




Speech By
Steve Minnikin

MEMBER FOR CHATSWORTH

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VOLUNTARY ASSISTED DYING BILL

 **Mr MINNIKIN** (Chatsworth—LNP) (7.39 pm): I have previously stated in this august House that the hardest speech I have written thus far in my life was seven years ago when I delivered a eulogy at my father's funeral. I will reference my late father, Jeffrey Lee Minnikin, later in my speech.

My contribution to the Voluntary Assisted Dying Bill 2021 is one of the most important speeches I will deliver as a state member of parliament and I do so with the privileged gift of a conscience vote because of a unanimous decision of the LNP party room. This privilege afforded to me is one that I do not take for granted and carries with it enormous responsibility. Every word in this speech which will be forever recorded in the parliamentary *Hansard*, has been carefully crafted as we, the members of the 57th Parliament, are all about to make history this week in this chamber.

I have previously stated that, for many of us, our names once added to the members honour board will fade into political obscurity, but the impact the passage of this bill will have on subsequent generations to come will not. I sincerely thank the many fine individuals who reside in my electorate of Chatsworth who took up my invitation to meet with me and outline their viewpoint on this highly emotive topic. Many of the people I met had deeply personal anecdotes they shared about dying family members and close friends. I take this opportunity to sincerely thank them for the courage and respect they displayed in conveying their views.

Because of its ramifications, this bill obviously invokes strong passionate debate. I have read and consulted as far as I could and again questioned previously deeply held beliefs framed around my ideological framework. As I have previously reiterated to this House, key precepts of my liberal value system include the notions of freedom, agency and choice. My value system tries to combine the best of economic conservatism and socially progressive liberal ideals, and this is the lens which guides my conscience. I would like to expand upon this window into how I have framed my response to this vote with my conscience.

John Stuart Mills's main proposition set forth in his famous treatise, *On Liberty*, is that society has a right to regulate other-regarding actions but that self-regarding actions are none of its business. The rights of the individual in the latter case are absolute and do not depend in any way on the principle of social utility. The normal assumption must be that men and women have a right to live their own lives and action is other-regarding and therefore subject to regulation only when it has a decisively adverse effect on the freedom of other people. Social consequences of an indirect and unsubstantial character do not prevent the acts of an individual from being classed as self-regarding. The whole purpose of Mills's argument was to secure recognition, as far as possible, for the right of individual self-determination. I believe in the fundamental rights and liberties of individuals. I believe in the doctrine of the separation of powers and the separation of church from state. I believe in the inherent decency of society. I believe in the fundamental right to freedom of conscience.

In considering this bill in detail, I have read the Queensland Law Reform Commission's 740-page report as well as the draft Voluntary Assisted Dying Bill 2021. I note the essential eligibility framework in that a person must: have an eligible condition; have decision-making capacity; be acting voluntarily

and without coercion; be aged at least 18 years; and fulfil a residency requirement. To satisfy criterion 1, the person must have been diagnosed with a disease, illness or medical condition that is advanced, progressive and will cause death and is expected to cause death within 12 months and causing suffering that the person considers to be intolerable. The time frame of 12 months makes it clear that voluntary assisted dying is an option only for those who are at the end of life. I totally concur that the voluntary assisted dying scheme is not a choice between life and death but a choice for those who are in the process of dying and wish to choose the time and circumstances of their death.

The scheme has many safeguards. The process of request and assessment involves three separate requests that are clear and documented. The process has a waiting period of at least nine days between the first and final request. Crucially, the person must also be told more than once that they may decide at any time not to continue the voluntary assisted dying process. I would like to elaborate on the second criterion that pertains to decision-making capacity.

Access to voluntary assisted dying under the bill should be limited to people who have decision-making capacity in relation to voluntary assisted dying. I believe this is one of the fundamental safeguards in the Voluntary Assisted Dying Bill. It recognises and protects individual autonomy. In conjunction with other safeguards, the requirement to have decision-making capacity will: assist in ensuring that a person's decision is voluntary and protect people who might be vulnerable to coercion or exploitation. Importantly, the bill requires that a person must have decision-making capacity for voluntary assisted dying at each stage of the process. This, therefore, renders ineligible persons who lack decision-making capacity because of some condition such as dementia or who, having decision-making capacity at the start of the process, subsequently lose it and do not regain it.

I come back to my father, Jeffrey Lee Minnikin. Tragically, for both him and my family, my father suffered from early onset dementia and the last few years of his life I would not wish upon anybody. This proposed legislation would not have assisted in his circumstances. I had many people meet with me at my Chatsworth electorate office who wanted to circumvent an unpleasant end to life if they suffered from insidiously evil diseases and conditions which would render them unable to fulfil proper decision-making capacity. I note in particular that decision-making capacity is required at each stage of the request and assessment process and also at the stage of practitioner administration. Given that my construct in formulating my views revolves around freedom of choice, one area of concern I wish to express pertains to conscientious objection provisions for registered practitioners and entities contained in part 6 division 1 clauses 84 to 85 and part 6 division 2 clauses 86 to 89 of the bill. I am aware that guidelines to try to mitigate some of these concerns for individual practitioners and organisational institutions have been prepared.

I respect the contribution of all of the other 92 members of this parliament and those groups and individuals who submitted to the Health and Environment Committee on this bill. I again ask that my conscience vote be equally respected as nobody has a mortgage on the passion of their convictions regardless of how you ultimately vote on this emotive bill. I also believe that regardless of any differences members may express on this bill, we are united on the need for the best possible palliative care for everyone going through the final stages of their life. I acknowledge all the magnificent work undertaken by palliative care doctors and nurses as my family, like many in this chamber, have seen this firsthand.

I will never forget the great palliative care work afforded to my father whom I will always love but I will equally never forget the pain he was in right up until his passing. What we are debating in parliament this week may not be pleasant, but it is an essential discussion on the great circle of life. We all come into this world and, if we are lucky, work hard, take measured risks and have emotional support from family and friends, we may get to live what is described as a good life. I believe we also need to give people who fulfil the essential criteria under this bill the option to voluntarily have a good death.

This bill is about an individual's right to exercise control over the last decision they will probably ever make. This bill is about choice. This bill is about freedom. This bill is about agency. This bill is about respect. This bill is about rights. This bill is about autonomy. This bill is about compassion. This bill is about dignity. This bill is one which I support.