

From: Dr Noel Keith Roberts
Sent: Friday 4th April 2008
To: Legal and Constitutional Affairs Committee
Subject: Inquiry into the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008

Committee Secretary,
Senate Legal and Constitutional Affairs Committee
Department of the Senate
Email: legcon.sen@aph.gov.au

Dear Sir/Madam,

I oppose the above bill, that proposes to repeal the *Euthanasia Laws Act 1997*,

The Parliament of Tasmania, after extensive consultation with the community, issued a report in 1998 on the need for legislation on Voluntary Euthanasia. The committee made the following recommendation with which I concur:

1. The Committee found that the legalisation of voluntary euthanasia would pose a serious threat to the more vulnerable members of society and that the obligation of the state to protect all its members equally, outweighs the individual's freedom to choose voluntary euthanasia.
2. From the evidence presented the Committee found that in the majority of cases palliative care was able to provide optimum care for suffering patients.
3. The Committee recognises that in a small percentage of cases palliative care is ineffective in relieving all pain; however, whilst this is regrettable it is not sufficient to legalise voluntary euthanasia.
4. The Committee found that there is a need for greater resources to expand and improve the quality of palliative care services.

Other bodies have raised similar objections to the push for legalisation of Voluntary euthanasia.

The US Supreme Court on June 26, 1997 makes the point that there is a very "real risk of subtle coercion and undue influence" in the end of life circumstances, and that vulnerable groups in our society, including the poor, the elderly and disabled will be at risk from abuse, neglect and mistakes should euthanasia become legal.

The House of Lords' *Report on Medical Ethics (UK) 1994* makes a most telling case against Euthanasia, both voluntary and non-voluntary: "The prohibition of intentional killing is the cornerstone of law and social relationships. It protects each of us impartially, embodying the belief that all are equal. To create an exception to the general prohibition of intentional killing would inevitably open the way to its further erosion whether by design or by the human tendency to test the limits of any regulation."

Evidence from the Netherlands shows how easily "voluntary euthanasia" becomes involuntary. In that country 55% of euthanasia deaths for 1990 were without the patient's request. (J. Keown, *Bioethics Research notes* 6 (1) 1994, 1. For a more detailed discussion see *Euthanasia, Ethics and Public Policy: an argument against legalisation*, Cambridge University Press 2002 by John Keown.

I urge the committee to reject *Inquiry into the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008*

Yours Sincerely

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