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Subject: FW: Submission

From: Luke O'Callaghan

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To: Joint Select Committee on End of Life Choices <eolcc@parliament.wa.gov.au>

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Dr Jeannine Purdy

Principal Research Officer

Select Committee on End of Life Choices

Legislative Assembly

Parliament House

Perth WA 6000

Dear Dr Purdy

Submission to the select committee on end of life choices

I appreciate the opportunity to make a submission to the Western Australian Parliament's Select Committee on End of Life Choices (**Committee**). This is the first personal submission I have ever made to a parliamentary committee, regulator or government body.

The nature of the matters which are to be considered by the Committee are in the nature of life, death and whether Western Australia should relax various prohibitions currently provided for by the Criminal Code. Such amendments being to enable via separate legislation, the legal killing of a person by a physician or the suicide of a person with the assistance of a physician.

Given their materiality, the Committee should work hard to consult as broadly as possible with as many individuals and groups as possible taking account of the major practical and cultural implications of recommending the legalisation of these types of euthanasia in Western Australia.

On the Committee's website, the inquiry's terms of reference are described as follows:

On 23 August 2017, the Parliament established a Joint Select Committee of the Legislative Assembly and Legislative Council to inquire and report on the need for laws in Western Australia to allow citizens to make informed decisions regarding their own end of life choices, in particular, the Committee should –

(a) assess the practices currently being utilised within the medical community to assist a person to exercise their preferences for the way they want to manage their end of life when experiencing chronic and/or terminal illnesses, including the role of palliative care;

(b) review the current framework of legislation, proposed legislation and other relevant reports and materials in other Australian States and Territories and overseas jurisdictions;

(c) consider what type of legislative change may be required, including an examination of any federal laws that may impact such legislation; and

(d) examine the role of Advanced Health Directives, Enduring Power of Attorney and Enduring Power of Guardianship laws and the implications for individuals covered by these instruments in any proposed legislation.

Parliament has requested that the Joint Select Committee report to both Houses by 23 August 2018.

The Committee's terms of reference do not expressly contemplate it inquiring into and reporting on the broad range of impacts and risks that could arise in respect of particular vulnerable persons; for example, adverse mental health outcomes or reductions in government expenditure on particular health services such as palliative care.

This is disappointing given the crisis of elder abuse in Australian society well documented in the Australian Law Reform Commission's (**ALRC**) 31 May 2017 Final Report to the Federal Attorney General *Elder Abuse – A National Legal Response*.

I therefore encourage the Committee to take a broad reading of its terms of reference in order to allow it to have regard to all of the relevant 43 recommendations made by the ALRC to the Attorney, which the Attorney is due to respond to later this year.

Finally, I wish to echo former Prime Minister the Hon Paul Keating's concerns expressed in the Fairfax press on 19 October 2017 and commend his opinion piece to the Committee.[\[1\]](#)

Yours faithfully

Luke O'Callaghan

[1] Mr Keating's opinion piece is available at the following URL <http://www.smh.com.au/comment/paul-keating-voluntary-euthanasia-is-a-threshold-moment-for-australia-and-one-we-should-not-cross-20171019-gz412h.html>