

## VOLUNTARY ASSISTED DYING BILL

### *Introduction and First Reading*

**Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (10:53):** Obtained leave and introduced a bill for an act to regulate access to voluntary assisted dying, to establish the Voluntary Assisted Dying Review Board, to make related amendments to other acts, and for other purposes. Read a first time.

### *Second Reading*

**Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (10:54):** I move:

That this bill be now read a second time.

This is now the 17<sup>th</sup> bill to come before the South Australian parliament in the last quarter of a century to introduce a scheme for voluntary assisted dying. The most recent attempt saw a tied vote on the floor of this chamber. This was back in 2016, with a bill that was progressed by the then members for Morphett and Ashford, Dr Duncan McFetridge and Steph Key.

Prior to their efforts, the late Dr Bob Such did a huge amount of work. Voluntary assisted dying bills were introduced in his name in 2006, 2007, 2008, 2010 and 2012. He alone was responsible for between one-quarter and one-third of all the past attempts to legislate on this matter. In moving this bill today, I wish to pay tribute to my old neighbour Dr Bob Such and his contribution to this community. I also wish to thank the Hon. Kyam Maher for his leadership on this issue, for his moral authority and for entrusting me with introducing this bill in this chamber.

This parliament established a joint committee to examine end-of-life choices back in April 2019. That committee focused particularly on the Victorian model of voluntary assisted dying. As a result of the committee's work we now have the bill that I am introducing today.

A number of significant things have changed in Australia since this parliament last debated voluntary assisted dying legislation. Victoria has passed legislation, and their scheme has now been in operation for 18 months. Western Australia has also passed such legislation. The upper house of the Tasmanian parliament recently and unanimously passed legislation that will now be debated in their lower house.

The recently re-elected Queensland Labor government has promised to put voluntary assisted dying legislation before their parliament early next year. On every single one of the 16 previous occasions when a bill was brought into this place, South Australia was being asked to act first. Where once we might have been first, we will now be following the footsteps of most other states around Australia.

A number of my colleagues support the concept of a person's ability to die with dignity under certain circumstances. Some of these same colleagues are concerned that we should have appropriate safeguards in place. It will give significant comfort to many that this bill is a direct translation of the Victorian model. This has been described as the 'safest and most conservative scheme in the world' by the Victorian Premier, with some 68 safeguards in place. The three essential elements, as described by the Victorian health department, for someone to access the Victorian scheme include:

1. They must have an advanced disease that will cause their death and that is likely to cause their death within six months (or within 12 months for a neurodegenerative disease like motor neurone disease) and is causing the person suffering that is unacceptable to them.
2. They must have the ability to make and communicate a decision about voluntary assisted dying throughout the formal request process.
3. They must also be an adult—18 years or over—and have been living in Victoria for at least 12 months and be an Australian citizen or permanent resident.

There are nine steps a person needs to take to access voluntary assisted dying. This process makes sure only people who meet the requirements can access the scheme. These include:

1. Ask for information: ask your doctor for information about voluntary assisted dying.
2. First request: if you decide you want to access voluntary assisted dying, you can ask your doctor to help access it. Tell them that you want to go through the steps that will allow you to access voluntary assisted dying.
3. First assessment: a doctor will assess you to see if you meet the requirements.
4. Second assessment: a second doctor will assess you to see if you meet the requirements.
5. Written declaration: complete a form requesting voluntary assisted dying.
6. Final request: at least 10 days, including weekends, after the first request, ask the first doctor to help you access voluntary assisted dying for the final time.
7. Appoint a contact person: appoint a person who will return unused medication to the pharmacy if you die before taking the medication or decide not to take it.
8. The doctor applies for a permit to prescribe the medication: the doctor will apply for that permit, and that will allow either self-administration or practitioner administration of the medication.
9. Receive the medication: once the doctor has written the prescription, the person will receive the medication.

Both of the doctors involved in the assessment process—steps 3 and 4 of the nine described above—must have completed approved training in assessing people for voluntary assisted dying. Each doctor must:

make sure the person is fully informed about their disease and their treatment and palliative care options;

make sure that voluntary assisted dying is the person's own choice;

let the person know they can change their mind about accessing voluntary assisted dying at any time; and

not raise the issue of voluntary assisted dying with a patient. It is against the law in Victoria for a doctor or other health practitioner to suggest a person seeks voluntary assisted dying.

To reiterate, a doctor cannot talk about voluntary assisted dying unless the person asks them about it first. Further, doctors and other health practitioners, such as nurses and pharmacists, whose beliefs and values conflict with voluntary assisted dying may conscientiously object to being involved. To make sure the decision is not rushed, the process to access voluntary assisted dying cannot be completed in fewer than 10 days. The only exception to this is if the person is expected to die within 10 days.

This bill is modelled on that Victorian approach and it ensures that all those elements that make Victoria's such a safe and protected scheme will be replicated in South Australia. There have been some minor changes for things such as references to South Australian legislation, but effectively this bill is a mirror of the Victorian scheme. There are passionate and strong views about voluntary assisted dying. Reasonable people can and do disagree about these matters and, as with all conscience issues, showing respect to people with different views must be paramount in our minds.

Other states in Australia have already established schemes or are moving rapidly towards them. Surveys of the South Australian public show consistently that community support for a voluntary assisted dying scheme is close to 90 per cent. I am sure it is now not a question of if we see voluntary assisted dying legislated in South Australia but a question of when it will occur. I hope that this bill on attempt No. 17 will pass, and I look forward to the committee stage of the bill.

Debate adjourned on motion of Hon. V.A. Chapman.