

End of Life Choice



Newsletter on current debates

Northern Territory Rights of the Terminally Ill Act (1995)

The first law anywhere in the world to allow voluntary euthanasia was passed by the Northern Territory Legislative Assembly in May 1995. Titled the 'RIGHTS OF THE TERMINALLY ILL ACT' the name accurately described its function: to give terminally ill adults the right to seek and obtain medical assistance to die at a time and in a place of their choosing.

Architect and sponsor of the Act, former Chief Minister of the NT, Marshall Perron, described his motivation thus: "If there are terminally ill patients who wish to end their suffering by accelerating inevitable death, and there are sympathetic doctors who are willing to help them die with dignity, then the law should not forbid it."

The dominant feature of the law was personal choice. The Act gave priority to the wishes of the terminally ill person. Above all others, it empowered the competent patient.

The Act gave doctors protection from prosecution if they assisted an eligible person to die, provided they complied with the strict conditions embedded in the Act.

SAFEGUARDS

The safeguards built into the Act were

- the person seeking assistance was required to make the initial request in writing.
- the illness had to be causing severe pain or suffering
- a second doctor was required to confirm the diagnosis and prognosis
- a psychiatrist had to declare the patient was not experiencing treatable depression
- palliative care options had to be

understood and considered

- the law included two cooling-off periods when the person could change their mind
- the request could be withdrawn at any time.

The process was voluntary for doctors and other persons involved in the process as well as patients. Clear record keeping was mandated and reports to parliament on the operation of the legislation were required. Provision was made to protect the legality of wills and life insurance for anyone who died using the provisions of the Act.

CONSULTATION and DEBATE

The Bill was the subject of intense scrutiny by the community. Before the Bill was passed a parliamentary committee toured the Territory taking evidence and hearing from invited experts in various fields. The campaign opposing the initiative headed by religious groups and the AMA was organised, well-funded, emotional and dishonest.

Every Member of Parliament spoke in the second reading, each passionately trying to persuade their colleagues to their point of view. The Bill was passed and the Act came into effect on July 1, 1996. In the following nine months, four people used it to end



Bob Dent, the first person to die using the NT Act, in 1996

their suffering. All of them took their own lives, although the legislation allowed a doctor to administer a lethal drug. Although Australian territories are self-governing with democratically elected parliaments, territories are subject to the overriding authority of the Commonwealth. The Northern Territory Rights of the Terminally Ill Act offended the powerful religious factions on both sides of the federal political spectrum and a successful campaign was mounted to veto the law. Such action could not have been taken had the Rights of the Terminally Ill Act been passed by a state parliament.

To ensure the territories did not attempt to adopt similar legislation again, the authority to do so was also withdrawn. That situation remains today.

Religious politicians continue to thwart the debate over, and passage of, voluntary euthanasia legislation, promoting a variety of classic myths and misinformation to create fear in the community.

FOCUS ON THE FACTS

If ever there was an example to dispel the doomsday predictions tendered by



Marshall Perron, NT Chief Minister 1988-1995

opponents it has to be Switzerland, where they have the most liberal assisted suicide laws in the world. For 50 or so years it has not been illegal in Switzerland to assist a suicide providing one does not benefit from the death.

There is no evidence from Switzerland that the so called 'vulnerable' are living in fear of being pressured or assisted to die against their wishes. Neither is there evidence that the Swiss do not value life as much as any other society. Indeed, in regard to lawmaking, Switzerland is regarded by many as more democratic than most countries.

To answer the question "Was the law effective?" the following quote from the Hon Denis Burke MP, a Catholic who voted against the Private Members' Bill, and subsequently became NT Attorney General and Minister for Health (the two portfolios directly concerned with administering voluntary euthanasia while it was legal in the NT) is instructive:

"While it was in operation, I can honestly say that I thought it was good legislation in that, once passed by this house, it survived every attack by academics and theologians. When it was finally over-ridden, one would have to say in all honesty that that legislation needed not one word of amendment in terms of its workability in delivering the intent of the legislature."

(NT Hansard, Aug 11 1998)

SAVES

South Australian Voluntary Euthanasia Society

saves.asn.au

Compassion for suffering
The freedom to choose
Add your voice to the call



SAVES was established in 1983 to campaign for legal, medically assisted choice in end-of-life arrangements.

The aim is to relieve suffering by providing choice for people at the end of their life. SAVES works in the community and with Members of Parliament to achieve law reform.

SAVE-YA Syndicated Australian Voluntary Euthanasia Youth Advocates

Facebook: Support SAVE-YA Law Reform



A national youth lobby group which aims to provide a youth voice in support of legalising voluntary euthanasia in all States and Territories. Members

between ages 18 and 35 are encouraged to join, make contact with their local MP and inform them of their support for voluntary euthanasia law reform.

Christians Supporting Choice For Voluntary Euthanasia

christiansforve.org.au

We are Christians who believe that, as a demonstration of love and compassion, those with a terminal or hopeless illness should have the option of a pain-free, peaceful and dignified death with legal voluntary euthanasia. The overwhelming majority of Australian Christians support choice for voluntary euthanasia.



Lawyers for Death with Dignity

saves.asn.au/lawyers

Lawyers for Death with Dignity acknowledges the need for people with profound suffering to have the legal choice for a medically assisted and dignified death. The current law says suicide is not illegal, but assisting suicide is. People in a terminal state may have profound, unbearable suffering and be in the undignified position of being unable to end their life without assistance. Advances in medicine have improved life expectancy, but South Australian law has not changed to reflect the often forgotten deterioration of quality of life that a longer life expectancy may bring.



Doctors for Voluntary Euthanasia Choice

drs4vechoice.org



We are a national organisation of Australian medical practitioners, both current and retired, who are committed to having a legal choice of providing information and assistance to rational adults, who, for reasons of no realistic chance of cure or relief from intolerable symptoms, would like to gently end their lives. Assistance may be by doctor provision of medication for the patient to consume, or by doctor-administration.

South Australian Nurses Supporting Choices in Dying

Facebook: SA Nurses Supporting Choices in Dying

We are a group of passionate nurses who believe in our patient's right to choose the end of life care they wish. The group provides a forum for the nursing voice and perspective on legalising voluntary euthanasia and other patient choices in end of life care in South Australia.



BREAKING NEWS BREAKING NEWS BREAKING NEWS

Marshall Perron and Dr Rob Jonquière will address public forums in Adelaide and Victor Harbor this week.

South Australian MPs can meet Marshall Perron and Dr Jonquière at Parliament House on Wednesday night, June 3, at 6pm.

JUNE 2
Tuesday 7pm
Allan Scott Auditorium
Uni SA City West campus
Hawke Building

The Voluntary Euthanasia Story

- the epic journey to make it legal

told by
Dr Rob Jonquière, Leiden University, Netherlands, Marshall Perron, Former NT Chief Minister, Hon Stephen King, MP (ALP), Dr Duncan McFetridge, MP (Liberal), Stephen Kenny, Human Rights Lawyer

Venue kindly supported by The Bob Hawke Prime Ministerial Centre

www.saves.asn.au
REGISTER YOUR INTEREST - info@saves.asn.au OR 08 8332 0000

Dr Jonquière has inside knowledge of how the Dutch VE laws work; was active in the development of the Dutch Act in 2000; his specialty is family medicine; and he is Communications Director of the World Federation of Right to Die Organisations.

Dr Jonquière and Marshall Perron will meet the AMA, ANMF and address academics and students at Adelaide's three Universities.

Dr Jonquière and Marshall Perron will also meet with lawyers, christians, doctors, nurses, disabled people and young people who support law reform.