




Speech By  
**Brent Mickelberg**

**MEMBER FOR BUDERIM**

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Record of Proceedings, 15 September 2021

### **VOLUNTARY ASSISTED DYING BILL**

 **Mr MICKELBERG** (Buderim—LNP) (3.49 pm): I rise to address the Voluntary Assisted Dying Bill. At the outset I would like to acknowledge that many Queenslanders have strongly held views in relation to this issue. Despite the efforts of others, I have always sought to deal with this issue with respect and an acknowledgement that my view, while deeply held, is not necessarily shared by all people. At no stage have I sought to politicise this issue, and I resent that some individuals have felt the need to do so for their own selfish reasons. I agree with the contributions of many other members that this is an issue that should be above politics.

In my maiden speech to this place, I spoke of my mother's fight with breast cancer—a fight which she ultimately lost. Like so many others, those that I love have suffered while battling cancer, and it would be disingenuous to suggest that such experiences have not coloured the lens through which I approach issues such as these. While that is understandable, as parliamentarians I believe that we must look beyond that and consider the needs of our entire community. In my contribution today I will seek to explain why I will be voting to support providing Queenslanders the right to hasten their own death when suffering from a terminal illness.

My starting point in considering the issue of voluntary assisted dying is that I believe every human being has the right to live and to die without unnecessary suffering. Any democratic society needs laws to ensure appropriate standards of behaviour, but I struggle with the logic that says that such a society should deny an adult who has sufficient capacity the right to end their own life under circumstances of their own choosing when they are suffering from a terminal illness. Why should the government deny someone the ability to hasten their own death so that they do not suffer miserably in their final days?

It is clear that the majority of Queenslanders support voluntary assisted dying in principle. I have conducted a number of surveys of constituents in my electorate—the most recent of which specifically asked questions around the provisions contained in this bill. When I asked my constituents if they thought voluntary assisted dying should be legalised, over 82 per cent of respondents were supportive of legalising voluntary assisted dying. I also asked questions around the adequacy of safeguards and eligibility provisions contained within the bill. While there were diverse opinions, it is clear that support for the safeguards and eligibility requirements were broadly in line with the level of support and opposition for the legalisation of voluntary assisted dying.

We talk a lot about values in this place. The LNP constitution details that as LNP members we believe in 'freedom of citizens to choose their own way of living and life, subject to the rights of others and the laws of the land'. Essentially, among other things, we believe in individual freedom and individual responsibility. We believe in 'the worth and dignity of every individual'. To that end, I cannot reconcile a circumstance where that same freedom and dignity is not extended to an individual when they reach the end of their life. If we believe in individual freedom then we should believe in those same individuals having the freedom to voluntarily hasten their own death.

This legislation is about providing choice. It is about providing compassion at a time when it is needed most. In recent months, I have had some deep discussions about the virtue of suffering, but I have to say that I am not convinced of the virtue of someone suffering in prolonged pain when they do not want to and when they do not have to. Submissions to the health committee make it clear that not all people suffering from a terminal illness are able to be palliated to the extent that their pain is sufficiently minimised so that they have any meaningful quality of life. I acknowledge that such cases are the minority but, regardless, in my view Queenslanders should have the right to minimise their own pain and suffering, including by hastening their own death.

I place a strong weight on the understanding that providing individuals with access to voluntary assisted dying provides peace of mind. I note that, in the Victorian experience and in the European examples, most people who access voluntary assisted dying do not end their life using the assistance of voluntary assisted dying but instead die from natural causes. If I were suffering from a terminal illness and in intolerable pain, I know that I would want the peace of mind that comes from knowing I could end my life if the suffering became too much. As an elected representative, I do not think it is reasonable for us to deny others that same peace of mind should they want it.

I acknowledge concerns in relation to the adequacy of palliative care which is available to Queenslanders. All Queenslanders should have access to properly funded palliative care. The reality is though that voluntary assisted dying and palliative care are not mutually exclusive. Data from Victoria shows that, of the 900 people who accessed VAD up to 30 June this year, 82 per cent of them used palliative care. To conflate the issue of palliative care funding and voluntary assisted dying and to suggest that one cannot exist without the other is, in my opinion, a false argument. Palliative care needs to be more available for every Queenslander, but so too should those Queenslanders have the right to access provisions to hasten their death when suffering from a terminal illness should they choose to access such an option.

Having established that I think an individual should be able to choose to voluntarily hasten their own death when suffering from a terminal illness, the next question for me is: does this bill contain adequate safeguards to protect the vulnerable? I believe it does. The bill has been subject to considerable scrutiny and analysis both through the committee process and through the Queensland Law Reform Commission report, and I think it strikes the right balance between facilitating individual choice and protecting the interests of the vulnerable.

The process that this bill establishes to access voluntary assisted dying is far from easy, and it is true that many who justifiably want to access voluntary assisted dying because they are suffering from a terminal diagnosis will not be able to do so for a variety of reasons. I would have liked this bill to include provisions that allow voluntary assisted dying to be available to people who have capacity and make a clear decision to access voluntary assisted dying but subsequently lose their decision-making capacity as they approach their end of life.

Many of the individuals who are the subject of some of the most harrowing stories that have been told in this debate and during the committee process will not be able to access voluntary assisted dying because they will lose cognitive capacity or the ability to communicate as their condition deteriorates. Dementia is the most common of these conditions. Out of the 93 seats in Queensland, the Buderim electorate is projected to have the third highest prevalence of dementia by 2050.

I note that the committee report states that the issue of advance health directives and the loss of capacity will be considered in future reviews of the voluntary assisted dying legislation. However, I am concerned that this process has given false hope to many who will be ineligible. I accept that such issues are complex and have second and third order effects, but I ask that the government expedite a solution to address the 'inherent discrimination' against people with dementia and other conditions that result in cognitive impairment.

In consulting with my community on the issue of voluntary assisted dying, I have met with countless Buderim constituents who have told me heart-wrenching stories of loved ones suffering during their last days on earth. I have also met with many Buderim locals who are vehemently opposed to this legislation and what it seeks to achieve. I acknowledge that many people of faith are opposed to this bill. Many people whose opinions I trust and respect deeply are opposed to this bill, yet I have not found anyone who can convince me that an individual should not have the right to control how and when they die.

I would like to acknowledge the work of former Northern Territory chief minister and Buderim resident, Marshall Perron. Marshall has been a tireless and fierce advocate for voluntary assisted dying. I have been on the receiving end of more than one fairly direct conversation about voluntary assisted dying from Marshall. While they were not pleasant and we have not always seen eye to eye, I appreciate

his passion and commitment to seeing something he believes important implemented for the benefit of all Australians. I would also like to make special mention to David Muir of the Clem Jones Trust for his counsel and friendship.

The process that we have gone through to get to the point of legislating for voluntary assisted dying has been necessarily circuitous. It is through the commitment of Queenslanders who have told their stories and made submissions to the various inquiries, along with the advocacy from people from both sides of this debate, that we have a bill that provides appropriate protections while going a significant way to protecting Queenslanders from unnecessary suffering.

Finally, I would like to thank all members of the parliamentary committee and the parliamentary staff who have worked so diligently to assist the parliament in its deliberations of this bill and its predecessor inquiries. In particular, I would like to mention Jacqui Dewar from the secretariat. Jacqui is someone I deeply respect and whose opinion I genuinely value. I am sure the recent committee process would have taken a significant toll on Jacqui, who is a consummate professional, and I would like to say thank you.

In conclusion, I know that many of those I trust and respect will be disappointed by my support for this bill, but I will be voting in support of the bill because I believe that every Queenslander deserves the freedom to live and to die with dignity.