task of applying a legal framework to the most fraught choice imaginable. Importantly, they both avoided the demonisation that often risks poisoning our politics. We should take our cue from their generosity of spirit.

I arrived at my position on the bill after a lot of thought about my values, the values of my community and the values of the great traditions of liberal democracy. There are no greater issues of importance than the sanctity, freedom and dignity of human life. The American Declaration of Independence begins by recognising that all people:

... are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

The dignity of human life is recognised in the preamble of the Universal Declaration of Human Rights. It states: Everyone has the right to life, liberty and security of person.

The bill forces us to decide how we best recognise the sanctity and dignity of human life. Is it by protecting life in all circumstances because of its fundamental sanctity and importance? Or is it by respecting what makes us special—our free will, intelligence, capacity to reason and values—by allowing people to choose a dignified and peaceful death with their families in circumstances where they are experiencing immense suffering? If it is to recognise a person's free will, can we practically put in place sufficient safeguards to ensure that a decision to seek assistance to pass away is made freely and without corruption? A cornerstone of my inaugural speech was my view that the freedom to pursue our lives unfettered by the State was an essential element to a civil society. This concept of individual sovereignty guides me today.

We see around us the great things that humanity has achieved: a sense of justice, compassion, art and culture, the wonders of science and technology, wit, a capacity for happiness and a capacity to dream of a better world for ourselves and our children and to work to make it happen. Human beings have many beautiful traits. I believe that the best way to recognise and respect those traits is to trust them. A person who is dying faces the most invidious of choices. They will consult their own conscience and beliefs. They will consult their families. They will consult their medical practitioners. They will possibly consult a person of faith. But having done all that and made up their own mind, does it help to effectively ask them to consult government as well? I believe not.

We should remove that constraint from them as much as possible. We should grant them their own wishes. We should afford them their dignity. The sanctity of that decision is solely in the province of them and their families. It is also a mark of respect of the dignity and importance of their life that a person is able to end it in peaceful manner with their family, if that is their choice. I suspect that many people who are suffering seek help to pass away but today they have to do so in secret, in the dark and away from the people they love, so that they do not imperil them. I believe we respect the dignity of human life by allowing people to decide to die with their families in peace if they so choose, rather than forcing them to do so alone. The reality is that voluntary assisted dying laws have now passed other parliaments around the country. I also believe that we respect the dignity of human life by allowing people to die in their homes rather than in faraway cities and hospitals, away from their families.

In the circumstances where a person could reasonably want to end their life, the decision to do so should be for them to make. In coming to that conclusion, I also acknowledge the public's views. There are differing views on the issue. Some of those beliefs are held deeply and passionately. However, I do think we are at a point where the bulk of public opinion supports voluntary assisted dying. As a believer in democracy, the public's views on this issue have strengthened my views that now is the time to pass this bill. In saying this, I also believe assisting a person to end their life is a grave thing. Its gravity needs to be respected and no person should be pressured to make that decision. I believe the bill provides sufficiently robust protections to ensure that a person can exercise their free will genuinely and safely. The bill requires the risk of dying to be real and imminent. It demands that the prospect of relief from suffering must be marginal. It provides guardrails against coercion or pressure. It guarantees healthcare professionals and workers the right to conscientiously object to involvement, and it provides for procedural prudence.

There is nothing cavalier about the motivation for this bill, or its design. I do understand, however, that there will be those who sincerely oppose it regardless. I have absorbed what they had to say and understand their decision. I have listened carefully to those who spoke to the experiences of a family member accessing palliative care. No-one spoke with more candour than the Premier. Whilst he and I will fall on differing sides in this vote, where we do unite is the importance of palliative care. We can and should do more. After all, the choice to pursue palliative care is also a personal one. We must honour that preference too. I also reflect briefly on the role that matters of faith play in this debate and I again draw on my maiden speech. I said I will always personally seek to separate Church and State. But I also spoke of my rejection of religious intolerance. I am the Christian son of devoted Catholics who believe strongly in God and service. I fundamentally share those beliefs and my faith is hugely important to me and to who I am. I understand the intrinsic attachment to one's religion. It inspires and enriches people on both sides of this debate. I refuse to judge anyone for their motivations here. Anyone attempting to inject rancour into this debate by reflecting on someone's faith is on the wrong path. If we favour this bill due to our belief in individual choice and conscience, that should extend to respect for another person's relationship with God.

We are collectively wrestling with our capacity to legislate for matters of life and death. Those are very hard choices, but that cannot be an excuse for compromising our core beliefs. In fact, more than ever, we should lean on those tenets we hold dear. For me, that is an enduring attachment to personal liberty. It infuses me as an individual and as a legislator. I believe this Parliament has the capacity to gift to every individual in this State the freedom to make their own decision about how to live or how to die. That is why I am voting for this bill.