




Speech By
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MEMBER FOR MAIWAR

Record of Proceedings, 15 September 2021

VOLUNTARY ASSISTED DYING BILL

 **Mr BERKMAN** (Maiwar—Grn) (7.42 pm): I rise to speak in vehement support of the Voluntary Assisted Dying Bill. This is a bill about choice and compassion. It is a bill about control and bodily autonomy. It is not a bill about dying so much as it is about dignity. I support this bill not only because it reflects my long held personal view and Greens policy, but because it reflects the view of a clear majority of Queenslanders. While there is strong community support for this bill, opinions are diverse and I genuinely appreciate the time of each and every constituent who has made the effort to contact me to share their views whether or not we see eye to eye on the issue. We will never find a universally acceptable position on an issue that is so deeply embedded in our individual values and beliefs. However, we are a secular society and there is simply no denying that the majority of the people we represent support choice, autonomy and dignity at the end of the life.

The truth of it, I believe, is that most Queenslanders and Australians have supported this reform for a long time now. This includes people like Anthea from Toowong, who wrote to me about her father, who died of prostate cancer in 2017. She said that in one incident he was forced to soil himself because the nurses insisted it would be too painful for him to go to the toilet. In Anthea's words—

My father valued dignity above all else. He would never have wanted to be forced into being in this position ... I was relieved when he finally died, but when we saw the body before the undertakers came, his face was in a grimace of horror. I will always be haunted by that.

Alison from St Lucia saw her brother die a long, painful and dreadful death in 2016 as a result of bowel cancer. She said—

He was a euthanasia supporter but the choice was not available to him. I would never wish to have my family see me in similar circumstances & sincerely wish to be able to control my death, if necessary.

As I have heard countless times throughout the committee inquiries, at the vigil earlier this week and throughout this debate, this legislation comes too late for countless Queenslanders and their families. For that and for the needless suffering you are experiencing or that you have witnessed, I want to express my deep sorrow.

My experience as a member of the health committee that inquired into this issue during the last parliament was at times truly harrowing. I approached it with an open mind, but it only served to reinforce for me the need for each person facing terminal illness to have choice and control in their final days. So many others have already said this in this debate, but it bears repeating. The evidence heard by the committee put beyond any doubt that palliative care cannot alleviate all pain and suffering despite the improvements in recent decades and the best efforts of palliative care specialists. That said, I do not know a single VAD advocate who is not simultaneously arguing the case for better palliative care funding.

I, like others, welcomed the government's announcement last year of additional palliative care funding, but it amounts to just under \$30 million a year over four years. That is only about 10 per cent of what Palliative Care Queensland says is necessary to provide universal quality palliative care in Queensland. I implore the government to urgently fully fund the vitally important work of our palliative

care sector. It would be completely unconscionable, in my view, to deny choice to terminally ill patients until we reach this benchmark. No Queenslanders should have their choice limited by inadequate palliative care funding, but even where the best care is available, terminally ill people deserve to have control over the end of their life.

I want to take a moment to reflect on concerns that have been raised about the implications of this law for people living with a disability. Like every other person, they deserve the right to exercise individual autonomy, self-determination and the freedom to make one's own choices. The persistent and pervasive ableism in society, our failure to ensure all people with disabilities are able to live the most autonomous life possible, and the prevalence of abuse and coercion by carers create an entirely reasonable fear around the potential misuse of these laws. Disability advocates addressed these concerns head-on in the recent committee hearings.

QAI in particular highlighted the need to ensure sufficient safeguards including legislative, cultural and resourcing changes that will endure for as long as the voluntary assisted dying scheme exists. The cultural and resourcing safeguards are necessarily outside the scope of this bill, but these are safeguards that, in QAI's view, remain most uncertain and require the strongest focus from government. I would encourage the government to continue to work with these advocates to progress those cultural and resourcing safeguards with the urgency they deserve.

