

# Dying with Dignity ACT Inc.

Everyone deserves a peaceful death

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DWDACT's submission to the ACT End of Life Committee has now been published on our website. In May I spoke to the committee as an expert witness representing not only the current members but also the many members who began the organization in the nineteen eighties as a branch of VESNSW as well as those who actively worked for reform during their lives and have died since, without seeing the law change. I felt I had a big responsibility on my shoulders to represent them well.

Over the last year the committee has pursued the possibility of making a challenge in the High Court on the basis that the Euthanasia Laws Act breaches constitutional law because the Constitution states that the Federal Parliament may not make laws for imposing religious observances. Justice Connect provided the committee with the advice that we would be unlikely to be successful on the basis of what we had given them. We reviewed our material and asked them to reconsider their advice. They responded by saying that what we gave them did not warrant further investigation by them. We now have advice from two different sources which differs but reaches the same conclusion that a challenge in the High Court would be unsuccessful. So it seems that our politicians have covered themselves from a legal point of view despite the fact that the consequence of the current law is that we are forced to die of disease and those who end their own lives are punished as required by religious observances.

At the last committee meeting our prime concern was to plan for the public meeting in September. We are looking for a possible speaker especially one who will be of interest to the general Canberra public. We wish to change our approach to advertising for this event. Rather than placing advertisements we would like to organize an article with a member who is committed to the cause and who would like to be interviewed for a newspaper article. Advertising the dates of our public meeting and the Right to Die Day on November 2 along with a human interest story may be a more effective way of attracting the public to our meetings rather than in effect throwing money away on advertisements people may or may not notice. So I'm appealing to anyone who feels they have a story they want to tell to come forward. Please contact the secretary ([secretary@dwdact.org.au](mailto:secretary@dwdact.org.au)) or leave a message on 51040920 if you are interested in doing this.

It is possible that we may have to change the date and time of our September public meeting to fit in with our speaker's schedule so please keep an eye on the website. However be assured that we will notify members with a special notice about the details of the public meeting.

Attracting the public to our issue and involving them in building both momentum for change and membership is surprisingly difficult given the high approval rate for change to the law. One idea that the committee discussed at its last meeting was the possibility of holding a public IQ style debate. This would require us to find someone with skills in events management who could find 6 speakers and an adjudicator. We also need a stimulating topic that is sufficiently wide ranging in its scope to give the audience some reason for changing their views. I would be interested in speaking to anyone who would like to do this for next year's public meeting or perhaps for the World Right to Die Day in November.

YourLastRight.com has folded. We were members of this national organization and I am very sorry that the members, wrongly in my view, decided that they had nothing more to do in the matter of

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law reform now that Victoria has passed a law and that *Go Gentle Australia* has formed. It leaves a hole in the national scene that the committee discussed at our last meeting. We have some ideas about how to fill that hole that we will be considering over the next months which we will bring to you at the next Annual General Meeting when they are in a more final state.

The World Federation of Right to Die Societies' conference is in Cape Town in South Africa on 5-9 September 2018. As secretary I will be going and have decided to stand for the committee one last time. The Federation has attracted another half dozen members over the last two years and continues to grow despite the difficulties of distance, members speaking different languages, and differences in aspirations for reform among the nations.

As you are likely to be aware from 14th August 2018 the senate will be debating a bill to repeal the Euthanasia Laws Act. It is called the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. **Go Gentle Australia has organized a mechanism whereby you can access your senator, David Smith who is likely to vote for this bill. You may be in a position to forward this to relatives and friends who live in other parts of Australia who can contact their local senator to write their own message of support. I will forward Go Gentle's email to you so that you can email Senator Smith and forward the email to friends and relatives who may be interested in writing to their local senator.**

We are also discussing the idea of meeting on the grassy area below Parliament house from the 14<sup>th</sup> when the debate starts. I will send a further email about this when we have finalized the details so keep an eye open for an email before this date alerting you to this activity. If we are able to organize it naturally we would appreciate as many people turning up as possible.

