



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON END OF LIFE CHOICES IN THE ACT

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Submission Cover Sheet

End of Life Choices in the ACT

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The Secretary

Select Committee on End of Life Choices in the ACT

ACT Legislative Assembly

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Dear Secretary

I strongly believe that every adult of sound mind who has a diagnosis of a medical condition which is either terminal or which will result in progressive debilitation and incapacity should have the right to implement plans for the end of their life so that their death is peaceful and at a time of their choice. I believe that control over one's life and death is a fundamental human right from which no one of sound mind should be excluded. I strongly believe that the ACT should have legislation for voluntary assisted dying. Such legislation should enable a person to avail him or herself of voluntary assisted dying in circumstances and at a time of their choice. Such legislation should also remove any current legal, medical practice and other barriers which prevent a person of sound mind from being able to use voluntary assisted dying to have a peaceful death at a time and in circumstances of their own choosing.

I want to say at the start that I warmly welcomed the achievement of marriage equality for people from the LGBTIQ community. This is wonderful for the 2% of people which this law helps. It is even more important that the ACT has legislation for voluntary assisted dying as this matter will affect many more people. I understand that up to 75% of people support the concept of voluntary assisted dying.

I am very concerned that current practices utilised in the medical community to assist a person to exercise their preference in managing the end of their life, including palliative care, do not allow a person to use voluntary assisted dying to achieve a peaceful death in accordance with their wishes and at the time of their choosing. People who assist another person to access voluntary assisted dying risk prosecution for assisting a person to commit suicide.

This is an unacceptable situation. Voluntary assisted dying should be viewed as an element of palliative care. It should not be seen as inconsistent with palliative care.

In relation to items three and four of the Terms of Reference, voluntary assisted dying laws have existed for many years in European countries and in several of the US States and have been recently enacted in Canada and Victoria. The experience with those laws demonstrates that risks to individuals and the community associated with voluntary assisted dying can be managed either under the permissive approach of the laws in European countries, which gives access to euthanasia in a wider variety of circumstances, or the restrictive approach of the Victorian Law.

Item five of the terms of Reference refers to the process for achieving change. The first step in this process is to get the Andrews Law repealed to restore the power of the ACT Assembly to pass a law for voluntary assisted dying. The people who live in the ACT have the same rights as the people who live in the States to have an Assembly which can give effect to their wishes on this matter. The ACT Government should strongly lobby the cross bench Senators, especially the Nick Xenophon Team, Darren Hinch, the One Nation Senators and the independents to repeal the Andrews Bill. These Senators are important as they are able to vote with their conscience and are not bound by party discipline. The practicalities of politics mean that a Bill to repeal the Andrews Law will need to be passed in the Senate before it can be put to the Representatives. The Andrews Law is an anti-democratic measure. It is also an unreasonable restriction on my right as an Australian Citizen as its effect is to deny me, by reason of the fact that I live in the ACT, the ability to empower my elected representatives to make laws on a matter which is important to me.

Once the Andrews Law is repealed, the ACT can commence consultations of the form of ACT legislation for voluntary assisted dying. This consultation process should be open and thorough. There should be community meetings and consultations conducted by a Committee of the Assembly.

Other Matters

My Personal Story

My mother died at the age of 48. I was 22 at the time. My mother had cancer. She was in pain, weak, down from nine stone to six stone, could not keep food down. When I think about her final days I cry and mourn the circumstances of her death.

My father died at the age of 65 from spinal Cancer. In the last three months of his life he begged many times to be allowed to die. He went down from 13 stone to nine stone and was heavily drugged with morphine and could only enjoy two hours of wakefulness a day to talk with my brother and i.

Because he had spinal cancer every time he moved he was in pain. When I think about his final three months, I cry and mourn the circumstances of his death.

Both my parents were of sound mind in the time leading up to their deaths. Both my parents were denied their right to choose the treatments which would have given them a peaceful death.

I am a member of Christians for Voluntary Euthanasia, the ACT Dying With Dignity Association and the ACT Chapter of Exit International. I strongly endorse the submissions made to this inquiry by these three organisations.

Wendy Altamore