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5 April 2008

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Mr Peter Hallahan
Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
P O Box 6100
Parliament House
Canberra 2600

Re: **Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008**

I write Mr Hallahan to support the Bill as proposed by Senator Bob Brown.

For some people, life is intolerable.

I am 82 and have witnessed friends suffering as they died from cancer. I have seen their quality of life deteriorate to the extent where for them life wasn't worth living, yet they had to suffer the effects of their cancers, and the effects of the medications seeking to prolong their lives by treating their cancers. More, and truly worse, I have seen the pain their suffering caused their wives. Obviously this latter could apply to male spouses too.

The Northern Territory Rights of the Terminally Ill Act 1995

The Northern Territory Rights of the Terminally Ill Act 1995 should never have been repealed. It was enacted by a Sovereign Government, which in effect was acting as a State. It was not appropriate for that Government to be over-ruled by the Federal Parliament.

The legislation was well thought out and safe. The Act required 22 decisions to be made, over a period of at least 9 days, before 'assistance to voluntarily terminate life' may be given. At least two medical practitioners and a psychiatrist had to confirm that the request to terminate the life was soundly made, and was made in the light of knowledge of available treatment and palliative alternatives. It should be noted that in none of those steps was a member of the family involved – removing the fear of family pressure on these medical people. This decision-making process effectively protected possibly vulnerable people from a possible 'slippery slope' extension of the field of application of the Act. However, one decision point required confirmation that implications of the sought-after death for the family involved, had been considered.

The freedom for the terminally ill to choose time and method of one's death.

It is important that in the secular democracy we are proud to call Australia that this freedom of choice for terminally ill people be allowed. Certainly, followers of some religions believe that this choice is sinful. And I understand that some other groups are fearful of such a choice. All these people are free to choose not to support the concept or practice of choosing the method and timing of their death – but not to prevent others from so choosing. Their beliefs or fears are not reason why others should be denied this important freedom.

New cures or treatment may be developed.

My father was told, some years before he died, that he had about three months to live. In this instance the doctors were wrong, and had he sought an assisted death he would have missed several more years of satisfactory life. But his quality of life was such that he wasn't seeking an assisted death. And quality of life is the key issue in seeking to overturn the Euthanasia Laws Act. The possibility of some new development curing a person who is terminally ill may influence that person to try to live. But if his or her quality of life is sufficiently poor that person could well say that it's not worth hanging on. The possibility that this cure may be developed at some future time shouldn't prevent a terminally ill person from choosing to die – if it is his or her sincere and considered choice. And that is what the Euthanasia Laws Act did.

The importance of assistance in dying.

It is right to say that the Northern Territory Act enables a person (or more than one) to help a terminally ill person to die. This is a major strength of the Act. Attempting suicide is risky in that a botched suicide is a possible outcome with possibly dreadful consequences for the individual and the family involved. We need expert advice, and if necessary assistance, when we wish to die. That concerned people realize this is evidenced by the reports of people who in their desperation now (if they can afford it) travel overseas to obtain the guaranteed and safe death they seek. Or alternatively risk the penalties of our law in obtaining the necessary chemical while travelling overseas.

The right to end one's life.

The Northern Territory Act gave terminally ill people the freedom to end their own lives, safely, and with professional help as far as it was required. It is said that this gave such people the 'right' to end their own lives. We have to be very careful with rights. Did this right diminish the rights of others? It might offend people who believe that no-one should have this right – but it didn't in any way diminish their right to not assist in the death of another, or not to be so assisted. Whereas the Euthanasia Laws Act, in overruling the Northern Territory Act, certainly diminished the rights of all terminally ill people who wished to manage their death safely, at the time and method of their choice.

The question has to be asked – is choosing one's time and method of death to end one's own suffering, a purely selfish act? That is, will the death of the individual cause suffering ie grief to those left? The answer has to be "yes". But is this different, or more than or less than, the grieving already felt by those watching a loved one with an incurable, terminal condition, suffering a frustrating, painful life?

From my observation, the death may give rise to intense, painful grief. But it also gives rise to a feeling of release, and relief that the suffering for the loved one is over.

Although this right to choose how and when to die is a clear benefit to the sufferer, it can also be a benefit to those left behind. This is particularly and specifically so, when the choice and decision is made by the sufferer, and not called for from the family involved for whom such a decision is too painful to make.

The need for uniform legislation.

It has been argued by opponents to the Northern Territory Legislation that any law dealing with this right of terminally ill people to choose how and when to die should apply across the country. I believe no-one should argue with this. The Northern Territory was the first, the Australian Capital Territory proposed similar legislation, so it is easily possible for each State and Territory to enact similar legislation. But the fact that at this stage only these two administrations have sought this legislation is not a reason to prevent their actions. If the Federal Parliament was sufficiently concerned about uniformity it could encourage all States and Territories to enact their own legislation.

Effect of the Euthanasia Laws Act 1997.

It is now about 11 years since the Euthanasia Laws Act 1997 became law. Opponents of this right for the terminally ill to choose the method and time of their death can say that in those many years lives have been 'saved' because the right to choose wasn't available. What they could also say however is that what ever that number might be, those people have been condemned to live their remaining years in a quality of life which they had already found as too painful, or too degrading, or beyond their capacity to cope with in trying to live: that is in eating, toileting, or communicating.

The support for medically assisted death for terminally ill people.

Senator Bob Brown has pointed out that two surveys conducted by respected public surveys companies have shown that the majority of Australians support the concept of medically assisted death for terminally ill people and believe that those people should have the right to choose the time and method of their dying. This support has grown from 70% in 2002 to 80% in 2007. It is evidence that the majority of Australians have thought about the issue and made a serious decision on a matter which is important for them and for those whom they love. It is not appropriate for any Member of Parliament to say that his or her opinion is better based than that of any other Australian, and that therefore they can dismiss the results of those surveys as mere 'popular opinion'.

My right to choose.

I strongly believe that I, and any Australian, if suffering from an incurable, terminally ill condition, should have the right to choose, unless events act before then, the time and method of dying, and to receive medical assistance if required. I urge the Committee to recommend to the Senate to support the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008.


David Synnott