

The right to die with dignity

Victoria leads the states to recognise compassionate choice for the terminally ill.

by Neil Francis

History was made at 4:10 pm on Wednesday 22 November, when the Victorian Parliament's upper house voted 22 to 18 to pass the government's Voluntary Assisted Dying (VAD) Bill. The amended bill was ratified by the lower house and has now been signed into law by the Victorian Governor. It gives terminally ill Victorians the right, if they are suffering unbearably and without reasonable prospect of relief, to ask for medical assistance to die peacefully.

Opinion polls have shown consistently an overwhelming majority of Australians (now 75% or more) want this right, and opinion has been in the majority now for half a century. Of course, we don't all want assistance to die – but most of us do want to have the option should our end-of-life go badly.

Victoria is the first state in Australia to enact such legislation. But it's not the first jurisdiction.

NORTHERN TERRITORY LED THE WAY

Twenty-two years ago, the Northern Territory beat the states to it and introduced the Rights of the Terminally Ill (ROTI) Bill. Its architect was NT's then Chief Minister, Mr Marshall Perron. He believed so strongly in the reform that he sponsored the bill himself, and allowed a conscience vote. To avoid undue influence on his fellow NT parliamentarians, Mr Perron also



resigned his position as Chief Minister on the eve of the debate and before a vote was taken.

The ROTI Bill passed, becoming an Act which four people used to legally and peacefully escape their suffering. But after only eight months, ROTI was extinguished by the federal parliament via a private member's bill introduced by conservative Liberal MP, Mr Kevin Andrews. Before he became a member of parliament, Mr Tony Burke (now a Labor shadow minister) also actively championed Mr Andrews' bill.

It's important to understand that while the federal parliament has the power to intervene in territory legislation, it can't overturn state-based VAD laws. Nevertheless, despite more than 40 attempts to pass a bill through one or other of the state parliaments since

then, none have succeeded – until now. As recently as the week before the vote on the Victorian bill, a bill in the NSW Parliament upper house was defeated by just one vote – 20 votes to 19.

In the 20 years since the NT's legislation, choice has remained illegal, and anyone providing assistance in hastening death, no matter how egregious the dying person's suffering, faced up to 14 years in prison.

In the meantime, other jurisdictions have legalised VAD, respecting the rights of their citizens to make their own choices at the end of life, including the Netherlands, Belgium, Luxembourg, Germany, Colombia, Canada, and the USA states of Oregon, Washington, Vermont, California, and Colorado. VAD has been legal in Switzerland, too, since 1942.

