

VOLUNTARY ASSISTED DYING BILL 2021

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

Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales)
(10:16): It is a huge honour to speak to the Voluntary Assisted Dying Bill 2021, on behalf of the Northern Tablelands electorate. I acknowledge all of my colleagues. In particular I acknowledge the member for Sydney, who presented this bill, and all the other members of Parliament who worked collaboratively with him on multiple drafts before this bill was brought to the House. I thank every member for the manner in which they contributed to the debate. I am often guilty, as many of my constituents are, of losing faith with modern politics and modern political institutions. To be fair, we often give people enough evidence to base that lack of opinion and faith upon.

It is in respectful debates such as this that I firmly believe the Parliament is at its very best. It is not only members of this House thinking deeply about issues and reflecting those deep considerations in their contribution to debate, but beyond this Parliament the respectful way in which all members—with some notable exceptions—from various communities across the State have entered into the discourse about being for, against or somewhere in between on this sensitive, emotive but critical area of public policy. I believe it is well overdue for this Parliament to consider, and either pass legislation or not pass legislation, to resolve these issues.

The Parliament, as we know, first considered a similar bill—not as nuanced or with as many safeguards—in the other place four years ago, in 2017. At that point in time, if those laws had been passed, New South Wales would have been the first jurisdiction in Australia to pass legislation in this important area of public policy. People say a day is a long time in politics but fast forward four years it is astounding that New South Wales is now the last jurisdiction in Australia not to have laws in this space, with Queensland being the most recent State to pass such legislation. Regardless of a person's views, it is timely that we have this bill before Parliament.

I also want to thank every individual in my electorate of Northern Tablelands, which is a wonderful community of communities. I am incredibly privileged and honoured to represent every constituent in this place. I thank every person who has reached out to me personally, through my office and through my online survey to give their considered views on this bill. A couple of months ago I sent a DL flyer to every household in the Northern Tablelands when the member for Sydney gave notice that this bill would be introduced. I made sure that every constituent in the Northern Tablelands had an opportunity to view that bill and provide me with their considered comments. I thank the 3,567 individuals in the Northern Tablelands who contacted my office.

While I have my very strong personal views on this matter—and it did not take me very long to determine my own personal views on this matter; they had not changed since 2017; in fact, if anything, they have only crystallised and hardened with some personal experiences that I have had—I said very publicly when this bill was introduced that I would be speaking in this debate and voting on this legislation in accordance with the wishes of the electorate I represent, the electorate that sent me to this Parliament, not reflecting my own personal views. Of those 3,567 individual responses, and on top of that there are probably hundreds of people who have spoken to me in coffee shops, down main streets, while I am doing my shopping on a Sunday and over the two-way during harvest or, yes, even at the urinals at the Armidale airport as I was coming to Parliament this week, I really appreciate everyone who has taken every opportunity to grab me and say, "This is what I think on this important area of public policy."

But of all the people who contacted me, 77.9 per cent indicated they are in favour of this bill and 22.1 per cent indicated that they are not in favour of this bill. As I said, I intend to vote and contribute to this debate in accordance with the wishes of my electorate and I will honour that commitment. For that reason I will be casting my vote at the second reading stage in favour of this legislation. I turn now to the bill itself and offer a few comments based on the feedback I have received and some observations that I have made. We have already heard in this debate that this bill is about creating a legal framework to allow people who are at the end stages of a terminal illness to depart this world at a time of their choosing, to die with dignity if you like, and to escape what is often an incredibly torturous and painful situation that they find themselves in, and a situation that affects their families as well. For me, and I think for many people in my electorate, the key issue is in the wording of the bill, and that is "voluntary". It is voluntary and no-one is compelled to take advantage of this legal framework. No-one will be compelled to end their life early. The legislation provides a choice.

I fundamentally believe that in a modern and compassionate society, and leaving aside whatever we are debating here and the argy-bargy of partisan politics, without doubt we have one of the best healthcare systems to be found anywhere in the world. It is what a society should offer its citizens—a choice, an opportunity to make a considered decision on how to deal with the last stages of a terminal illness and to leave this world on their own terms. As we know from other jurisdictions both in Australia and internationally even those few people who will meet the very high threshold set under this legislation—people who will be eligible to be considered for voluntary assisted dying—we know that a great number of those people will choose in the end not to take up that option. But we also know that it is a great comfort for people to know that that option is there. What can be more fundamental than giving people that choice—the right to choose. I think that is the compassionate thing to do; I think that is the right thing to do. I know that the vast majority of the people in my electorate believe that is the right thing to do as well.

