

VOLUNTARY ASSISTED DYING BILL 2021

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

Mr RYAN PARK (Keira) (11:20): I wholeheartedly support the Voluntary Assisted Dying Bill 2021. In doing so I will make some comments about the challenging nature of the issue before the House today, as other members have noted in their contributions to this debate. I know that people on both sides of this debate have strong feelings about their viewpoint. I have taken the time to read and engage with people from a variety of perspectives on this challenging issue. I respect that there are differences of opinion on this issue, even within my own political party. However, I hope that this debate will be conducted in a respectful way. The people of New South Wales will be looking to this Chamber over the next few weeks, hoping that no matter what side of the debate members are on they approach it with compassion which will lead to greater respect as they focus on the issues before us.

Many people in my community will not agree with my position. They may be members of my own political party, my neighbours, my family members or my friends. Some may even be disappointed that I will be voting in favour of this legislation. I understand and respect that. Members of Parliament approach conscience votes like this in a variety of ways. Some seek their community's input to help them shape a view. Others prefer to be guided by experts to come to a conclusion. Others still prefer only to vote rather than engage in the debate. All of these ways are completely acceptable. My approach is simple: I take the view that the community has elected me to this place to make decisions, even when they are challenging, and to be upfront with why and how I have made a decision. This is the approach I have again taken with this bill.

I am of the strong belief that this legislation is long overdue. It is a belief I have held for a long time. What I want to see is that a person with a terminal illness who is experiencing pain and distress has the right to request assistance from a medical practitioner to end their life with dignity. Voluntary assisted dying is a major legal, ethical and social policy issue that we must face. Laws such as this have been passed in five of Australia's six States. Voluntary assisted dying laws have commenced operation in Victoria and Western Australia. Such laws will commence in Tasmania on 23 October 2022, South Australia in early 2023 and Queensland on 1 January 2023. New South Wales is the last State to introduce these laws. I am disappointed about that. I believe we are the premier State and I would have liked us to lead on this issue.

Over the past few years I have taken the time to review extensive material on this matter. I have listened to, engaged with and actively sought out family members and experts from across my electorate and others who have experienced watching a loved one die from a terminal illness with no options available to them. By ensuring we have the correct safeguards in place and that a person's individual situation is carefully assessed, we can proceed down a path that enables someone to seek assistance to end ongoing pain and suffering. Like many others, I have watched someone who I was very close to have to endure years of pain, discomfort and suffering in the last stage of their life. It is one of the most distressing times that those close to them will go through. For me, the lady was my nanna. The way that we have to watch someone go from being lively, energetic and full of life to withering away before our eyes in the most extreme discomfort is nothing short of cruel. To see the degradation of someone you love is something you never recover from.

I know there are many vocal opponents of this legislation. They argue that the laws are going to encourage families to wrongfully intervene to end someone's life. They have raised their concerns about vulnerable people being taken advantage of. I hear those concerns, and as part of reviewing this bill I have sought my own assurances that this legislation will not do that. I feel that sufficient safeguards are in place within this legislation to protect things such as this from happening. There are safeguards against undue coercion. Under this legislation, only adults diagnosed with a terminal illness that will cause death within six months, or 12 months for a neurodegenerative condition, and who as a result of a condition are experiencing suffering that cannot be tolerably relieved will have access to voluntary assisted dying. That is not an easy process.

In addition, there are strict provisions to ensure the person has the capacity to make and understand the consequences of a voluntary assisted dying decision, and that they are acting voluntarily and without pressure or duress. Two experienced doctors will need to independently assess a person seeking assistance and independently come to the conclusion that they are acting voluntarily and without any form of pressure and duress. All doctors will be trained in recognising the signs of pressure or duress. If they are unsure, they must

refer a patient to someone who has the skills and training to make a determination, such as a psychiatrist, psychologist or social worker.

I am pleased that part 7 of the bill puts in place a number of new offences for pressuring someone into making an application for assisted dying, with strong penalties, including seven years' imprisonment, for inducing another person to request access to voluntary assisted dying. It deals with offences relating to inducing self-administration of the prescribed substance, offences relating to false or misleading information and offences relating to the schedule 4 or schedule 8 poison as a voluntary assisted dying substance. It deals with offences relating to ensuring that people are fully aware of all of their options to go through with it—but also to not go through with it at any time within that process. These are offences that I believe are an important part of the robustness of this bill. I acknowledge the member for Sydney, who has led the process for many years to bring forward the bill that is before us today. It is a robust bill, including the offences laid out in part 7. On top of that, there is also provision within the bill to make an appeal to the Supreme Court if there is concern that someone is not acting voluntarily or that pressure or duress is playing a role.

