



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 and incurable debilitation, incapacity, pain and suffering should have the right to use voluntary assisted dying so that they can have a peaceful death in accordance with their wishes. I believe that control over one's life and death is a fundamental human right which should not be denied to any person who has the capacity to make their own decisions. 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. Such legislation should also remove any current legal and medical practice barriers which prevent a person who has the capacity to make their own decision from being able to use voluntary assisted dying to have a peaceful death at a time and in circumstances of their choice. The legislation should also ensure that a person's wishes with respect to medical treatment and voluntary assisted dying as expressed in their Advanced care Directive are respected and implemented.

I am very concerned that current medical practices in relation to end of life choice, including palliative care, do not allow a person to use voluntary assisted dying to achieve a peaceful death in accordance with their wishes. 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 compatible to and not inconsistent with palliative care. I am also aware that there are many instances in which a person's wishes with respect to medical treatment and voluntary assisted dying as expressed in their Advanced Care Directive are not respected.

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 give access to euthanasia in a wide variety of circumstances, or the restrictive approach of the Victorian Law with its 68 protections and qualifications. The experiences in jurisdictions which have voluntary assisted dying laws negates the slippery slope arguments so often used by opponents of voluntary euthanasia that over time, these laws will be increasingly used to the detriment of vulnerable people, in particular the aged and people with disabilities. I believe that voluntary euthanasia laws can be legislated and administered in a manner consistent with respect for the value and dignity of each person's life, which is for me a fundamental tenet of the legal system.

Item five of the terms of Reference refers to the process for achieving change. The first step in this process is to achieve the repeal of those provisions of the ACT Self-Government Act 1988 which deny to the ACT Legislative Assembly the power to make laws for voluntary euthanasia so as 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 anti-euthanasia provisions of the Self-Government Act. 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 anti-euthanasia provisions of the Self-Government Act must be passed by the Senate before it can be put to the Representatives. I regard the Andrews Law as 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.

I believe the ACT Government and the Assembly should stand up for the people of Canberra and bring a Constitutional challenge to the anti-euthanasia provisions. I believe the ACT Government and the Assembly are best placed to resource the necessary legal research to ascertain the viability of such a challenge and if viable to prosecute this challenge.

Once the anti-euthanasia provisions are 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

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

Robert Altamore