

## **Inquiry into the need for laws in Western Australia to allow citizens to make informed choices regarding their own end of life choices.**

Submission by Hon John Kobelke JP

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### **Palliative Care**

The availability and quality of palliative care is a crucial issue in end of life choices. Both my parents died after lengthy illnesses; one in a designated palliative care unit, the other in quality aged care home. This ensured that their final hours were in comfort with control of their pain and suffering. Palliative care can in some cases be provided so as to allow a person to die in a home setting if that is their wish. Death is a reality we all must face. It is a part of life's journey which can hopefully be met with support from caring medical professionals and the loving attention of family and friends. Palliative care provides this opportunity.

When the drugs used to control pain shorten the life of the patient this is not euthanasia. The intent is clearly to relieve pain not to end the life.

I hope that the work of your committee will lead to the expansion of, and improve access to, quality palliative care.

### **Protecting Human Life**

I oppose legalising the killing of people for supposed "humane" reasons. If the State sanctions euthanasia, it is my firm view that it will create more problems in our community than those it proposes to alleviate. As a modern society we have been over decades enhancing the protection of human life and striving to have the dignity of each individual respected. To now legalise the killing of people in particular circumstances is counter to our progress in protecting human life over recent centuries.

This progress is evidenced in:

- The abolition of the death penalty,
- Campaigns to try and prevent suicides,
- Criminal penalties for Homicide covering various subclasses of killing,
- Campaigns to end family violence,
- Requiring our armed services to follow stringent Rules of Engagement
- Higher standards for animal welfare.

Euthanasia requires an accomplice in one form or another. One or more people are likely to aid the person to commit suicide or by their inaction becomes an accomplice. However well-intentioned, such people are involved in causing the death of another person. For a doctor this is counter to their sworn oath to protect and support life. The complexities this raises are better elucidated by the medical profession.

If the law of the State sanctions killing of another human being, either self-administered or by an accomplice to a suicide, then the legal framework established to protect life is seriously eroded.

### **The significance and finality of ending a person's life**

The legalised killing of another person cannot be reversed if after the event new information questions the validity of the judgement made to snuff out a life. In other jurisdictions that have framed euthanasia laws, there has generally been a range of criteria to try and draw the line between "humane" killing and unlawful killing. Having spent 24 years in the State Parliament I am very well aware that all legislation has unforeseen consequences. The most strident present example is the planned advantage to the state of Western Australia of introducing a Goods and Services Tax (GST).

Where personal interest of one form or another is involved, people invariably “game” the system. Loop holes will be opened up or boundaries stretched to allow things never intended by the original law-makers. It is folly to pretend that conditions seeking to protect people from misuse of euthanasia laws will not be undermined or expanded in scope. Will disabled people, in an economic rationalist world, be seen as a financial burden and best euthanased to save money for the taxpayers or greedy relatives? It would be foolhardy to believe that conditions placed in any euthanasia law will stop future abuse and expansion of the conditions for killing a person.

The finality of euthanasia leaves no opportunity to undo a poor or mistaken decision.

### **Our Epidemic of Suicides**

Australia, and Western Australia in particular, has a horrendous rate of suicides. Governments and dedicated community groups are working to prevent suicides. Any law that legalises assisted suicide runs completely counter to trying to stop people from taking their own life. How can you convince a person so depressed as to wish to end it all that they should not, but at the same time encourage another person to do so? To place a euthanasia law on the statutes is to encourage people to use it. It would encourage people to suicide. Again, the technicalities of a law that tries to discriminate between different classes of people wishing to end their life, will often mean nothing to a person in the depths of pain and despair. The public perception of laws, what they mean and how they are supposed to work is always for many seen differently from the intended view of the law makers.

### **Informed Consent**

Euthanasia laws will seek to require informed consent by the person whose life is to be terminated. This raises a multitude of difficulties and opportunities for thwarting the intent of conditions set by the law.

When a person loses the competence to make legal decisions will they still be a candidate for euthanasia if they have delegated this power by an Advanced Health Directive or other means?

If through an established process a person legally consents to the termination of their life at a future time and then slowly loses the competence to make legal decisions, how can there be certainty that they have not changed their mind?

A euthanasia law may require one or more medical practitioners to certify that the patient meets the required criteria for euthanasia. This will not always be free from error or bias. While the medical profession is rightly held in high regard due to the dedication and care given by most doctors, not all live up to the required standards. This is evidenced by the regularity with which a very small number of doctors are charged with various offences.

When the drugs regulated or designated for the purpose of euthanasia are more readily available through their increased legal use it will be more difficult to prevent them being obtained and used outside the provisions of the law.

### **Elder Abuse**

While serving as a Member of Parliament and since I have encountered examples of serious elder abuse in our community. Friends or even close family members will take advantage of people who are less competent due to age and infirmity. Currently our laws and services fail to provide adequate protection for the victims of elder abuse. While using euthanasia to kill someone in order to take control of their estate would be a criminal offence outside any proposed law, the bullying threat of it becomes another weapon for abusing an infirm relative.