

VOLUNTARY ASSISTED DYING BILL 2021

Legislative Assembly Second Reading Debate – copied from Hansard 12 November 2021

Mr CHRIS MINNS (Kogarah) (16:43): I acknowledge the historic nature of this debate. It is historic because matters of conscience rarely come before the Parliament, and when they do, public engagement on the issue is always high. The Voluntary Assisted Dying Bill 2021 is no different. Many people hold strong views about the bill, both in favour and in opposition. I acknowledge that the views on both sides of the debate are genuinely held and authentic. For many, their conviction comes from their personal struggle and experience with illness. For some, their views are formed during the tragic loss of a loved one. For others, it is a tenet of faith. Members will take some or all of those personal experiences and professional judgements on board when determining their view on the bill. My judgement is based on whether the legislation achieves what it sets out to do and whether it is good law. Each of us must make our own decision and explain our own choices to our constituents. For the record, NSW Labor has given all its MPs the right to a conscience vote on this important legislation.

I will be voting against the bill. Let me explain why. I am not convinced that any legislation can prevent an individual choosing to die in response to pressure, coercion or duress caused by others. No legislation, even one crafted with the best of intentions like this bill, can prescribe against the conduct of people with bad intentions. Once we provide access to a voluntary assisted death, it is inevitable that some people will act to pressure another to end their life. That pressure may be overt. It may be the demand of an estranged child or a plea for respite from a dearly loved partner. It may be subtle, a suggestion, a hint, an overheard conversation or it may be deduced without a word being spoken by a vulnerable person watching the impact their illness is having on others who they love. The risk of those situations occurring is not far-fetched or exaggerated. In fact, that risk is acknowledged in the bill on the very first page.

The bill states that one of its principle objectives is to protect persons who may be subject to pressure or duress. The coercion, the duress and the pressure to end a life will inevitably be directed at sick and vulnerable people. The legislation acknowledges that but it cannot prevent it. All the legislation can do is deny a person access to an assisted death if a third party detects and concludes that pressure exists. My decision to vote against the bill is an acknowledgement that we as legislators are fallible. We make mistakes. We cannot claim that the consequences of this legislation will be unexpected. On this occasion, we clearly know the risk to the vulnerable in our society if we pass this bill into law. That is why I will be casting my vote against the bill.

I accept that my view is among the minority in the NSW Labor Party. Regardless of whether this legislation does or does not pass the Parliament, I believe it is the start of a discussion and not the end of it. We need to talk about our approach to palliative care, how we fund it and how we ensure that access to that care is equitable. If the bill passes, we must ensure that the inability to access quality palliative care does not become another form of pressure on an individual to hasten their own death. We should never accept a situation where a desire to end a life is driven by a financial imperative or need.

In conclusion, I thank all members of the House for the respectful way the debate is being approached. Our conduct reflects the maturity that the people of this State are showing on this issue. In a time of polarisation, and ideological and cultural tribalism, we must show the people of New South Wales that we can discuss the divisive issues without descending to name-calling and personal attacks. I commend all members who have spoken thus far in the respectful and understanding contributions to this House.