

VOLUNTARY ASSISTED DYING BILL 2021

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

Ms JANELLE SAFFIN (Lismore) (17:42): Before he died, local Lismore man Anthony Simes asked me if I would honour his wishes and vote for a bill like the Voluntary Assisted Dying Bill. I pledged to him that I would because I had thought it through over a long period. I said to him that, on balance, I would vote for it. I wanted to see the bill first but I said I would vote to make sure that we changed the law. Do I do so with 100 per cent certainty? No, which is frequently the case in this place, but I do so knowing it is the right thing to do. No bill is ever perfect but this bill is the best it can be. It permits and prohibits where it needs to. I thank the introducer of the bill, the member for Sydney, and its co-sponsors for the amount of work they have done on the bill.

People need to be able to hasten their end if their physical suffering is unbearable. The bill will allow them to do that with safeguards in place. I remember when suicide was a crime, and it still is to some degree. Across Australia if somebody tried to commit suicide and they did not succeed, they could be charged with a crime. Under criminal law in New South Wales, euthanasia and physician-assisted suicide carry heavy penalties. Even the survivor of a suicide pact would not be found guilty of murder or manslaughter but may be found guilty of aiding or abetting suicide or attempted suicide. That is an incredibly challenging situation for anyone to be in.

Members have been written to by people both for and against voluntary assisted dying. I try my best to answer all of them respectfully. Members received a letter on behalf of 100 doctors from Dr Andrew Refshauge and Dr Peter Baume. Both are good men, known to this place and to me. They wrote:

At present, doctors work in a legal grey area when it comes to caring for dying patients. A clear, regulated framework will provide certainty and protection for both patients and practitioners.

That is the case and that is what the bill will do, because things are happening now. The bill will provide a clear regulatory framework. They went on:

Participation is entirely voluntary for everyone involved, with the right to conscientious objection protected. A voluntary assisted dying law will also allow our patients to have more open conversations with us about the end of their lives and the choices available to them. In the absence of a law, we know that some terminally ill patients resort to lonely, often violent suicides to end their suffering.

They further wrote:

Please give terminally ill people in NSW the choice that Australians in every other state now have, and allow us, as medical practitioners, the ability to provide humane options to those with significant suffering at the end of their lives.

That is what the bill does. It is about giving New South Wales citizens what is essentially a basic human right, even though it is the right to end their life at a certain point in time. People in my electorate of Lismore were gauged on their views and 79 per cent said that they would support voluntary assisted dying legislation. That is a significant number. But it is not just about numbers, it is also about doing the right thing. Sometimes poll numbers can be high but members do not necessarily follow through. In this case, I choose to vote for the bill. Yesterday members would have read a rather good op-ed in *The Sydney Morning Herald* by 95-year-old Ed Rafferty, who I do not know. He did not have a go at anyone. He talked about what the Premier and the Leader of the Opposition thought, and basically said they were young'uns. He said they should get some perspective. It was a really interesting read. He wrote:

Is palliative care the answer? There is only one person who has the right to make that decision.

He was obviously talking about a person's right to choose, not the right of members to make that decision here. He finished by writing:

Twenty years ago I was 75. Then, I did not sense the urgency of death. Now I do and I say to our politicians: Recognise your ignorance and defer to old age. Not to the sagacity of old age but to its reality.

It was an interesting op-ed coming from someone aged 95. A lot of the people who will benefit from the bill are those who are suffering and they want to end their life by their choice. In addition to conversations I have had, in a short letter in response to people who have contacted me on this issue I wrote:

Thank you for writing to me on such a profound and challenging human issue. I respect your feelings and view on this and asking me as your representative to vote against the Voluntary Assisted Dying Bill that will be before our State Parliament. Yes I recognise that like all major societal changes if this proceeds it will bring a few challenges. That is the way of human nature. The draft bill that is being circulated has factored in a lot of such challenges. I can assure you that no faith based hospitals will be forced to be involved. That is very clear. As your representative I would like to say that I can carry out what you request but I have to weigh up the issues of all people in the Lismore Electorate and consider what is needed, and that is the bill.

I commend the bill to the House.