But I acknowledge that there are considerable differences of opinion. Many people who have contacted me to voice their opposition to this bill do so on religious grounds. I completely respect that. I know that for people who are strongly religious this is a deeply difficult issue to confront, and it is for everyone. We are talking about our own mortality, which is a difficult thing to think about as legislators as it is for everyone in the community. The other issue is the need for better funded palliative care and I agree with that 100 per cent, but first-class palliative care and voluntary assisted dying in my view are not mutually exclusive; they are complementary. I have spoken to palliative care nurses in my electorate who are also in favour of this bill because they acknowledge that no matter what standard of palliative care we can provide in New South Wales, there are some things that palliative care cannot do. There are limits to palliative care. For some people their condition is beyond the scope of good palliative care. The main concern is about safeguards. I indicate to the House that I will be voting in accordance with the wishes of my electorate in supporting this bill but I also intend to support a series of amendments that have been foreshadowed to strengthen and improve the practicality of those safeguards and give people comfort. [*Extension of time*]

I thank the House for its indulgence. As I said, I intend to support a number of amendments that will seek to strengthen some of those safeguards and give comfort to those who have concerns and who have expressed those concerns to me, but the amendments also clarify how this bill will operate in practice. That is both to give comfort to people who are worried about exposure or exploitation of loopholes but also to give comfort to some medical professionals—certainly those to whom I have spoken—who are concerned that they will not be compelled to participate. I think that is fundamental. The sentiment of this bill is 100 per cent right. It is about giving the right to choose to the individual who is at the end of their life, but it also gives medical professionals who have a conscientious objection the right to choose to opt out. I think that is fundamental. I will be supporting amendments aimed at further clarifying that.

Country people are sensible people, they are pragmatic people and they are practical people, and I am, too. Fundamentally, I think the reason that, certainly in the regions, the vast majority of people support this legislation is that we tend to approach these issues not from an ideological point of view and not from a faith-based view but just from a sensible, middle-of-the-road compassionate perspective. In conclusion I say this: What brought this home to me was, of the thousands of people who contacted me, two recollections or two conversations that stood out. I will not mention names but one of them, as I said at the outset, was held on a two-way during harvest. I was on the header. The guy I was talking to for over an hour on the two-way was working the chaser bin. He told me a story about his 13-year-old kelpie cattle dog, Digger, who had become a bit old and a bit infirm. They brought Digger inside and the kids of the young family absolutely loved and adored Digger. He had finished his working life mustering cattle and had now become a house dog. Inevitably, time marches on. Unfortunately, he was telling me that Digger was run over. His pelvis was completely shattered and both of his back legs were broken. They rushed him to the vet and the vet sedated him. It was a traumatic moment for the family because for the first time his kids were exposed to trauma and death. They made the difficult decision to put Digger down because whilst he could be operated on, he would never regain the use of his legs and the rest of his life would be very traumatic.

That particular gentleman said, "Adam, I want you to support the bill because we were doing the right thing by Digger. The difference is that he would have been alive, but he would not have been living anymore," in the sense of how he as an animal would have wanted to live. He said, "Why is it that we can make that choice for our beloved animal, but I cannot make that choice or my mother cannot make that choice? Why is it that cannot happen? Yet, if the bill passes Parliament, Adam, and you support it, instead of us making that decision for someone else, they can make that decision for themselves." I never thought he was a guy who would think deeply about anything that this Parliament considers. His comments really shocked me, and it brought this issue

home for him. I offer that scenario because many country people have dealt with and confronted that issue before. I will finish with the words in a letter that I received from a constituent. The letter reads:

Thanks for your letter in relation to the *Voluntary Assisted Dying Bill 2021*. When I responded saying I support such action I was going to include some comments in relation to why I feel so strongly about it. But I chickened out and now I want to correct that.

My wife, Helen, was diagnosed with bladder cancer in 1992. After an 11-hour operation in St Vincent's Hospital in Sydney, where many of her internal organs were removed, the surgeon said to me it was hopeless. She would only live for another 4 - 6 weeks. She spent the rest of her life with an ileostomy bag which was so difficult. She ended up dying 15 years later in 2015 in extreme agony. During all those years she had massive amounts of chemotherapy and was unable to travel far from home or a toilet. I nursed her for the last year of her life which was a true labour of love as she was mostly bed ridden. At one stage she said to me 'I've had enough, how do I end it all'? I took it upon myself to find out, and eventually obtained the means for her to euthanise herself. After much heartache she decided not to go through with it, preferring to rely on the family doctor giving her ever increasing doses of pain medication. We were married for 51 years, and I miss her terribly.

I'm happy for you to use this letter in whatever way you see fit without mentioning our names. I've been through the experience, and I believe others in a similar situation deserve the right to choose.

I will finish where I started: For me, the bill is about the right to choose. I support that choice, my electorate supports that choice and I hope the Parliament supports that choice as well.