



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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**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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Why are people who are currently dying in Canberra hospitals being subjected to cruel and needless suffering as a result of the infamous "Andrews Bill"? What happened to democracy for the territories? Why should federal politicians use their power to deny Territorians their democratic rights?

As a society, we should have evolved enough to separate church and state. While politicians have every right to their own religious beliefs, they have no right to impose their beliefs on those of their benefactors against the democratic wishes of the electorate.

Let me explain my frustration. Following an extensive debate, The Euthanasia Laws Act 1996-1997 was passed by both houses on the 25 March 1997. It became the first and only legislative measure anywhere in the world to completely overturn existing euthanasia and assisted suicide legislation. It was almost certainly religion-based and was introduced by Labor's, Tony Burke and Liberal's, Kevin Andrews. The act has become known as the Andrews Bill and is a shameful example of anti democratic processes turned against the territories. Since that time, thousands of people have suffered needlessly in Canberra's hospitals as evidenced by the great work of Andrew Denton in his publication "The Damage Done" 2016.

In August 2016, Andrew Denton published his book in which he chronicles the stories of many relatives and friends who, like myself, were forced to watch in utter horror, as their loved ones died in agony.

Let's start by getting some terms straight. In his book, Andrew Denton includes the following definitions:

**Assisted Suicide** (Not the same as assisted dying). "A competent person dies after being provided with the means or knowledge to kill themselves by a friend, relative or other person. It is a crime to aid or abet another person to commit or attempt to commit suicide."

**Medically assisted dying.** (Used to help patients who are dying and wish for a less painful end of life). "A doctor provides a patient with a prescription to obtain a lethal dose of a drug. Assisted dying is illegal throughout Australia, but increasingly there are cases of doctors providing patients with drugs to end the patient's life, upon their request. These doctors have not been prosecuted."

**Voluntary euthanasia.** "A doctor injects a competent patient, at their request, with a lethal substance to relieve that person from unbearable physical pain and suffering. Voluntary euthanasia is not legal in Australia."

**Palliative care** (Paraphrased) A range of treatments intended to help alleviate the pain of dying. The on-line Etymology Dictionary describes the

origin as from medieval Latin, meaning: 'under clock, covert'. The 13th Century Priest St. Thomas Aquinas is credited with the credo of palliative care "we shall neither prolong nor hasten death."

In my case, the doctors claimed they could "do no harm" and yet removed all nutrition and hydration so that my partner died of thirst; a terrible way to die. Various web sites discourage people from attempting suicide by lack of water since it takes several days or even a few weeks. I find this interesting given that the "no harm" doctrine is used to disallow a quick, painful death, but removing all hydration, which ensures a slow painful death, is considered to be OK.

Another important fact to note, is that according to a speech by Andrew Leigh to Parliament on August 17, 2015, "three out of four Catholics, four out of five Anglicans and over nine out of ten Australians with no religion say they, in principle, support voluntary euthanasia".

So, given this enormous support at the territory level why was the Andrews bill introduced? If we are a secular nation, what possible reason can there be to go against the democratic wishes of the elected representatives of the people? According to the Canberra Times, the Greens' Shane Rattenbury, and ACT Senator, Katy Gallagher have called for the undemocratic bill to be abolished. It's about time that we return to democracy in the ACT.

## **The Death of Mary Ann as Told by Her Soul Mate**

If I took my pet cat to the vet and it was treated as was my soulmate of almost 40 years the vet would be charged with cruelty to animals.

Let me begin Mary Ann's story by stressing that the nursing staff were dedicated and kind. They do all that they can within the confines of their delegations.

Mary Ann had stage 4 cancer and had many medical issues including a broken hip that was causing her much pain. She was rushed to the hospital on Easter Sunday with a high temperature. From then until Wednesday several specialist teams were working on a plan to improve her quality of life for whatever time she had left. This involved a series of CT scans which were very painful for Mary Ann. From Tuesday March 29 to Thursday March 31 we told the doctor's that she was acting very strange, forgetting things and sleeping with her eyes open. They put it down to the pain medication and her various infections. On the last scan where she was making sense a clerical error meant that she did not receive her pain medication before the scan. The last thing she said to me with tearful wide blue eyes was "I'm scared". I will never be able to get over that.

It turned out that all the scans and all the pain were in vain since a later brain scan revealed that she had suffered a massive stroke (probably starting Easter Sunday) and on the morning of Friday April 1<sup>st</sup> I was told that it was too late to do anything about the stroke and that "she is dying". I and other family members were told that there was little chance of saving her and that surgery would likely be fatal. I begged them to perform the surgery since if she died on the operating table under general anaesthetic it would be a peaceful death. But they refused stating that they could "do no harm". They said they would keep her comfortable and she would probably be gone in 12 to 24 hours.

I had no idea what palliative care involved. They remove anything that would help her stay alive, including saline drips and antibiotics. One staff member told me that she will virtually die of thirst and that it can take several days or even weeks. She was given a steady infusion of morphine, a sedative a few times a day and a drug to help dry out her throat.

### **Days One to Four**

For the first few days she was constantly gurgling and coughing in an attempt to clear her throat. She appeared terrified to me. After much complaining on my part they finally included the sedative in her continuous feed and allowed "breakthrough" sedation and pain medication once per hour instead of a longer period earlier. It was horrible to watch her with her face scrunched up in pain and trying to breathe through liquid and desperately trying to cough – but she was just too weak. I begged too much for her to be euthanized to the point where the palliative "care" nurse suggested that other family members should request breakthrough medication since the nurses did not trust my judgment and thought that I might "do her harm" with a morphine overdose. The complete lack of any logic is in itself unbelievable.

### **Day Five:**

Still groaning and trying to cough, sometimes almost screaming. I asked the palliative “care” nurse who was very sympathetic and doing what she could to stay and watch her. After a few minutes she went and spoke with the palliative “care” senior doctor. They tripled her dosage of sedation and pain medication – too little too late. I was told by the nursing staff in an attempt to be kind but in actual fact was horrific that “hearing is the last thing to go” and “she will recognise your voice”. At the same time being urged to go home and get some sleep. I told my family and the nursing staff that I would not leave her side. “Im not leaving my wing man” I said.

She seemed to recognise me when I came in after a breakfast break. She started moaning and I stroked her head and spoke to her trying not to cry. I started reading to her from her beloved Kindle and she seemed to sleep.

#### Day Six

She was getting weaker and sometimes just couldn’t get a breath. Fighting for life not knowing she had no chance – so incredibly cruel. She fought the whole day. When I asked for more relief to stop her needing to cough up the liquid at about midnight I was told “we can only give that three times a day and she had some an hour ago”. My god! Were they afraid it might make her sick. I felt I was living in a Steven King horror novel.

#### Day Seven

She finally got so weak that she stopped trying to cough and just breathed more and more shallowly. I was alone with her with my head on her pillow holding her hand when I noticed the breathing had stopped. At last the poor thing had some peace – after seven days of unnecessary and unbelievable cruelty.

#### Religion

Mary Ann was an atheist and as such deserved the same right to her belief as any Christian, Buddhist, Muslim or any other religion. I was told, however, by one of the staff that “only god can take a life”. This is in spite of the fact that “three out of four Catholics, four out of five Anglicans and over nine out of ten Australians with no religion say they, in principle, support voluntary euthanasia”<sup>1</sup>.

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<sup>1</sup> Andrew Leigh 17 August 2015 House of Representatives