

VOLUNTARY ASSISTED DYING BILL 2021

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

Mr GREG PIPER (Lake Macquarie) (11:45): I acknowledge the member for Tweed and thank him for his heartfelt contribution to this debate. I come to this debate in support of, and as a co-sponsor of, the Voluntary Assisted Dying Bill 2021. I thank the Premier, Dominic Perrottet, and the Leader of the Opposition, Chris Minns, for facilitating this debate. I have been involved in this very important matter for a long time now, though I know my involvement pales by comparison with many in the community who have experienced the grief and additional anguish of seeing a loved one die a painful and ignominious death: a death without dignity.

Some things change and some things do not. Community support for reform has certainly changed and has continued to grow considerably over recent decades. In recent years, all other Australian States passed similar legislation, leaving this State sadly lacking. Yet there are many things which have not changed. People are still dying horrifically painful deaths, which could be managed in a far more humane or gentle way. People are still taking their own lives in the most awful of ways because of intolerable pain and suffering from their terminal illness, which simply cannot be alleviated by even the best of palliative care services. We still have the same opponents of voluntary assisted dying wheeling out the same old myths and lies. Predictably, we still have religious and faith-based hierarchies opposing this important reform, showing they are demonstrably out of touch with the majority of their congregation.

Sadly, we still have members of this House who ignore the wishes of their own communities and who will seek to obstruct debate and ignore the cruel and horrific circumstances that some people with a terminal illness endure. I believe that the people of New South Wales are tired of it. They are tired of politicians ignoring their views on this issue and they are sick and tired of being denied their human right to choose a dignified death in circumstances where palliative care cannot deliver on that promise. That is why a vote on this bill needs to happen this year.

Before I go into the details of the bill, I would like to say this: Members have had a draft copy of this bill for four months. An intention to table it was flagged almost a year ago by the member for Sydney. Debate on this issue has dragged on for decades. Our constituents have been raising this with members for years. This is not a rushed debate in any sense whatsoever; indeed, it is one of the most consulted issues and bills that the New South Wales Parliament has dealt with. Yet we have opposition in this place from members who have the temerity to make the claim that this is being rushed, and they do so with no sense of irony or shame! It is time that we confronted the issue and dealt with it in the way the people of this State expect us to deal with it—and in the way people like Judith Daley need us to. Judith sat out the back of this place again recently, some 20 years after she was first diagnosed with chronic lung disease and later lung cancer, which so far has been treated with 30 rounds of chemotherapy. She is now 77 and certainly does not want to die. She does not want to choose to die now. In her words, "At the end of my life I'm going to suffocate. I'm going to be drowning because my lungs simply won't be working any more. I'm the only one who'll know when the pain truly becomes intolerable. That's why I have to have the choice, the choice to go voluntarily when I need to."

We all know there are those who will seek to delay the bill. They will attempt to filibuster and amend it into a useless and impotent measure, like it is a political game. I ask those members to show compassion and respect for those who are truly suffering. Unless you can look people like Judith Daley in the eye and feel comfortable about what you are doing to delay this debate or deny them a choice and a dignified death, then do not make their end of life any crueller than it already is. We have a bill that I believe is the most robust and safest of any we have seen in Australia. It truly has been designed to protect all interests, including those who would object to any involvement at all. But mostly, it has been crafted with respect and sensitivity to the circumstance of those who face a painful and undignified death that cannot be mitigated by palliative care.

It provides a framework for a process that is entirely voluntary at every stage and can only be accessed by someone of sound mind. It includes safeguards that ensure that a person is acting voluntarily and not under pressure or duress from another person. For those who are concerned about coercion, it includes penalties that include life imprisonment for the unauthorised administration of the substance and up to seven years in prison for someone who induces another to apply for voluntary assisted dying. The bill includes protections for doctors, health workers and others who have a conscientious or religious objection to voluntary assisted dying. These protections are extended to faith-based entities such as a nursing home with religious affiliations. The bill

provides that that can only be accessed by a terminally ill person who has gone through a rigorous assessment process by experienced medical professionals and a board led by senior judicial officers, and appeals before the Supreme Court.

Something else that seems to be forgotten by the opponents of this reform is that voluntary assisted dying is not mandatory. It is not compulsory: It is voluntary. It is a personal choice or an option for those who truly need it. Those with a conscientious objection due to faith or other reason simply do not have to participate in any way and I support them in that choice. Supporters of voluntary assisted dying do not want to force opponents to use it, they just want those opponents to reciprocate by not denying them the right to manage their end of life under such circumstances. Having mentioned faith, I believe the idea that people of a religious faith are broadly opposed to that is an absolute myth. In 2019 Vote Compass carried out the most extensive survey ever undertaken on this issue in Australia for the ABC. It surveyed the views of more than 450,000 people, and while it showed that support for voluntary assisted dying was 87 per cent with a further 6 per cent neutral in the broader community, 77 per cent of Catholics actually supported it and only 13 per cent opposed it; 76 per cent of Protestants supported it, while 71 per cent of other faiths supported voluntary assisted dying, with an additional 10 per cent neutral. [*Extension of time*]

