

VOLUNTARY ASSISTED DYING BILL 2021

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

Mr JAMIE PARKER (Balmain) (15:14): I support the Voluntary Assisted Dying Bill 2021, which I am also proud to be co-sponsoring. I strongly believe that people who are terminally ill and who are experiencing intolerable pain and suffering, should be able to die with dignity if they so choose. I have considered this very carefully. I have listened to all sides. I have decided to co-sponsor this bill because it presents an historic opportunity to ensure that people who are at the end of their life have a humane, legal option to make a decision about their own death. New South Wales has world-class palliative care, but even the best palliative care cannot alleviate the suffering that some people experience at the end of their lives. Palliative Care Australia estimates that 4 per cent of patients are beyond its help and there is evidence that palliative care cannot effectively control between 10 and 20 per cent of end-of-life symptoms. These symptoms can include severe pain and other severe impacts. That is not to mention the fear and the mental anguish that is suffered by those who are terminally ill and at the end of their life.

In his second reading speech, the member for Sydney described the high rate of suicide, often by truly cruel, painful and distressing methods amongst people who are terminally ill. That has no place in an advanced country with a modern and well-equipped medical system. The issue is not a new one and it is not the first time we have been here discussing this type of legislation. Around the country my colleagues The Greens MPs have led the movement to implement voluntary assisted dying laws. Back in 2001 The Greens MLC Ian Cohen moved the Rights of the Terminally Ill Bill, which was eventually defeated nine to 26 in the Legislative Council. In 2003 Ian Cohen then introduced another bill to allow a referendum on the issue of voluntary euthanasia, which was also defeated. Then in 2010 The Greens MLC Cate Faehrmann introduced another bill to provide for voluntary euthanasia which, after years of consultation, was then defeated 23 votes to 13. In 2017 The Nationals MLC Trevor Khan proposed a voluntary assisted dying bill, co-sponsored by my former colleague MLC Dr Mehreen Faruqi. Members of Parliament were given a conscience vote and The Greens voted to support changing that law. Disappointingly, that vote failed by one—six Labor and 10 Coalition MPs voted against it, so it failed to pass the upper House. Sadly, a one vote margin has not been unusual. In November 2013 Tasmania came very close to legislating voluntary euthanasia when The Greens-initiated voluntary euthanasia bill was narrowly defeated in the House of Assembly by a vote of 13 to 12.

After all these years of pressing the issue, every other State has acted and New South Wales has been left behind. New South Wales is the only State without a voluntary assisted dying law. These changes have been on the horizon for many years. This bill has been on the agenda for well over 12 months. Every MP in this place and in the other place has all the information they need now to vote and decide on this bill. We cannot drag this out any longer because it prolongs suffering and uncertainty. The bill in the upper House has been delayed—it will go to a parliamentary inquiry—but that does not reflect the view of most people in New South Wales and it certainly does not reflect the views of people in my community.

According to a survey by the Australia Institute, three in four Australians—76 per cent—agree with the principle that a person experiencing unrelenting suffering who asks to die should be able to be assisted by a doctor to do so. Vote Compass data collected in 2019 shows that in my electorate of Balmain 79 per cent of people agree that terminally ill patients should be able, with medical assistance, to end their own lives. Those numbers communicate overwhelming support from the public for this legislation. Behind this overwhelmingly positive attitude towards this legislation, there are so many personal stories coloured by pain, suffering and disease. People who advocate for voluntary assisted dying often do not do so because they have a staunch political belief. They do it because they have carried the trauma of watching a loved one face a painful and drawn-out death. They do it because they also fear facing that kind of death themselves. They want to reduce suffering and that is what is at the heart of the bill.

I thank the close to 500 residents who individually emailed my office. Many of them told me their stories and the stories of their loved ones. I will mention a few of them. Maggie from Annandale wrote to me to share her experience in caring for her husband, Gerry, who was diagnosed with terminal pancreatic cancer in 2014. She told me that:

In the five months between diagnosis and death he experienced great physical suffering and mental anguish. Within six months he went from a full and active working and community life where he was in full control of decisions about his life and the financial health of his employer's Inner West business to a lingering death over four weeks when he ate nothing, could not rise from his bed, and was sedated on morphine to try and control his pain.

I know from his personal beliefs and values that if voluntary assisted dying had been available, he would have grasped the last decision he had about his life with both hands.

I ask that you consider Gerry's experience and the future of all of us who may get a terminal diagnosis and want to make our own decision about the moment when we choose to die.

John from Leichhardt said that he supports the legislation because:

... as a person living with chronic hepatocellular cancer and other morbidities, I need the reassurance that in the future when the quality of my life becomes unbearable to live, I'll be able to choose a peaceful end to my life.

Aphra from Forest Lodge said that they:

... have worked as a doctor at Calvary Healthcare in Kogarah, which is dedicated to palliative care. I looked after patients who had palliative care as their only option. Some died with dignity, some did not. I think it would be humane to be able to offer this option to them and so many others, and – ultimately - me.

Finally, Lyndal from Leichhardt shared her experience caring for her partner who:

... has cancer which has metastasised into the spine, ribs, hips, legs et cetera. Some of the symptoms and treatments create burning bone pain, heavy sweating for hours, exhaustion, aching joints, cold sweats, pain treatment every eight hours and 27 tablets a day for treatment and symptoms. This is 'early stages'. We both know it is going to get worse. We also both know that drugs do not necessarily stop pain. My partner does not want to end up a drugged out, skeletal body in a bed somewhere, as a friend did last year. This person wants to die with dignity.

It is not just public opinion that guides our work in this place. We have to consider the views of experts and advocacy groups and organisations representing medical practitioners, many of whom unfortunately do oppose changing the law to legalise voluntary assisted dying with some notable exceptions, including groups like the Nurses and Midwives' Association. We also have to be led by the evidence. There is a huge weight of reliable evidence on voluntary assisted dying internationally, and now in Australia, that shows that voluntary assisted dying can be regulated safely.

There are so many safeguards in the bill. There are complexities and risks associated with any type of legislation. The bill has been developed in close partnership with health professionals, patients and community organisations, and there are four robust safeguards in place. Two experienced doctors are required to independently assess a person seeking assistance and independently come to the conclusion that they are acting voluntarily and without any form of pressure or duress. The bill contains a comprehensive definition of duress covering coercion, intimidation, threats and undue influence. The bill creates 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. Voluntary assisted dying will only be available to someone who is at the end stage of a terminal illness whose suffering is beyond any meaningful medical help.

It is time that the laws in our State reflect the views of the community and are brought into line with the rest of the country. I commend and thank all the individuals and organisations who have worked tirelessly to push for this reform. That includes Dying with Dignity NSW and Go Gentle Australia. I thank the member for Sydney, Alex Greenwich, and his team, Tammy, Leanne and Roy. I thank the Premier and the Leader of the Opposition for agreeing to a conscience vote on the bill, even though neither of them intend to support it. I acknowledge those people standing against the bill. As a member of The Greens, I know how important it is to fight for something you believe in, even if it is not popular and even if you are subjected to abuse or ridicule. I acknowledge all of those people.

I do not begrudge those who have a differing opinion. I simply ask them to consider the evidence and the facts upon which I base this decision. I again thank the hundreds of people who have written to me about the bill to

both support and oppose it. I have read their emails, I have considered them closely and I appreciate every opportunity to engage with people in a respectful and robust way. Finally, I acknowledge my Greens colleagues, the member for Newtown, the member for Ballina, Cate Faehrmann, Abigail Boyd and David Shoebridge; all of us are co-sponsoring the bill. This is our chance to finally legalise voluntary assisted dying. Let us get it done.