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**RIGHTS OF THE TERMINALLY ILL - REFORMING THE LAW
BACKGROUND PAPER**

February 1st 1995

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Preparation of the private member's Bill "Rights of the Terminally Ill" follows searching thought about the rights of those who face a painful death and the dilemma that faces them and their medical advisers on the question of whether or not to actively terminate life.

Society has, through the laws in place today, made an assessment for all of us -- that our quality of life, no matter how wretched, miserable or painful is never so bad that any of us will be allowed to put an end to it. I am not prepared to allow society to make that decision for me or those I love.

This bill is fundamentally about rights.

Under current law in the Territory anyone who assists another to hasten their death will be punished no matter what the circumstances are.

It is inappropriate for the state to adopt a paternalistic stance towards its adult citizens or restrict their freedom through the enforcement of a particular moral point of view.

The focus of this legislation is to give those who suffer, the **right** to choose a death with dignity, to bring to an end the torture many endure on their death-bed, and for that to be done legally, without fear of prosecution, for those doctors or nurses who may assist a patient in this desire.

I am keenly aware that in other forums this issue has been debated for many years, and usually such debate has been inconclusive because it has split the medical community, drawn opposition from religious leaders, and, as a consequence, the emotion generated within the community has caused politicians to back away.

I am sure that the discussion will be heated in this debate, both within the Assembly and outside, and I ask those who involve themselves in it to apprise themselves of the content of this Bill, and not to reject this measure outright for emotional reasons.

I urge those who enter the discussion to avoid the irrational and to first understand that this Bill does not provide a carte blanche for euthanasia.

It is restricted solely to adult patients who are terminally ill and able to make a judgment for themselves after advice from their doctor.

Elsewhere, the introduction of euthanasia legislation has often foundered on the argument that the termination of a patient's life must actively involve a doctor, and of course that position divides medical opinion because it conflicts with the basis of medical ethics which is: "First, to do no harm."

And yet there is a body of research, statements on the public record by doctors, and anecdotal knowledge within the community which all confirm that when deemed appropriate some doctors actively and humanely terminate life.

They do so currently with some legal risk.

In this Bill, the intention is to protect the medical profession by proposing a solution to this dilemma that faces the profession.

That is, on the request of the patient doctors may provide the means for terminating life, and the administration of those means can be either done by the patient or the doctor.

Importantly, this Bill provides specific protection of the right of a doctor or other health care provider to refuse to be involved in terminating life at a patient's request. It will also be illegal to pressure a doctor to take part against their will.

This bill is about rights and choice.

If for religious reasons termination is an anathema to some, then the Bill does not apply. It simply gives those who desire to make a choice the right to make it.

Points to consider in the debate ahead include:

The Guarantee of Liberty

The liberty to live one's life is meaningless unless it entails the liberty to end one's life. Legalising voluntary euthanasia would guarantee the right to quit an existence which has become insupportable.

Euthanasia is not murder

There is a universal ethic against murder, which is the *involuntary* killing of one person by another. Voluntary euthanasia is a far cry from murder, although both involve death. In voluntary euthanasia, the patient desires death and does not regard this as wrong or unethical.

Torture, the deliberate infliction of pain and suffering, is also universally ethically condemned, yet many patients' dying days can be likened to torture.

Fact of morality

Modern technology allows life to be extended for the sake of extension, without any thought for the quality of the life extended. Perhaps the theory is that if life is longer, it is automatically better.

Medical profession

Medical staff are human. They hate seeing patients suffer needlessly. But doctors know that under the present system, they stand a good chance of being disbarred and jailed if they relieve patients of their burden. If voluntary euthanasia was available, they would be spared the torment of this ethical dilemma.

Relieves the emotional burden

People should not imagine that the victims of a terminal disease don't know the suffering which their prolonged agony causes their relatives. Frequently they know it better than anyone, and the knowledge makes their condition more painful. Voluntary euthanasia provides a way out; a means of ending intolerable anguish, both for terminally ill patients and for those who care for them.

Religious considerations

The views of the churches and their followers in opposition to any form of euthanasia is acknowledged and their rights respected. No individual who opposes voluntary euthanasia is required to have anything to do with it. Religious opposition should not deny others the right to make their own decisions.