




Speech By
Hon. Mark Bailey

MEMBER FOR MILLER

Record of Proceedings, 14 September 2021

VOLUNTARY ASSISTED DYING BILL

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (8.25 pm): Many of us may not want to think about it most of the time, but it is a simple fact that everyone in this chamber and everyone listening to this speech will die and at this point virtually none of us know how or when we will die. We all have our own imaginings of how we might die: old age, perhaps in our sleep, perhaps in a gentle way from a condition that allows us time to say goodbye to those we love before we slide away gradually as they gather around in support. However, the harsh and often bitter truth is that, under the current law, some of us will die excruciating, undignified and needlessly painful deaths.

When it comes to how we will die, for some people the way they die is surely the cruellest lottery of life. Some people will slowly asphyxiate as their breathing passages slowly close from throat cancer. Others will go through debilitating and relentless pain that palliative care cannot always help. A considerable number of people with such diagnoses who cannot access voluntary assisted dying due to its current illegality will try to take their own life. When they do, almost always they will be alone and separated from their loved ones to ensure that those they love are not found guilty under the current archaic law of aiding their death, depriving their loved ones of being there and depriving the terminally ill person of the comfort and support of those they love.

Last night I listened to courageous speakers at the vigil outside the parliament. Paramedic Amy Gomes recounted two cases that have stayed with her. The first was of a nursing home patient whose terminal diagnosis and certain painful death meant that, in the absence of voluntary assisted dying, the patient decided to take matters into her own hands. She went to the roof of the nursing home, stepped off and fell to her death. There is nothing positive about that for the deceased, for her family and friends, for the staff or for the residents.

The second patient had a comparably dire diagnosis and decided to take matters into her own hands via an overdose. The paramedics arrived the next day to a shocking scene as the patient was still alive. She had not succeeded in her suicide attempt and had spent the day debilitated and in agony on the floor tiles, covered in her own faeces, vomit and urine. Those words are jolting but the reality is that under the current law, shockingly, this happens all too regularly when people take matters into their own hands without help or advice. They add to their pain and suffering through attempting to end their own life because of the absence of voluntary assisted dying.

I have received many emails, as I am sure many members have, from constituents who have courageously been sharing their experiences. I will quote a few. A constituent in Sherwood said—

... my sister last year who died in extreme pain. Her pain couldn't be brought under control even though she was in palliative care. To hear her crying out is something I wish I could forget.

A constituent in Annerley said—

I have witnessed two people, one my sister as well as a friend, who were in palliative care, screaming in pain before they died because they could only legally receive a certain amount of morphine. They kept saying, 'When will it end?' and 'I can't take this anymore'.

A gentleman at Sherwood said—

I'm 46. A father of three teenagers. And I've been diagnosed with an incurable Liver cancer. To be honest, it's incredibly frightening to think about ...how I could suffer at the end of my life.

...

I want to die with dignity when the time comes. I hope you can respect people like me so we have a choice to die in these terrible circumstances.

In closing, Jane from Tarragindi said—

I lost my darling mother ...eighteen months ago to a particularly aggressive disease, Lewy Body Dementia.

...

In late June 2019 she could no longer walk, and she had to be hoisted into and out of bed and also spoon fed. She was not able to do anything for herself such as showering, and dressing. Worst of all, she had to wear an adult nappy which she really hated. It was degrading and humiliating for her despite our best efforts and that of the nursing staff. She used to weep when they changed her nappy, and she was in a lot of pain. Unfortunately, she had to live through another six months of pain and torment before she died.

'Torment', I think, being the operative word. These are the people we need to listen to and I thank them for the courage of sharing their stories with us.

I put the question: are we truly a compassionate society when these are all-too-common occurrences, that as a society we say that this is okay, that this is tolerable? I say that the current situation is intolerable and barbaric, and to allow this to continue is not viable and we must be better than that.

I cannot in all conscience turn a blind eye to these things that are happening all the time under the current law. Are we a genuinely compassionate society when we enforce someone else's moral code on people who do not share that code when they are facing death by a terminal illness?

