



Our ref: 21-239

3 February 2022

The Hon Wesley Fang, MLC
Chair, Standing Committee on Law and Justice
Legislative Council
Parliament House
6 Macquarie Street
Sydney, NSW, 2000

By email: law@parliament.nsw.gov.au

Dear Chair,

Inquiry | Voluntary Assisted Dying Bill 2021 (NSW)

1. The New South Wales Bar Association (**the Association**) writes further to its submission of 29 November 2021 (**enclosed**) and in response to the five supplementary question posed following the evidence of barristers Mr Simeon Beckett and Mr Trent Glover before the Standing Committee on Law and Justice's (**the Committee's**) inquiry into the provisions of the Voluntary Assisted Dying Bill 2021 (NSW) (**the Bill**) on 8 December 2021.

Supplementary question 1

2. The import of [27] of the Association's written submission and the evidence of Messrs Beckett and Glover before the Standing Committee was that persons with disabilities and their representative bodies should be consulted on the Bill.
3. To ensure that persons with disability are recognised as a community with a significant interest in the operation of legislation that would permit voluntary assisted dying, the Association recommends that the following item be included in cl 4 ('Principles') of the Bill:

[...]

(l) a person's disability should not in and of itself be seen as a ground upon which that person should be considered to be eligible to be assisted to die under this Act.

4. The Association repeats the point made at [82] of its written submission, namely that '*...protection could be reinforced by including any disability of a person induced to make a request for access, or to access, voluntary assisted dying as an aggravating factor as to sentence.*

Supplementary question 2

5. The Association has nothing to add to [63] to [66] of its written submission or to the evidence of Messrs Beckett and Glover at p 35 of the transcript of their testimony before the Committee.

Supplementary question 3

6. Short of creating a specific offence of coercing an individual into assisted dying, there appears to be little more that could prevent coercive actions relating to voluntary euthanasia that would enhance the safeguards that are already included in the Bill.

Supplementary question 4

7. The Association has no further observations to make on the enforcement and oversight provisions within the Bill.

Supplementary question 5

8. The Association has nothing further to add to its written submission or to the evidence of Messrs Beckett and Glover on the matter of competence.

Conclusion

9. The Association hopes the above responses to the supplementary questions assists the Committee in its important work in inquiring into the Bill. Should the Committee have any questions about this letter, please contact Senior Policy Lawyer Mr Richard Easton at reaston@nswbar.asn.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. McHugh', with a stylized flourish at the end.

Michael McHugh SC
President