

Secretary, Legal & Social Issues Committee
Parliament House, Spring Street, Melbourne VIC 3002

Submission into enquiry into the need for laws in Victoria to allow citizens to make informed decisions regarding their own end of life choices

Although I live outside Victoria, my extended family all live there so I visit regularly.

When my chronically-ill mother was dying at her home in Victoria in 1995, her last words, in appalling pain, were "please make it quick". But it was another two hours before she was able to be given morphine and slide into her final sleep. Those last two hours were the most appalling and distressing of my entire life.

If only she could have prepared herself with an option to take a "peaceful pill" when things became intolerable.

Years later I sat with an elderly friend whose chronic pain and constant nausea had become too much to bear, as she signed her last letter to her family and drank a barbiturate solution she had procured for herself, illegally, so that she could die in peace and with dignity in her own home instead of being kept alive in misery in a hospital or nursing home. I took no part in her actions, but it was a privilege to be asked to sit with my friend in that final hour, and an enormous contrast to the terrible experience of my mother.

Personally I am not afraid of dying. What does concern me is being unable to live a productive existence because of disease, extreme pain, or loss of physical or mental competence. For those with intolerable pain, palliative care can often help, but there are some conditions where that just doesn't work.

And palliative care can't do anything for people who are not dying but have such extreme impairment that they see no point in living. I know someone in country Victoria who is chronically afflicted with auto-immune disease and for whom there are no effective treatments. They are not terminally ill, but their life has become so miserable that they desperately want to die. But they have no options for a dignified and painless death.

A well-worded Advance Care Directive can reduce the chance of being kept alive artificially, but it can't help you to die.

If my physical or mental faculties are failing or I am in permanent distress or otherwise unable to function independently:

- (1) I do not wish to be kept alive artificially
- (2) I do want a mechanism to allow me to end things gracefully when I'm ready, independent of what a doctor may think or say.
- (3) If I am physically unable to act and have made it clear in advance that I don't want to live a pointless existence, then a doctor should be able to give me an injection that ends my life.

Some find that shocking. What I find shocking is that most older Australians who

wish to end their lives do so by hanging themselves. A length of rope is not illegal to buy, but trying to buy a decent drug to end your suffering can send you to jail.

The current laws in Australia erect huge barriers to achieving a peaceful and dignified death at a time of one's choosing, and if anyone was to mercifully help another person suicide then they could go to jail for life. Federal laws even make it a crime for anyone to have a conversation about their options via phone or email, which forces people into clandestine communication methods. This oppressive state of affairs needs to change.

The idea of introducing right-to-die legislation is frequently attacked by people who claim its a slippery slope. I suggest that the "slippery slope" argument has been used by opponents of change to argue against virtually every modern reform, from giving women the vote, to decriminalising gay sex, to opposing gay marriage. It isn't an argument, its an excuse to keep the status-quo. If some don't want the right-to-die for themselves, that's fine, but they should not be permitted to stand in the way of those who do want to have that option.

Tony Whelan

