

The Principal Research Officer
Select Committee on End of Life Choices
Legislative Assembly
Parliament House
PERTH WA 6000

eolcc@parliament.wa.gov.au

Joint Select Committee on End of Life Choices

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

This submission aims to explore some of the concerns if a “no need” for introduction of laws approach were adopted and therefore aims to highlight the urgent need for legislative reform for the benefit of terminally ill competent adults and their loved ones, the medical professionals who care for them and for giving confidence to all citizens that we live in a true democracy.

Without the introduction of End of Life Choices laws terminally ill competent adults continue to have no choice regarding their own end of life. This will persist to result in

- Some terminally ill patients dying in extreme pain and suffering since even the best palliative care is unable to relieve all symptoms in all patients as admitted by Palliative Care Australia.
- Some terminally ill competent adults taking their own life prematurely in often brutal and always lonely circumstances so as not to implicate others and burden them with potential legal prosecution

This is highlighted by the tragic death of Order of Australia recipient and former president of Palliative care WA Mr Clive Deverall when he took his own life on election day earlier this year leaving a note stating “Suicide is legal, euthanasia is not”.

For family and loved ones of terminally ill competent adults doing nothing will continue to result in

- Lifelong psychological and emotional trauma for some due to helplessly witnessing the needless suffering of their loved one.
- Psychological trauma and guilt about the inability to have offered comfort and care when their loved one has taken their own lives in addition to bearing witness to the result of the often brutal method by which they die.

When no laws are introduced for Western Australian citizens to make informed decisions regarding their own end of life choices some medical professionals continue to

- Feel helpless to provide appropriate care for fear of being implicated in their patients' death
- Use the doctrine of double effect to warrant their actions whereby it is resolved that death was not intentional but as a result of ensuring patient comfort (For example provision of high dose pain relief) It is well known that this situation is not uncommon and open to the discretion of the medical professional and not by the choice of the terminally ill patient.
- Find themselves in a situation where they face legal prosecution for providing compassionate care.

This is highlighted by the criminal investigation of Dr Alida Lancee for her involvement in the death of a terminally ill patient.

If no laws are introduced there should be great concern for the democracy in which we live. In a true democracy we all have a say on important issues through our elected members who represent us. In view of the overwhelming public support for end of life law reform (83% WA speaks poll 2014) the introduction of laws in Western Australia to allow citizens to make informed decisions regarding their own end of life choices should be inevitable.

It is important to note that Western Australia is by no means a forerunner in the area of end of life law reform. A robust system to allow terminally ill competent adults the choice to end their suffering has been introduced in a number of countries around the world years ago.

It is high time Western Australia follows suit by providing medical professionals with a legal framework and ending the needless suffering of the most vulnerable members of our society, the terminally ill for it is their suffering, their life and our laws should afford them this choice.

To Western Australia's elected members "It would be unconscionable if you didn't".

Derek Westera