We hear much about the importance of the individual in this House, but do we really believe in an individual when we do not have faith in their right to make their own health decisions? For people who do not support voluntary assisted dying, I do not agree with them, but I respect their views to express them and to live their lives consistent with that. No-one has the right to enforce their personal moral views on the vast majority of Queenslanders who support voluntary assisted dying with appropriate safeguards which this bill certainly contains, thanks to the thorough work of the Queensland Law Reform Commission. The fact is the current law is unjust and it is a contravention of Queenslanders' basic human rights because it enforces one particular view upon people. That is wrong and it must be changed by this parliament this week.

That lack of faith in individuals, implicit in the current law, in ordinary people's ability to make their own health judgement I find cruel and disturbing. We passed the Human Rights Act in this parliament only in 2019 because we believe in the human rights of Queenslanders. They take precedence over institutional and religious rights. Queenslanders deserve to be trusted to make their own decisions on matters pertaining to their health and their own bodies.

The bill is comprehensive and thorough, so I will not support last-minute amendments. It has been a three-year, thorough process through the QLRC. Amendments have been moved by MPs who oppose the bill itself and, to be frank, there is no integrity in attempts to amend a bill that you will not vote for even if the amendments are successful.

Some members of this House may be aware that I knew Peter Simpson, or Simmo, as everyone called him, as the former leader of the ETU in the Not4Sale campaigns. Whatever your views of Simmo, no-one on any side of this chamber would dispute he was a fighter and a warrior and he stood up for what he believed in. Simmo was given four years to live with melanoma in 2016. He and his partner Penny courageously fought it with everything they had all the way. He knew the final stage of his illness would be horrific and came to the view that if he had the opportunity to go out on his own terms by voluntary assisted dying then he would, and if he could not, he would campaign for that right for others so that they could have the option of avoiding the terrible death that he faced. In Simmo's own words—

... when the pain starts getting to that stage, it'd be a great option for people to die with dignity. I've led my life with dignity, why ... do I want to go out any other way? I want to go out on my own terms.

That is why this issue cuts across the usual party-political lines because every single one of us might be in this position—every one of us—and I say to every member of this House, via you, Speaker, ask yourself whether you might need this legislation yourself if you become unlucky in the lottery of life. What will you think then? Will you want the option to maybe make your own decision?

In Victoria, the majority of people who applied for voluntary assisted dying did not actually use it. However, those people would still gain from that in the sense that they had the comfort if the pain got too bad.

This bill this week is where we can play a positive role with the satisfaction that we have helped take an immeasurable amount of unnecessary pain away from some of the most vulnerable members of our community.

I would like to acknowledge the authentic and courageous leadership of the Premier, Deputy Premier, Attorney-General, health minister and chair of the parliamentary health committee in the member for Thuringowa for their support of this comprehensive bill. I would like to make a special mention of the member for Thuringowa who has been a passionate advocate of reform in this area and who has, as a paramedic, seen more challenging situations than most of us and has championed this course for many years. I am very proud of your leadership there.

I would also like to pay tribute to Simmo, Stuart Traill, Peter Ong and all the members of the Electrical Trades Union who have championed this cause for and with Simmo and for all the Queenslanders who want to see this reform.

To all those at Dying with Dignity, Go Gentle Australia, the Clem Jones Trust, David Muir, Andrew Denton—everyone who has been involved in this long-running campaign—I thank you for your compassion.

Thanks also to the members for Lytton, Pumicestone and Southport for their work on the committee. To all the members of the QLRC who have contributed to this comprehensive and thoroughly researched bill, I thank them from the bottom of my heart.

In closing, can I acknowledge the former member for Stretton, Duncan Pegg's advocacy for this reform in that finest of speeches he gave here on his final occasion earlier this year. We are thinking of you, Duncan.

We are thinking of everyone in Queensland now and in the future who face a terrible death in unbearable pain. We are holding out our hand of compassion, love and support to you this week and I hope you will have a VAD option if you need it when this bill is passed. I will be voting for this bill.