Having been alerted to the Vatican's *Declaration on Euthanasia* by Ian Wood of *Christians for VE* it's now clear why people opposed to euthanasia are automatically prompted to use the word 'killing' when they argue against change to the law. Death by disease is as stated in the Declaration what God wants and suffering bring us closer to Jesus Christ and therefore to God. On Sunday last week on the ABC's *Insiders* I was surprised to hear Nikki Savva say as her final remark on the program that the ACT was about to develop law that would involve 'killing' people rather than letting them have good palliative care to have a peaceful 'natural' death. When people speak like this it's clear that what they are arguing for is death that conforms to the religious observances that we have tried to find legal support to challenge.

When you write to your senator you might find it useful to have the law in front of you. These are some of the relevant laws you can refer to.

### **Federal Law**

#### ***The Australian Constitution***

#### ***Chapter VI***

#### ***S122 Government of Territories***

The Parliament may make laws for the government of any territory surrendered by any State to and accepted by the commonwealth, or of any territory placed by the Queen under the authority and accepted by the Commonwealth, or otherwise acquired by the Commonwealth, and may allow the representation of such territory in either house of the Parliament to the extent and on the terms which it thinks fit.

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This is the section in the Constitution that was used to impose the Euthanasia Laws Act on the territories. If it can be used in this way to control the law making of the territories it is clearly in need of reform because it could be used in any way the Commonwealth sees fit at any time. On this occasion they took exception to the Rights of the Terminally Ill Act passed in the Northern Territory which was affirmed on appeal as lawful by the Northern Territory Supreme Court. When the appeal failed in the NT Supreme Court the appellants lodged an appeal with the High Court of Australia. If the Appeal had been lost in the High Court the Commonwealth could have done nothing to overturn it which was no doubt why the appeal was allowed to lapse and evolved into what we now know as the Euthanasia Laws Act passed by the Federal Parliament.

### *Australian Capital Territory (Self Government) Act 1988*

#### Part IV Powers of the Legislative Assembly

#### Section 23 Matters excluded from power to make laws

(1A) The Assembly has no power to make laws permitting or having the effect of permitting (whether subject to conditions or not) the form of intentional killing of another called euthanasia (which includes mercy killing) or the assisting of a person to terminate his or her life.

This is the part of the Euthanasia Laws Act that is incorporated into our Self Government Act which limits the powers of the ACT Government to pass laws on euthanasia.

#### **ACT law**

#### *The Crimes Act 1900*

#### **Murder**

- (1) A person commits murder if he or she causes the death of another person—
- (a) intending to cause the death of any person; or
  - (b) with reckless indifference to the probability of causing the death of any person;

#### **Suicide**

#### Section 16 Suicide etc – not an offence

The rule of law that it is an offence to commit, or to attempt to commit, suicide is abolished.

#### Section 17 Suicide – aiding etc

- 1) A person who aids or abets the suicide or attempted suicide of another person is guilty of an offence punishable, on conviction, by imprisonment for 10 years.

I believe that Section 17 is nonsense. Since there is no crime of ‘suicide’ what actually is a person doing when they help someone to die? This is like saying that it is a crime to help someone do something lawful. And the consequences of this law as we all know are horrific for the individual, their families and broader society. I personally believe therefore that this law is completely intolerable.

In criminalizing anyone who helps someone to die, Section 17 forces most of us to have no choice but to die of disease. If we don't die of disease we have no option but to hang, gas or shoot ourselves or break the law by importing Nembutal. Surely this is an intentional use of the law to cause us to die by disease and shows indifference to those who choose to end their lives, a lawful act, making the law and those who made and maintain it conform to the definition of murder or to use Nikki Savva's word ‘killing’.

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Christians have an abhorrence of hypocrisy. Hypocrisy involves failing to practise those virtues that one preaches. It predisposes humans to easily see and condemn faults in others, while failing to perceive and condemn faults of their own. Power magnifies these effects. People in power are more likely to commit infidelity *and* to condemn immorality. In the cause of dying with dignity it seems that people in power are very prepared to accuse those who want to change the law of being 'killers' and condoning 'killing' but they are unwilling to look at what they are supporting which exposes their own acts of 'killing' and therefore their own blind spot.

Finally, we now have a local Canberra telephone number assigned to DWDACT. This is in response to a request from a member at the last AGM. The number is 51040920 and it goes direct to an answering machine. If you need to contact me, leave a message with your details. The number also appears on our website at the bottom of each page. I should add that the cost of this facility is negligible, as it uses the internet rather than a physical landline connection.

Jeanne Arthur  
President  
DWDACT Inc.