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7 April 2008

Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Re: Inquiry Into The Rights Of The Terminally Ill (Euthanasia Laws Repeal) Bill 2008

Dear Committee members,

I write to express dismay on behalf of Pro-Life Victoria that the Federal Parliament may vote on a proposal that would have as its primary purpose and outcome that 1995 Northern Territory legislation on euthanasia would be put back into operation (I refer to Schedule 1 clause 2 in the above Bill).

Federalism is such that the issue of euthanasia has been tested carefully many times by various State governments. Governments all around Australia have carefully considered and ultimately rejected the prospect or legalising euthanasia. After some very extensive and thorough inquiries, legislators have recognised that the laudable practice of withholding overly burdensome treatment can be maintained without resorting to the homicidal intent which characterises euthanasia.

It is our hope that the Federal Parliament will not consider legislation that would effectively reintroduce voluntary euthanasia in the Northern Territory. If such legislation were to be considered, we trust that the Federal Parliament would want to be informed by a very thorough inquiry.

The Bill proposed by Mr. Brown would mean that the Federal Parliament would not even be involved in drafting or amending the key clauses of the euthanasia legislation. It would amount to an abrogation of responsibility and would seem absurd for the Federal Parliament to forgo the appropriate legislative drafting and simply allow existing Northern Territory legislation to come back into force as it stands.

The 1995 Northern Territory legislation has been thoroughly discredited by the assessment of the Federal Parliament and also by a review of its operation that appeared in the *Medical Journal of Australia* in 1998 (*Kissane DW, Street A, Nitschke P. Seven deaths in Darwin: case studies under the rights of the Terminally Ill Act Northern Territory, Australia. Lancet 1998; 352: p1097-1102*).

As detailed in the abovementioned review, the Northern Territory legislation proved to be poorly drafted and open to abuse during its period of operation in 1995-96. Its intended safeguards against abuse and protection of the innocent and vulnerable very quickly proved inadequate.

The legislation was correctly viewed as requiring that the Federal Parliament protect Australians from its consequences.

The voluntary euthanasia legislation passed by the Northern Territory Parliament in 1995 had serious ramifications for all Australians. It was therefore inappropriate that the small number of representatives for the relatively small population of the Northern Territory were able to introduce legal euthanasia to Australia. The legislation passed by one vote and the Northern Territory has no house of review in its Parliament.

The Northern Territory Parliament ought not to be empowered again to legislate to bring the practice of legalised euthanasia to Australia (section 3 of the Bill would ensure this empowerment).

It is of additional concern that the Northern Territory legislation was passed despite strong and widespread opposition from leaders within its indigenous population. For the Federal Parliament to act now to put euthanasia in place without reviewing and amending the clauses in the Northern Territory Act could be viewed as an injustice that has great impact on the indigenous population.

As specifically stated in clause 2 of Schedule 1, the passage of the abovementioned Bill by the Federal Parliament would have more devastating implications than simply empowering the Northern Territory Parliament to legislate on euthanasia. It would also bring back into operation the 1995 Northern Territory legislation in exactly the same form and without any review. The legislation would still fail to provide for patients to be offered good medical care prior to a request for euthanasia being acted upon. This is the legislation that was rightly considered so unacceptable when the Federal Parliament last reviewed this matter. It is notable that no other Australian State Government has put in place legislation of this kind and we believe no government anywhere in the world has done so.

The legalisation of euthanasia is frequently promoted emotionally on the basis of the most difficult cases but particularly on this issue, hard cases would make bad law. The legalisation of euthanasia would increasingly encourage the elderly to see themselves as a burden. Euthanasia would destroy both life and dignity in more ways than is commonly appreciated.

The best palliative care physicians see a request for euthanasia as invariably being a cry for help. Terminally ill patients commonly face higher risk of depression and this is more often the case if their medical treatment and pain relief is in need of improvement.

Inquiries into these issues have presented many positive recommendations such as the promotion of palliative care. The emphasis of palliative care techniques in hospice programs is to control pain and distressing emotional symptoms when medical treatment of a curative nature is no longer of any avail and the terminal stage has been reached.

We do not believe that the Federal Parliament should be pursuing discussion of euthanasia and assisted suicide given the findings of State Government Inquiries but it would be inappropriate for the Federal Parliament to consider such dangerous legislation without being informed by a thorough inquiry.

It would be helpful if the current inquiry could also add its support for initiatives to improve the care of the terminally ill and to emphasise that a request for euthanasia should always be an indicator that requires a further effort to ensure that the best medical possible care is being provided.

Yours faithfully

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Pro-Life Victoria