

# End of Life Choice

Oct 13 2014

## Newsletter on current debates: safeguards prevent abuse

*This issue is dedicated to Hon Dr Bob Such (1944-2014), Member for Fisher, with thanks for his tireless advocacy to legalise voluntary euthanasia.*

Around the world there are now nine jurisdictions where a form of voluntary euthanasia is permitted under law. Each jurisdiction has comprehensive safeguards, similar to the ones contained in successive Bills in South Australia. Typically, a person needs to comply with approximately 12 statutory safeguards before they can access voluntary assisted dying. These



safeguards usually include:

- the request is made by an adult person of sound mind
- the person must be a resident of South Australia
- the person must make the request themselves, voluntarily
- the person may be in the terminal phase of a terminal illness or have an illness, injury or medical condition that irreversibly impairs their quality of life, to the extent that life has become intolerable
- the person must be examined by two doctors, and both doctors must agree that the medical evidence justifies the request
- the person must be fully informed about their illness, including palliative care and other treatment options, and the likely outcome
- if there is any indication that the person is not of sound mind they must be referred to a psychiatrist
- the request must be witnessed by two adults who will not benefit from the person's death
- a "cooling off" period of 48 hours
- each step must be documented
- the person is advised the request may be withdrawn at any time
- interpreters must be available.

Voluntary euthanasia is not permitted unless every step is completed.

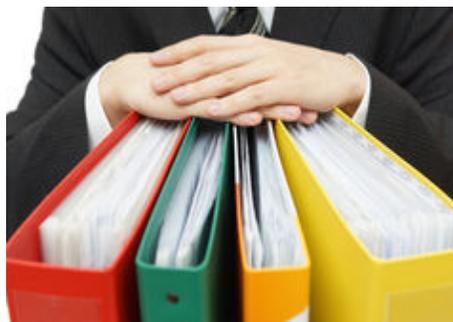
In addition, there are penalties for coercion, or false or misleading statements and annual reports are provided to Parliament.

In comparison, under the *Consent to Medical Treatment and Palliative Care Act 1995*, there are only three steps required before a person can have pain relieving drugs administered in a way which hastens their death.

A 2013 report by Australia21, an independent 'think-tank' examining issues of importance in the Australian community, concluded "Safeguards (in voluntary euthanasia legislation) to protect the vulnerable are working well internationally".

Three further authoritative reports have reached the same conclusion:

- Quebec Parliamentary Committee 2012
- England and Wales 2011: The Commission on Assisted Dying
- Canada 2011: Royal Society of Canada



The international evidence reveals that Voluntary Euthanasia legislation is used by a small minority of people whose suffering cannot be relieved by even optimal medical care. Surveys consistently report that while 60%-70% of Australians would prefer to die at home (Grattan Institute *Dying Well* 2014) only 14% currently do so.

The majority of Australians continue to die without the opportunity to discuss or have implemented their preference for how they would like to die, even

though about two thirds of Australians die between the ages of 75 and 95, most with a chronic disease, which in the majority of cases, severely limits their quality of life.

The combination of the current state of the law, and the care and concern of doctors and nurses for people who are in uncontrollable pain, or suffering unbearably, means that doctors and nurses work in a necessarily covert and arbitrary manner to relieve suffering, without professional guidelines and without open and accountable consent from their patient.



When the law is not working, when it criminalises a compassionate response to suffering, the law needs to change.

As Dr Roger Magnusson, Senior Lecturer in the Faculty of Law, University of Sydney, has stated:

*Prohibition drives assisted death underground. ... In reality, prohibition neither effectively inhibits the practice of euthanasia, nor adequately protects the vulnerable patients who most desire it.*

In South Australia it is currently legal for a person to take their own life, to have their treatment withdrawn or withheld, and for pain relieving drugs to be administered in a way which hastens their death. These legal options do not ensure a peaceful death. These legal options do not have the safeguards of protection, accountability and transparency available to people in jurisdictions where assisted dying is legal.

# South Australian Voluntary Euthanasia Society

saves.asn.au

SAVES was established in 1983 by volunteers to campaign for a South Australian law that provides for "medically assisted" end-to-life, as a right, in appropriate circumstances, and with defined safeguards. SAVES aims to raise public debate to a point where our Members of Parliament enact a VE law which provides everyone with the choice to end prolonged and painful suffering.



## Doctors for Voluntary Euthanasia Choice

[drs4vechoice.org](http://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.



## Christians supporting choice for Voluntary Euthanasia

[christiansforve.org.au](http://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.



## 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 Australian States/Territories. Members between the ages of 18 and 35 are encouraged to join and make contact with their local MP's to inform them of their support for voluntary euthanasia law reform.



**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. In many cases, those who are in terminal states have profound, unbearable suffering and are put in the undignified position of being unable to end their life without assistance. The medical profession has advanced their discipline to improve life expectancy, but appropriate changes have not been reflected in the South Australian law to deal with an often forgotten deterioration of quality of life that this may bring. [saves.asn.au/lawyers](http://saves.asn.au/lawyers)



## 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 that they wish, including the choice of voluntary euthanasia. Our members come from vastly different backgrounds and age groups but we all share the same goal.