

Email choice@yourchoiceindying.com Website: www.yourchoiceindying.com

Dear Members of the Senate Standing Committee on Legal and Constitutional Affairs:

Ref: Inquiry into the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008

I wish to speak in support of the Bill to repeal the Euthanasia Laws Act 1997 and give my reasons for this support as follows:

In the *Cairns Post* dated Thursday, March 13, 1997 its Editorial headed "Let people decide Right to Die" it was reported that even in Mr Andrews own Electorate of Menzies, for which he was elected to represent his constituents, a Morgan poll found that 77.3% appeared to oppose their own Member's attempt to overturn the Territory Law and a whopping 79.9% support the concept of a terminally ill person's right to receive a lethal injection from a doctor.

The editorial goes on to remind Australians that National Polls indicate roughly 75 – 80 per cent community support for the concept of euthanasia (and in 2008 these polls still remain static at 80%) .

In their collective stand on euthanasia our elected leaders have shown themselves badly out of step with the majority of the community they purport to represent and willing to impose the personal morality of a conservative minority on the rest of us.

This does not bode well either for democracy or for the continued wellbeing of our secular society.

Personally as a Humanist I have no belief system outside that of remaining a compassionate and merciful human being. I am a great advocate for the virtue of compassion and I encourage everyone I meet to support this concept in thinking about choice and dignity in dying.

On my wall I have a quote which I refer to as "My Bible" Its message is brief but profound and reads:

Those people who oppose euthanasia should put their bodies where their convictions are. I have a fantasy that the objectors enter a chamber where they must ensure the simulated pain of those who can't bear it any longer. The moralists who come out of that chamber with their beliefs intact might possibly have a right to them. All the others who capitulate will surely be glad of the opportunity to finally know that great chasm between morality and wisdom, between law and compassion. (Anonymous)

I am myself in remission with ovarian cancer these past nine years. I've been to hell and back again, not by the "grace of God" I believe, but with the assistance of a dedicated team of scientists, doctors and health care workers. Within the past three weeks I have had a "stage two" melanoma removed from my back with further tissue removal to be untaken in April. I know my chances of dying of old age are extremely unlikely given a family history of heart ailments of which I am the lone person from a family of five not to have died from heart related illness or had open heart surgery.

Email choice@yourchoiceindying.com Website: www.yourchoiceindying.com

I want the right to choose, the manner of my dying. I impose my wishes for myself on no one else, and I believe only the individual has the capacity to establish their degree of tolerance for pain. Most have marveled over the years at mine, but I believe in my own human fragility to face a time when enough is enough and I bow to the forces of nature for the last time.

Having the Northern Territory's own ROTI legislation reintroduced will make me feel justice has been served. As a Victorian it was to my shame, that it was a Victorian Politician, namely Mr Kevin Andrews who ensured that the Federal Government was able introduce a Private Member's Bill to undo all the good that Marshall Peron, the then Northern Territory Chief Minister, has initiated on behalf of those Territorians unable to help themselves.

Looking at the Morgan Poll Results from the Age Newspaper (A5) dated Thursday March 13, 1997

79.9% believed a "hopelessly ill" patient whose pain could not be relieved should be allowed to receive a lethal injection if he or she asked for it.

74.7% per cent said doctors should let such patients die if there was no chance of recovery. (Futile medical intervention!)

15.3% per cent said doctors should try to keep such patients alive.

77.3% per cent said they disapproved of moves by their local member, Mr Andrews, to overturn the Northern Territory law.

Mr Andrews and the politicians who passed the Federal Legislation overturning the NT decision, were not acting in this matter on behalf of their constituents because, consistently polls showed that between 70 and 80 per cent of the general public support some means of voluntary euthanasia within regulated guidelines. .

Mr Andrews was not lobbied intensely by a majority of constituents to introduce the Federal legislation which overturned the NT own legislation.

Many decisions involve issues of morality and religion. None of these are set in stone, especially in the face of incredible scientific/technological advanced. A decade ago stem cell research was a fantasy; today it is a reality. The decision to allow stem cell research on embryos involved all the moral dilemmas that this repeal also does. Notions of what does it mean to 'kill', notions of what constitutes 'life' itself, were very much in the forefront. These same questions are again with us as a society. However, the major difference is that we know and legally and morally and 'scientifically' now respect 'free will'. This is what must be enshrined in the new legislation. That individuals can exercise their free will about end of life choices.

It was most unfortunate for “the pro choice for the individual” concept of Australia that “a cross section of politicians” was able to reject the will of the people and to an extent democracy died for some of us looking on. Although the Bill initially passed by only four votes, it was telling in that it rejected what four fifths of the community had consistently said they wanted. It should never have been implemented had politicians been listening to the Australian people en masse.

With Senator Brown’s Bill to Repeal Mr Andrew’s Legislation Australians are being given a second opportunity to see democracy at work again. Governments working for the majority’s wishes, while taking nothing away from those who perhaps see virtue in continual suffering even when no purpose is to be served except to prolong the dying process itself. What is proposed is voluntary. I don’t share Mr Andrew’s belief in life at any cost.

