

Submission to the Select Committee on End of Life Choices

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This submission offers a particular perspective on the issue of end of life choices. It is the perspective of a 75 year old male who knows he may soon face such things as an unpleasant and incurable cancer, an incapacitating stroke or the onset of dementia.

I've given a lot of thought to these possibilities and how I should respond to them if they eventuate. The conclusion I've reached is as follows. If I ever get to the point where I find my life is no longer worth living, I will end my life as painlessly and efficiently as possible. I have no religious belief that insists life must be maintained to the end however bitter or devoid of purpose. And I have a strong personal belief that, for me, there would be no point in carrying on living in a situation where I no longer had control over my life and could no longer do anything useful with it. People who tell me palliative care is so good now there is no need to take drastic action are missing the point. It's not pain that matters to me, it's loss of purpose and the capacity to do something useful with life. Merely being kept alive isn't enough.

I've also given a lot of thought to what the law thinks of my proposed action. As I understand what lawmakers are saying to me, it is this. You can kill yourself if you like. No problem. It's legal. Suicide is no longer a crime. However, we'll do our best to make sure it's difficult for you to do it - except in an extremely unpleasant way. We'll make the most humane way of killing yourself illegal. We'll threaten you with imprisonment and a huge fine if you try to import pentobarbital. We'll insist the makers of helium for party balloons add something to the gas so you can't use it to achieve a peaceful death. We'll also make it illegal for anyone, a doctor or a loved one, to help you in any way. If they do, they may face trials, fines and imprisonment.

Now I do understand that lawmakers are doing this in an attempt to protect people. I understand that, by framing laws to deter us from doing something they have given us a legal right to do, they hope to prevent people taking their lives prematurely when there is a chance their desire for life may be restored if they just keep going a bit longer. That makes sense. But it's important to get the protective deterrents right or they may do more harm than good - which is what the current deterrents often do.

The first deterrent, for instance, doesn't take into account the fact that people desperate to end their lives are not put off by laws that prevent them accessing a humane way to do so. The deterrent simply pushes them towards other, more horrible, ways of dying. A wife comes home and finds her husband has hanged himself in the garage. A mother visits her daughter and finds her in a bloody bath with her wrists cut. A man in a wheelchair in Perth, finding no other way to end his life, pushes himself to the middle of a pedestrian bridge across the freeway, and, somehow, manages to manoeuvre his body over the protective barrier so he can fall down onto the rails below just as a train arrives. In response, the government erects a mesh barrier at the centre of all freeway bridges to prevent anyone else dying so horribly. A year or two later another desperate man goes to a bridge, walks past the mesh barrier in the middle, and continues on to a place where he is able to jump onto the freeway itself, where he is killed even more horribly by concrete and car wheels. When we read about deaths like these we know something is wrong with the current law. And it's not just the suffering of the husband, the daughter and the two desperate men we feel for. It's also the suffering of the wife, the mother, the train driver and the drivers of the cars forced to kill a man on the freeway.

The deterrent of penalising those who assist a suicide also has results that make many of us question the current law. We question it when an elderly woman suffering from cancer is dragged through the courts, with all the worry and financial burden that involves and with the threat of prison hanging over her. And for what? For responding to a friend's plea for help, and travelling abroad to get her the nembutal she asked for which she was too ill to go and get herself. We question it when we read of elderly men and women being treated like criminals as their homes are entered by police and searched for nembutal, and they are taken to the police station for questioning. Most strongly of all, we question it when we are forced to watch a loved one dying slowly and painfully, and there is nothing the law allows us to do when they beg us for help to

end their suffering, It's no coincidence that many who have changed their views on voluntary euthanasia did so, they say, as a result of just such an experience.

One clear sign of a bad law is when normally law abiding people feel compelled to flout the law - and that's what's happening with this law. More and more elderly Australian citizens are going against the law-abiding habits of a lifetime and risking imprisonment and huge fines to smuggle into Australia the drug that will give them a peaceful death. And more and more brave and compassionate Australian doctors are choosing to break the law by giving their patients the peaceful end they beg for. These doctors too think the law is a bad law. Some of them are courageous enough to go public and acknowledge their 'crime' and, in recent times, they seem to be able to do this without any legal action being taken against them. Which seems to suggest that even the lawmakers agree that this law is a bad one.