I have thought very carefully about these concerns and about the adequacy of the safeguards to protect people with disability and all vulnerable Queenslanders. In developing the bill, it is clear that the QLRC has been keenly focused on finding the right balance between safeguards that will effectively protect the most vulnerable Queenslanders and ensuring VAD is available to every terminally ill patient who wants this choice. After two parliamentary committee inquiries and the QLRC's consideration, it is hard to conceive of a better scrutinised piece of legislation, and I am comfortable that this bill strikes the appropriate balance.

I will not be supporting any amendments to the bill, and if it passes unamended I believe it will be the most cohesive and comprehensive VAD scheme in the country. The proposed amendments threaten the integrity of the scheme that has been given an incredibly thorough treatment, as I have said, by QLRC and those two parliamentary inquiries. Now is not the time to start unpicking this bill, particularly in ways that will affect only the most frail people at the end of their life. I am referring specifically to the proposed amendments around institutional conscientious objection. Ultimately, some of these amendments simply reflect the position of the most vehement anti-choice lobby groups and hyperpartisan conservative religious organisations.

Groups like ACL and Cherish Life have made it abundantly clear that, no matter what amendments were made to the bill, they would not support a VAD scheme in any form, and I understand some members of this House hold that same view. Honourable members could be forgiven for thinking the intense lobbying over the past few weeks is simply a last-ditch effort to deny some people the choice of VAD once it became clear that its opponents could not successfully deny that choice to everyone. Each of us here who supports VAD should oppose all of the proposed amendments.

It has been a very long road to this point in the reform process but, as others have indicated in this debate, I believe there is more work yet to be done. I refer specifically to the ineligibility of sufferers of dementia and competent minors. I do not accept that the consideration of these issues later is in any way a manifestation of the slippery slope argument. Instead, these are simply the issues that, for practical and moral reasons, are the most difficult to contend with.

I believe that the situation for competent minors is more straightforward. The concept of Gillick competence is well established and commonly applied by medical professionals, and I see no reason young people should be denied access to VAD and made to needlessly suffer where they are able to fully understand the consequences of their decisions.

I can acknowledge without hesitation that deep moral quandary and extraordinary practical difficulties in attempting to include sufferers of dementia in a scheme like this, but that is not a reason for us to put it aside indefinitely. On a personal note, I have seen both of my grandmothers suffer from dementia and, frankly, it is a terrifying prospect to consider my parents, my brothers or myself—anyone I love—facing a similar fate. I know there are dementia sufferers among those who would want to choose the time and the terms of their death, and this is something that I believe we as legislators need to keep working on. It is not clear to me that any jurisdiction has found a way to effectively deal with the complexities of dementia and capacity. Even in those jurisdictions like Belgium and the Netherlands, where loss of capacity does not preclude eligibility, a significant number of VAD practitioners are unwilling or, for ethical reasons, feel unable to honour that request when the patient has lost capacity. Again, these are not reasons for us to simply abandon that issue.

I sincerely appreciate the work of the QLRC, every committee member and the secretariat staff who dealt with this really tough issue in this parliament and the last. I want to especially single out Joan Pease, the member for Lytton, and Aaron Harper, the member for Thuringowa, as so many have. They are the two committee members who saw this all the way through, from start to finish.

I want to express my thanks and admiration for those advocates who fought tirelessly, some for decades, to bring on this reform. Politics and most politicians almost invariably lag behind in delivering progressive change that society demands, and it is only through the tenacity and the persistence of these advocates that we have made it to this point. In the time I have left I want to specifically thank: Jos Hall, Jeanette Wiley and Craig Glasby by from Dying with Dignity Queensland; David Muir and Lindsay Marshall from the Clem Jones Trust; Sid Finnigan at Doctors for Assisted Dying Choice, who was everywhere; Tanya Battel and Fiona Jacobs from Nurses supporting Voluntary Assisted Dying; everyone at Go Gentle, including Andrew Denton for his work over decades; and the indefatigable Everald Compton, who brought colour to every hearing he appeared at. There are so many others. I wish I had time to thank you all.

This is such important legislation that will improve the lives and the dying process of countless people and their families. It has been a genuine privilege to have played a small part in bringing this reform to fruition and I will be very proud to vote in support of this bill.