



# DYING WITH DIGNITY

## Defending your right to choose

### Legalising access to voluntary euthanasia

The significant majority of Australians support the right of terminally ill people to end their lives on their own terms. The Greens believe we should respect the wishes of individuals facing ongoing pain and suffering in the grip of terminal illness, and provide the choice of a dignified, pain free death.

Voluntary euthanasia is an emotive topic and has been an ongoing debate in Australia for some time. With more than 75%<sup>1</sup> of Australians supporting the right of a terminally ill person suffering pain to choose a dignified death, it is now time that Australia respected that right and legalised access to physician assisted euthanasia.

The Greens believe our laws should reflect the wishes of individuals with terminal illness who suffer ongoing pain and suffering. Legislation has been adopted in certain US States, the Netherlands, Switzerland, Belgium and Luxembourg to protect autonomy and human dignity while upholding the value of human life and safeguarding against abuse. It is time the Australian Parliament passed similar laws.

#### > DYING WITH DIGNITY

In the last term of parliament, the Australian Greens introduced draft Dying with Dignity legislation, based in Section 51(xxiiiA) of the Constitution, which allows the Commonwealth to legislate for the provision of medical services. There were over 700 submissions to the inquiry into the Bill from advocates and individuals. We have listened and, after further consultation, the Greens will introduce revised legislation after the election, to ensure Australians have the legal right to a dignified death.

#### > ACCESS TO PHYSICIAN ASSISTED EUTHANASIA

The Greens will bring forward legislation to ensure that terminally ill people experiencing intolerable pain, suffering or distress can choose to die a peaceful and dignified death at the time of their choosing by receiving assistance from a medical practitioner to end their life.

Their last weeks or months with their loved ones will be free from the burden of worrying about how bad things might get, about how late they can leave action, and about who will help them in the end. Our plan will allow patients, their families and

their doctors to talk more openly about end-of-life choices when suffering becomes too great. Dying with Dignity is about giving the ultimate choice to dying people, who deserve whatever control they can exercise over their suffering when they are nearing the end of their lives.

Support for Dying with Dignity is strong around the country and is growing in the Australian Parliament, and the Senate inquiry into the legislation recommended a conscience vote on any legislation relating to the issue of Dying with Dignity.<sup>2</sup> The Greens will work to build consensus to ensure Australian's rights are respected and legalised.

#### > ENSURING SAFEGUARDS

Dying with Dignity legislation will provide legal access to physician assisted euthanasia and include strong, effective safeguards.

A terminally ill person wishing to access physician assisted euthanasia would have to be examined by two independent medical practitioners. They must be of sound mind, making an informed decision to proceed, and do so free from duress. The patient would be able to change their mind at any time, and all physician assisted deaths would be subject to review.

Crucially, the Dying with Dignity framework would not force any health professionals to participate in assisting people to die. No health care provider—whether it be a doctor, nurse, palliative care centre or hospital—would be under any obligation to participate.

#### > RESTORING TERRITORY RIGHTS

In 1997 the Federal Liberal Government even legislated to prevent the ACT, the NT and Norfolk Island from being able to pass laws on voluntary euthanasia.

<sup>1</sup> <http://www.abc.net.au/news/2016-05-25/vote-compass-euthanasia/7441176>

<sup>2</sup> Senate Community Affairs Committee, [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/Dying\\_with\\_Dignity](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Dying_with_Dignity)

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The Greens believe the people of the ACT and NT should have the same rights as other Australian citizens, particularly when it comes to important issues like dying with dignity. The current Commonwealth restriction discriminates against the Territories and treats the people of the ACT, NT and Norfolk Island as second-class citizens.

That's why we introduced legislation into the Federal Parliament to hand back the right to legislate on this issue to the Territories in the last Parliament, and why we'll continue to advocate for it to pass after the election. The Greens' legislation has support from MPs and Senators across party lines and we will continue to work to ensure the Territories' rights are restored.

## > RESPECTING END-OF-LIFE CARE WISHES

Some opponents of voluntary euthanasia have suggested that it would remove our obligation to provide people with the best possible care at the end of their lives. Access to physician assisted euthanasia is not a substitute to end-of-life care, but rather an additional option for those who are enduring ongoing suffering that cannot be adequately relieved as a result of their terminal illness.

The Greens believe health is an investment, not a cost, and are strong advocates for ensuring that Australians have the best possible healthcare at all stages of their life. We know that there are some shortfalls in delivering best practice end-of-life care in Australia. In particular, we know that doctors often report not being aware of patient wishes.<sup>3</sup> As well as working to provide Australians with legal access to voluntary euthanasia, the Greens would also support measures to encourage conversations between patients, and their families and doctors about individual preferences for end-of-life care, and greater utilisation of Advance Care Planning.

Coupled with greater awareness of end-of-life care wishes, access to physician assisted dying with dignity will ensure the rights and wishes of Australian patients with terminal illness can be appropriately met.

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<sup>3</sup> Royal Australasian College of Physicians (RACP) Position Statement: Improving Care at the End of Life: Our Roles and Responsibilities. <https://www.racp.edu.au/advocacy/policy-and-advocacy-priorities/end-of-life>