In the light of all this, it's not surprising the majority of Australian citizens (70% or more according to polls) favour a change to the law that makes it legal in some circumstances to assist a person to die. In contrast to Australian citizens, however, Australian politicians have, for years, been strangely reluctant to take any action. Paul Keating and Malcolm Turnbull have both already come out with statements criticising the Victorian Lower House for passing their Euthanasia bill. Former WA premier, Colin Barnett, opposed any change to the law in WA. When asked why, he explained that change was unnecessary because if the time comes when speeding up a death is the kindest thing to do, you can always trust your family doctor and your family to do what is best for you. What an abrogation of responsibility! And what a terrible moral position to take since he was in fact saying it's ok for a doctor or a family member to decide to end my life; but it's not ok for me to have any say in the matter. It shows how defending bad laws leads to bad moral positions.

For all the above reasons I believe it's time for the WA parliament to pass a law on end of life choices, and I hope it will do so. It should not be difficult to draft a good one with so many examples now of laws that have been working well for years without producing the negative effects opponents of euthanasia laws predict. I won't go through each of those predicted negative effects or cite the statistics from Oregon, the Netherlands and elsewhere that show those negative effects can be, and have been, avoided. I'm sure there will be other submissions that give these details. I want, though, to say something about one of the supposed dangers.

I heard a woman on the radio the other day talking about the new euthanasia law in her home state of Victoria. She said she supported it but was worried about what she'd heard was happening in the Netherlands. She was afraid Victoria might go down the same 'slippery slope'. In the West Australian this morning, an emotive article by Andrew Bolt played on such fears by describing individual cases to demonstrate how much easier it now is, in the Netherlands, to qualify for assisted dying than it was when their first bill was passed.

Unlike Andrew Bolt, what I see in the Netherlands is not a cause for fear. What is happening there is not a 'slippery slope' downwards, but the normal process of sensible social change. As circumstances change in a society, changes in the law are needed. Those changes are often fiercely resisted by some and the new laws necessarily start by being limited and restricted or they will have no chance of passing in parliament. But once people get used to the new law, and see how much better it fits the new realities of society, they begin to ask for, and get, further development of the law.

Like all of my generation, I have watched this process occur, over the last sixty years, with laws relating to sexual relationship. When I was young, abortion and homosexuality were both illegal, sex before marriage was frowned on, unmarried couples were 'living in sin' and their children were 'illegitimate'. The Andrew Bolts of that time ranted and raved about 'slippery slopes' every time the laws changed and in one sense they were right. The early first steps have certainly led, over sixty years, to changes that would have horrified us back in the fifties. But they all seem perfectly sensible to most of us today because they suit the changing attitudes and circumstance of 2017.

So I have no fear at all that the 'first step' bill which I hope the WA parliament will have the good sense to pass will lead to a negative 'slippery slope'. Rather, I hope and expect WA's 'first step' bill will be the start of the same kind of developmental process we've seen in the changes to

sexual and relationship laws in Australia over the past sixty years, and the changes to euthanasia law in the Netherlands over the past fifteen years. In this kind of process you don't get things right all the time. The Netherlands is forging the way for the rest of us and may well, sometimes, go further than is wise. In those cases the response of citizens will pull them back. The process of development is not a slippery slope but nor is it an easy or straightforward path. And the legislators of Australia are, in one way, lucky that we are some way behind other jurisdictions. By the time we get started on the process many of the mistakes our legislators might have made in the journey towards better and better end of life legislation will already have been made and rectified in the laws of other countries.

But it is important that the WA parliament gets started on this process by bringing in a sensible 'first step' bill as soon as possible. Because WA law is, at present, poorly equipped to deal with the new realities our health care system's successes is creating. As I, and my wife, and all our friends are finding out the hard way, modern medicine keeps more and more of us alive, but not healthy, for longer and longer. More and more of us oldies are putting more and more pressure on the aged care system and health budgets. More and more of us are kept alive, for longer and longer, while suffering from dementia, stroke, and other incapacitating, but non-fatal, conditions. Aged care is deteriorating and likely to get worse. It seems foolish, in such a situation, for the law to continue to deny assisted dying to people such as myself who make a carefully considered decision to end our lives, rather than live on for years with dementia. A piece of advice from a nineteenth century poet seems apposite.

*Thou shalt not kill; but needst not strive
Officiously to keep alive*
(Arthur Clough)

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