

VOLUNTARY ASSISTED DYING BILL 2021

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

Ms TANIA MIHAILUK (Bankstown) (15:31): I make a contribution to debate on the Voluntary Assisted Dying Bill 2021. I note from the outset that I do not support the bill. The objects of the bill are to:

1. (a) enable eligible persons with a terminal illness to access voluntary assisted dying, and
2. (b) establish a procedure for, and regulate access to, voluntary assisted dying, and
3. (c) establish the Voluntary Assisted Dying Board and provide for the appointment of members and functions of the Board.

I note that this is the first occasion we have had to debate the bill in this House. The Legislative Council debated a similar bill in 2017, which did not get passed. I make it clear, looking at the numbers and listening to the contributions to the debate in this House, that it is very likely the bill will be passed. I reserve my right to move amendments to the bill. When a bill of such significance as the Voluntary Assisted Dying Bill is debated in this House, it is important that the members of this House are not denied the opportunity of improving the bill through making amendments. I wholeheartedly reject any notion that a member should be deprived of the opportunity of moving amendments. I also reject the idea that if members wish to make amendments, that those amendments be hostile. I believe that each of us should have the right and the opportunity to improve a bill should that opportunity arise.

I respect the member for Sydney and all the co-sponsors of the bill. They are well within their rights to introduce the bill. I do not necessarily agree with the timing, given we have a community that is still relatively restricted. The Parliament is shut to the public and a number of organisations, including religious organisations, are still dealing with the effects of having their places of worship, their institutions and their facilities restricted by the lockdown. They are certainly feeling battered and bruised from 20 months of lockdowns. A number of groups—and indeed, religious groups—and organisations have come to me. I am the co-chair of the Parliamentary Friends of Religious Freedom. The point was raised that it has been very difficult to participate in such a broad campaign at this stage when they are still in the process of bringing back their flock of parishioners to their places of worship in a safe way due to current restrictions.

However, we cannot always control when legislation is brought into Parliament and we have to deal with bills as they arise. I am glad that members have been given extra time so each of us has an opportunity to make a contribution to this debate. I respect that members cannot be told how to vote on the bill, and that every member of each party can exercise a conscience vote. Whilst I respect there are varied views in my community, the vast majority of people in my community who have contacted me to oppose the proposed voluntary assisted dying law. But I respect that a number of constituents in my community have contacted my office in support of the law. I say to those constituents that I understand why they support such a law and I respect their position. I hope they respect mine because I am exercising my right to a conscience vote and that I cannot, in any way, support the bill.

I understand the argument that has been put forward by many members in this House that voluntary assisted dying is considered to be a choice. The argument that I have heard from members today and throughout the past two weeks is that it is a choice and we should be empowering choice. I say to this House that with choice comes consequences. There will always be consequences. As a first developed country, we value our rights. We value the idea that we should choose and control every aspect of our life, and the notion that we should choose and control our death sounds appealing to many. The idea of choice for many is about being a master of their own fate. But life does not work that way. As I said earlier, for those choices that there will always be consequences.

We see that when we think about suicide. Each of us has been impacted one way or another by people who have taken their own life and we see the consequences when that happens. That is why it is difficult for me to sanction and legalise voluntary assisted dying because I value every life, irrespective of the quality of that life. I grew up with parents who arrived in Australia stateless; they came here as refugees. My mother lost three of her siblings to a famine forced on by Stalinism. My mother lost her father to a terminal illness when she was

young. I saw in my mother's family a very strong belief in living and fighting for life. I have seen that in my father's family too. My father had dementia and passed away a few years ago, but he still fought with every last breath of his life. My older brother suffers from a severe disability and has a compromised life. Despite that, he has always valued living. That background, coupled with the fact that I am a person of faith, helps form my view. I acknowledge I am a person of faith; I cannot deny that. It is clearly part of how I think and believe, but it does not cover every part of how I have come to my view.

I am a mother of three children. I teach my children that life is always worth living; you fight to live. My children have different life experiences to their friends. Our family members have had illnesses. One of my sons watched one of his best friend's father pass away from motor neurone disease. Each of my children has had their own experience. I have always taught them that life is worth fighting for which is why it is incredibly difficult for me to consider enacting such laws. I have listened to members' speeches and I respect their views and their arguments about choice. But we need to be conscious of the consequences and we must think about improving this legislation through a series of amendments. There is no doubt that this legislation will require further safeguards. A 2017 review of legislation in the upper House revealed vast differences between that legislation and the Voluntary Assisted Dying Bill 2021 that need to be addressed. I value the opportunity to be given time to make appropriate amendments.*[Extension of time]*

Many people in my community have contacted me about this bill. A number have raised concerns and have been shocked that the bill is being considered at this time. Some people who support the bill have said that they would like it introduced irrespective of the COVID restrictions we are experiencing at the moment. I acknowledge one lady in particular, Jackie from Chester Hill, who watched her mother suffer from a terminal illness. She contacted me to ask me to support the bill. I hope she understands why I cannot support it, but I respect her right to want its introduction. I also acknowledge Pauline from Chester Hill who asked me not to support this bill and Joseph from Bass Hill who asked me to oppose it.

A number of doctors in my electorate have written to me opposing the legislation. I will not name them but I was surprised by the number who were opposed to it. They provided various reasons for opposing it and acknowledged some of the work done by the Australian Medical Association and praised the value of palliative care. Elder abuse was another issue raised by doctors and by members of my community. These are some of the concerns that have been raised by members in my community who believe that this legislation could lead to elder abuse. I have been inundated with letters from constituents asking why the Parliament was not more focused on palliative care. I note that the Premier in his contribution to the debate acknowledged that not enough had been done in palliative care—a heartening acknowledgement that more needed to be done. He admitted that he might not have done enough as Treasurer but that he intended to do more as Premier. We must address that issue and ensure that more is invested in palliative care services. Many doctors, nurses and medical professionals are in a profession that focuses on improving and saving people's lives.

The Leader of the Opposition indicated that he was opposed to this legislation and I thank him for the position he has taken. However, all members of the Labor Party have the right to exercise a conscience vote and to move amendments or to co-sponsor the bill. Members are well within their rights to co-sponsor the bill as a number of them have been passionate about this cause for many years. It is a difficult debate and all members want to participate in it respectfully. We must respect others' views in particular when moving amendments next week. I remind all members that with choice comes consequences. I am concerned about what that means for our society. We must ensure that as many safeguards as possible are included in the legislation. We must take into account what it means for young people as voluntary assisted dying laws will be taught in schools. Any legislation that is passed in this House has consequences not just for members but also for students in both primary and high schools, and questions will be asked. We need appropriate answers for questions that will be asked about voluntary assisted dying and an understanding that it will occur only in very rare circumstances. I oppose the bill.