I absolutely respect any person’s right to choose for themselves how they will live and die, but I strongly resent that a conservative view by a few, can impact on my opportunity to experience the full benefit of medical science in enabling me to die well.

Having said that, I also would like to point out that the very life saving initiatives taken to sustain life itself is against what nature intended. Machinery can keep a body pumping for a hundred years on life support systems but that is not the average person’s definition of “living”.... Sometimes people themselves would have preferred to be allowed to die had they been given the choice doctors make on their behalf. Relatives are not the best people to have to make a decision at a traumatic stage in a patient’s life. The patient alone should be allowed to make the decisions which impact on their sense of quality of life as distinct from any observer looking on, and failing that their written consent made before unconsciousness. Respecting patient choices in every sense of the words! Government legislation is the vehicle to implement the individual’s final end of life choices.

Returning to the Kevin Andrews Legislation, I had to agree with Senator Brown’s assertions of that time that the Parliament of the day shamed the terminally ill in that politicians showed scant regard for their final wishes. With nothing left to lose, the terminally ill were denied even the dignity of a good death.

Senator Brown said, with great insight into **all** Australian’s needs, it was a moment of failure to connect with the compassion of the Australian people.

We are also reminded that the Chief Minister of the time, Mr Shane Stone, said that the vote broke the conventions of the Commonwealth’s Self-Government Act for the Northern Territory and would severely damage Territorians’ confidence in the Federal Parliament.

Mr Stone said as reported in the Age 25 March 1997”We had felt there was a new lease, a new direction for the territory with the grant of self government...But with the Senate’s decision was “bitterly disappointed”...

In an age of relativism and in a multicultural society such as Australia, religious and spiritual beliefs are necessarily diverse and varied. Therefore the specific beliefs of a few who believe in the sanctity of life at any price should not dictate to the broad majority who hold quality of life in equal regard.

Naysayers brand the wide support for voluntary euthanasia across Australian society as “populism” , likening it to capital punishment to discredit it. They are either unable or unwilling to understand the crucial difference that capital punishment is involuntary and designed to cause suffering whereas voluntary euthanasia aims to end suffering. The overwhelming support for voluntary euthanasia among the Australian people represents a wish for compassion to be enshrined in democratic rights for which there is already a legislative precedent in Switzerland, Holland and in several states in the US

Physician assisted suicide has many advantages which the ROTI legislation addressed.

The current laws of Australia are that individual unassisted suicide is acceptable, the “culprit” being beyond prosecution. Assisted suicide, on the other hand, is illegal. Assisting a loved one to die, in simple language is tantamount to premeditated, calculated murder which by definition implies malice of forethought. Malice is defined as a disposition to injure others for mere personal gratification, spirit of revenge, or benefit by ill will. The ROTI legislation took away the need for the nearest and dearest to have to choose between relieving a loved one themselves of pain and suffering, or the full force of the law. Usually the law dealing with individuals, already extremely traumatized by the very illness, which provoked the ultimate act of assisting a loved one to die.

Without the original ROTI Northern Territory legislation being in place, people of necessity were dying before they were mentally or physically ready to do so, precisely because they knew they had to take action while still lucid, and capable to be able to act on their own, and be ambient to achieve the means to an end. The Northern Territory legislation gave certainty to people already facing the trauma and reality of their impending death frustrated in the knowledge that a physician assisted dying took away the additional angst of loved members of the family, as well of themselves, facing the ugliness of their death struggles.

The voices of those afflicted with incurable and terminal illness must have as much weight as politicians who are in prime health.

Quoting from the text of the Bill; “The object of this Act is, in recognising the rights of the people of the Australian Capital Territory, the Northern Territory and Norfolk Island to make laws for the peace, order and good government of their territories, including the right to legislate for the terminally ill, to repeal the *Euthanasia Laws Act 1997*”.

Email choice@yourchoiceindying.com Website: www.yourchoiceindying.com

In conclusion:

I would like to place on the public record my sincere gratitude for the courage, compassion and perseverance of the many supporters of the original ROTI Legislation in that it gave people such as myself a belief that Parliament is for the people, and of the people, and that this Repeal will go through to its natural conclusion based on the very real and established fact that at least 70% of Australians support it.

I support Senator Bob Brown's actions to have the Inquiry into the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008 accepted by both House of the Federal Australian Government.

Mary Walsh

www.yourchoiceindying.com

April 1st, 2008

WORLD FEDERATION MANIFESTO:

The World Federation of Right to Die Societies (an international non-governmental organisation) is aware of the increasing concern of many individuals over their right to die with dignity. Believing in the rights and freedom of all persons, we affirm this right to die with dignity, meaning in peace and without suffering.

All competent adults - regardless of their nationalities, professions, religious beliefs, and ethical and political views, who are suffering unbearably from an incurable illness, should have the possibility of various choices at the end of their lives. Death is unavoidable. We strongly believe that the manner and time of dying should be left to the decision of the individual assuming such demands do not result in harm to society, other than the sadness associated with death.

The voluntarily expressed will of individuals, once they are fully informed of their diagnosis, prognosis and available means of relief, should be respected by all concerned as an expression of intrinsic human rights.

Tokyo 2004/Toronto 2006