I understand that this is a decision that should not be taken lightly. That is why I am pleased the legislation is designed in a way to give people control over the timing of their death at a time when their death is imminent and they feel they have suffered enough. The eligibility criteria include a need for the person's request to be enduring, which will be assessed by two independent medical practitioners. The process itself is designed to give the person time to think about their decision. The person must repeat their request on three separate occasions, including in a written declaration signed by two witnesses independent of the voluntary assisted dying doctors, and there is a mandatory five-day cooling off period between the first and final requests.

People whose views differ from mine have said that the safeguards in the bill show that as legislators we should be concerned about its passage. I could not disagree more with this view. My community has elected me to this place to make difficult decisions and to debate challenging legislation that aims to improve the society in which we live. That is my job. It is our job as legislators. We do not get to pass the buck on difficult and challenging legislation, the same way that people in our community do not get to pass the buck on issues that are challenging within their occupation.

There are safeguards in much of our legislation. One only need look at the counterterrorism legislation or the Crimes Act, or legislation relating to how the high-powered agencies like the Crime Commission are able to operate. All of this legislation has checks, balances and safeguards, because legislators who have gone before us have been smart and wise enough to put them in place, just like this Parliament has put safeguards in the legislation that we have debated. There was an issue around the Asia-Pacific Economic Cooperation [APEC] forum. The legislation around APEC was some of the most challenging that a Parliament has ever confronted. *[Extension of time]*

Having checks and balances in the legislation we debate is something that those who came before us introduced and we will continue to do it. For some people, this debate is about seeing voluntary assisted dying as a substitute for quality palliative care. I do not take that view at all. Quality palliative care is a right that everyone in this country should have, but palliative care and voluntary assisted dying are two very distinct processes. Many people access palliative care before they seek voluntary assisted dying, aiming to maximise their quality of life and reduce their pain and suffering. Voluntary assisted dying needs to be available in New South Wales when palliative care and treatment can no longer relieve suffering in a way that is tolerable to the person. Many in this debate will refer to the need to be considerate of vulnerable people at that time. I accept and understand that palliative care in New South Wales must be improved.

I sincerely acknowledge the Premier's remarks today. But I say this to him: The burden of pain and the degree of discomfort that all of us are going through when we are reviewing this bill should not be put on one particular government or Premier. I believe palliative care is an issue that all members have not addressed for a long time. It is an issue that I have not focused on. One thing I commend the member for Sydney for in bringing this bill to the Parliament is that it has put a sharp focus on palliative care across New South Wales and the way that all members, particularly someone like me in the shadow Health portfolio, need to work with the government of the day. I would like to do so in a bipartisan way to make sure that New South Wales has a first-class and world-class palliative care system.

I acknowledge the people who have been tireless advocates for this legislation for many years. Each of them has been through the trauma of watching relatives die in pain or is facing their own traumatic death. I say this to them: I see you, I have listened to you and I stand with you. I strongly believe in a human's right to make

decisions about their own life, free from the interference or judgement of those not in their shoes. Not one person will die because of this legislation. That person's fate has already been determined by an illness that cannot be cured. This is about a person having some control over how long they will suffer. Andrew Denton was right when he said, "Why should we prolong suffering simply because we are holding out some form of hope for that person?" That disease has taken hope away from that individual.

This legislation brought forward by the member for Sydney will not change that, but I hope it will lead to more people being able to die with some form of dignity. I finish with a quote from Lidia in my electorate. I will read part of it but I have read it all multiple times during preparation for this debate. Lidia says:

I am a 60-year-old female and I have two children in their twenties that are living with me. Before I was diagnosed with motor neurone disease, I supported assisted dying because I think we have the right to die with dignity if we choose it. Now, it particularly affects me as I will be paralysed and unable to move or hardly breathe, knowing that there is no way back. If I knew that when I am in a very advanced state of my illness, if I could ask to help me go peacefully, I will not be as scared as I am because I will have some control of my fate.

That is a powerful message. It is a powerful story and one that we all should focus on during this debate. This is a challenging issue but, as legislators, we are in this place to make challenging decisions. I hope the debate is conducted respectfully. I hope people understand the reason I have come to this conclusion. I hope the bill is passed so that people in New South Wales who are suffering terminal illness can truly die with dignity.