

**Parliament of Victoria
Legal & Social Issues Committee
Enquiry into End of Life Choices**

Submission to the Committee

Submitted by:

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To the Committee Members,

I am not a resident in Victoria but I would like to present some of my views in respect to voluntary euthanasia in the hope that they may be of some assistance to the Committee in their considerations. My submission does not directly address the individual terms of reference – but is aimed at presenting a summary of the “for and against” arguments on this matter, and some comments relating to them.

I have had personal experience of the need for VE. Some years ago a woman who worked with me was diagnosed with terminal cancer. She had serious pain [despite the best that palliative care could offer] and requested VE – but as it is illegal in South Australia nothing could be done. She lived for another 3 miserable months. It was after this experience that I took an interest in the pros and cons of VE and became convinced that, in similar circumstances, everybody should have the right to choose how and when they die.

What do I consider is an ideal design for a system for voluntary euthanasia?

Voluntary euthanasia should be a medically assisted or induced and painless death at the request of and in the interest of a patient in which prescribed safeguards are followed. The patient must be suffering from an incurable disease that is seriously affecting their quality of life and for which there is no treatment available which is acceptable to the patient. * The patient must be of sound mind or must have left clear directions requesting voluntary euthanasia in the event that they are unable to give informed consent.

Although developments in medical science have greatly expanded the ability to alleviate suffering and maintain an acceptable quality of life, there are still many situations in which this is not successful, even with the best possible palliative care. In many cases the side effects of treatment for a patient with a terminal illness may be unacceptable to the sufferer and distressful to their loved ones.

Voluntary euthanasia is an option of last resort when palliative care can no longer meet the patient's needs.

[* definition sourced from SA Voluntary Euthanasia Inc]

There should be a right to choose.

A person with a terminal illness that is severely affecting their quality of life, should be able to choose when to end their life and the manner in which it is ended. They should also be able to legally receive medical assistance to do so.

Legislation, incorporating adequate controls against abuse, should be passed to provide medical assistance for anyone in this situation to voluntarily end their life.

What are the benefits of VE

VE provides many benefits – both now and if you were to develop a terminal illness. The main benefits include: [1]

- ***Peace of mind:*** there could be reassurance in knowing that if you were unfortunate to develop a terminal illness, you would have the means to end your life before it became unbearably painful or your quality of life is lost. The affect that a long terminal illness could have on your family may also be an important issue.
- ***Removing suffering:*** although modern palliative care is often of a high standard there are cases when it is either not completely successful in removing suffering, or the side effects of pain relieving medication become unacceptable to the patient. VE can be an option of last resort – to be resorted to when palliative care can no longer meet the patient's needs.
- ***The right to choose:*** a person suffering from a terminal illness should have the right to choose how and when they die. It is their life: does anyone else have the right to dictate how their life ends?
- ***The cost:*** Although the welfare of the patient is the main issue, the cost to the health services should be mentioned. The question could be asked as to why a person suffering from a terminal illness should be kept alive against their wishes, sometimes for extended periods, at a significant cost to the health system.
- ***There is strong community support for VE:*** The results of various surveys over a long period indicate that most Australians support some form of VE. A survey conducted by Newspoll in 2009 indicated that Australia wide, 85% were in favour of VE, 10% were against and 5% were unsure. [5]

What are the problems perceived by those opposing VE?

To fully understand this issue it is also essential to examine the main reasons why some people oppose VE. Information relating to opposition to VE indicates that the following appear to be the main issues [2].