Whether you support voluntary assisted dying or not, the undeniable truth is that many people who are intent on avoiding their suffering or having their loved ones watch their suffering, will take matters into their own hands. In 2019, 20 per cent of all suicides among people aged over 40 in this State were by people diagnosed with a terminal illness. They take things into their own hands. They stop eating and drinking; and you will hear that from paramedics who are called out to assist those who find far more horrific ways of ending their life. Another reality check for those who say that pumping more money into palliative care is all that is needed: It is not. Yes, let us have more investment in palliative care; we welcome that, we welcome the Premier's commitment. But there will always be some who will not benefit from that palliative care. There is a big lie around the end of life for so many as well and that big lie is the wilful ignorance to the fact that end of life is very often accelerated within palliative care with a nod and a wink. At some stage hydration is withdrawn, food is withdrawn and analgesia, usually morphine is increased to manage the pain and sedate the person. It is a conscious decision to hasten death, but not the conscious decision of the person dying. It is not when they choose. It is not on their terms.

How on earth can that be okay, when it takes away that person's opportunity to end their own life with dignity when the pain becomes intolerable, and deny them the opportunity to say a proper goodbye to their loved ones in their very final moments? Palliative care is excellent in most instances, but it is not magic—it is just not magic—and it cannot manage the pain for everyone. It is simply not magic, and we have to stop pretending otherwise. Some people die in horrific, unbearable and prolonged pain. That is what the bill is about: It is about providing compassion to those who cannot be helped by palliative care. Palliative care does not always provide the lovely, peaceful ending that some seem to think. For many it is the appropriate and compassionate way, but for some it is not. There are many of us who have held the hand and stroked the brow of a loved one in their final moments. I have no doubt that everyone has had their own experiences that they draw on in this debate. Some of them differ considerably and some have had more than others. My views and resolve on this have been developed from my life experience, which I think might have seen more death than some in this debate, though definitely less than others. I look to you Madam Deputy Speaker. It is personal and I would not want to dismiss anyone's experience and how it affected them.

For me, a big part of what informed my views was my time working as a psychiatric nurse at Morisset Hospital. I knew many people who passed during that time—not that any of those people would or should qualify for voluntary assisted dying, do not get me wrong—but the experience did have that effect on me: I started to consider this issue. Being at the bedside of my brother Colin when he died of brain cancer at age 31—he actually had cancer everywhere—my father, Keith, many years later, my mother, Hazel, four years after that and my dear friend Vicki who died with horrible pain but amazing personal strength and dignity. Vicki was helped wonderfully with home-based palliative care, but even to the end she managed her own death. Vicki, I know, would very much have supported access to assisted dying and would not have appreciated even well-intended paternalism denying her that choice.

I acknowledge and thank the many thousands in my community who have contacted me on this issue and urged me to support this reform. I also acknowledge and thank my colleague the member for Sydney, Alex Greenwich, for the bill, his staff who have worked and consulted tirelessly to produce it and the other co-sponsors of the bill. I also acknowledge everyone else who has worked hard for many years towards this

much-needed reform, both inside this place and out, in particular the likes of Penny Hackett and Shayne Higson at Dying With Dignity New South Wales, and Andrew Denton of Go Gentle Australia. It is time we acted like the mature and educated society we are and realise that palliative care, as good as it can be, does not deliver a Disney fairytale ending for anyone. It certainly does not provide a pain-free and dignified passing for everyone. It is time we did something for the many good people who have very bad deaths unnecessarily. It is time for us to listen to the significant majority of people who put us here.

There may be beliefs other than faith-based ones that lead people to oppose voluntary assisted dying, but they are relatively rare. Opposition is clearly overwhelmingly informed—I should say inspired, not informed—by religious beliefs and yet the scriptures are silent on the matter. If we want to rely on articles of religious faith, particularly Christian faith, then I think a guiding principle should be that God gave people free will, so that they could make their own choices. I interpret that to mean that as long as you are doing no harm to others, you should be allowed to make that ultimate decision for yourself. I know I have been critical of opponents of the bill, and while I do not resile from most of that criticism, I know that much of the opposition comes from a place of goodwill, even though I believe it is misguided.

Voluntary assisted dying, when passed, will not see one extra person die, but it will see some facing painful and undignified death pass a little sooner, a lot more gently and on their own terms. Importantly, and often ignored by opponents, it will see many not use or attempt suicide in a lonely and wretched way due to the anxiety they feel about a pending ugly and painful death where they will be denied control of their end of life by the State. In my opinion, the bill will see a reduction in suicide under these circumstances. Opposition to the bill may come from heartfelt beliefs, but please apply your beliefs to your lives. Unless you have walked in the shoes of someone facing a painful and undignified death, do not be so cruel as to stand in the way of this legislation. Yes, it is time we respected the rights of a terminally ill person to self-determine one of the most important parts of their life—their death. It is time we allowed them a choice to die with dignity. I commend the bill to the House.