- **Palliative care:** some consider that modern palliative care is sufficient to adequately remove suffering. Information from Palliative Care Australia advises that “If patients do experience pain, in almost all cases it can be relieved”. [3] Some also believe that the introduction of VE may reduce the provision of palliative care.
- **VE leads to a “slippery slope” that leads from voluntary to non voluntary euthanasia:** some believe that VE legislation could be subject in the future to incremental changes that eventually leads to non voluntary euthanasia. There is also some belief that VE could be applied to persons who are not terminally ill.
- **VE would put vulnerable people at risk:** there is a belief by some that people in some situations [eg with mental impairment] could be at risk from relations [perhaps beneficiaries] who may pressure them to request VE.
- **VE is against the Hippocratic Oath:** some claim that doctors are unable to administer medication for VE because of their oath. This would place an unreasonable burden on medical practitioners if they were required to take part in VE procedures.
- **VE could become a means to contain the cost of health services:** patients who may linger for a considerable time before dying could be expensive for the State health services. VE would reduce this cost and some are concerned that this may induce the State to encourage or expand euthanasia.
- **Problems with legislation:** some believe that it would not be possible to draft legislation that would ensure any system of VE is not abused.
- **Religious beliefs:** some people with religious beliefs believe that VE is against the teachings of their religion. By way of example, one web site includes the statement - “The push for mercy killing is pagan. Christians and all reasonable people must oppose it” [4]. Many websites opposing VE appear to have a religious base.
- **The moral issue:** there is belief that deliberately ending a human life is immoral.

Some comments on the perceived problems.

- **Palliative care:** There appears to be some agreement with respect to palliative care. Those in favour of VE claim that not all suffering can be removed. Those opposing VE claim that almost all suffering can be removed.
- **Vulnerable at risk:** It is claimed that some vulnerable people could be put at risk with a system of VE. Adequate safeguards against this occurring can and would be incorporated in the necessary legislation.
- **Hippocratic oath:** It is claimed that VE is against the ancient Hippocratic Oath. It is considered that this would be a rather biased interpretation of this oath and does not represent the spirit or intent of the oath. In addition, very few medical schools require students to take this oath. The Faculty of Medicine at Adelaide University for example uses an oath it has developed that does not appear to prohibit a doctor being involved in a legal VE process. Most modern medical schools are likely to be similar.
The Australian Medical Association Code of Ethics states that a doctor should - "Remember the obligation to preserve life but when death is deemed to be imminent and where curative or life prolonging treatment appears to be futile, try to ensure that death occurs with dignity and comfort". [6]
Various surveys in the medical profession have indicated a high level of support for VE. A 1988 survey in Victoria indicated 62% of doctors surveyed believed that VE was sometimes right. [7]
- **Problems with legislation:** The normal process of drafting a Bill and having it pass through Parliament would provide sufficient checks and balances, as with any new legislation. Every Bill before parliament is open to careful scrutiny, discussion and possible amendment before becoming law. It would be harsh criticism of the parliamentary process if legislation could not be developed that ensured adequate safeguards were in place.

Additional points for consideration

- Over a number of years there have been in the vicinity of 20 Bills presented to parliaments in Australia that have attempted to legalise VE. All have failed with the exception of one Northern Territory Bill that was passed and became the "Rights of Terminally Ill Act. 1995". The Federal Government overturned this act in 1996. Given the consistent and increasing high level of support for VE in the community, the continual rejection of attempts to legalise it raises the question of "why". The results would appear to indicate that politicians are being subjected to strong and effective lobbying.
- VE is legal in some European countries and several states in the U.S.A.

- Religious and moral issues appear to be a significant component of opposition to VE. These are personal matters that each individual must take into consideration and individually decide. VE is voluntary and obviously no person should be forced to use it, particularly if it is against their beliefs. It can also be argued that a person should not be prevented from using VE because it is against someone else's beliefs. In a voluntary system the choice would be up to the individual. A survey in South Australia in 2002 indicated that a high proportion of respondents [ranging from 81% to 74% over different religions] who nominated as having a religion, supported VE. [8]
- Assisted suicide is illegal under the current law in South Australia.
- Those opposed to VE are entitled to their views, but their views should not prevent the majority from having the option of VE available to them if they find they have the need and choose to use it. Those opposing VE do not have to use it.

Thank you for reading my submission and I hope it has been of some assistance in your task.

Regards

Keith Usher

SOURCES

- [1] Information in favour of VE - the SA Voluntary Euthanasia Society.
- [2] Information on opposition to VE - various web sites.
- [3] Brochure – “What is Palliative Care?” Palliative Care Australia
- [4] Priests for Life website, para 4.
- [5] Newspann survey on behalf of Dying With Dignity NSW. 2009
- [6] AMA Code of Ethics, 2006 para 1.4.1.
- [7] Kuhse H. & Singer P. Doctors practices and attitudes regarding. VE 1988. Med.J Aust. 1988,148:623-627.
- [8] Morgan Poll, South Australia, 2002