WA JOINT SELECT COMMITTEE ON END OF LIFE CHOICES

Hearing Friday, 13 April 2018

Witness Marshall Perron

Response to questions taken on notice.

a.

During the interview I was asked by Mr Gorian, "*What redress options did your Northern Territory law include in the event that these requirements were breached?*". Mr Gorian was referring to legislative provisions in the Act that stated the applicant must act voluntarily, without coercion, be informed, and multiple medical opinions given to confirm diagnosis.

Separating redress from penalties, as Mr Gorian did, there is no redress for family or friends in the event that a death was hastened and one or more of the eligibility requirements was not met. Obviously, one cannot be brought back from the dead.

Similarly, there can be no redress in cases of medical neglect or incompetence, such as when a patient dies in surgery, where treatable illness is misdiagnosed and results in death, or where death results from errors with prescription drugs.

The anecdote that "surgeons bury their mistakes" no doubt rings true in some cases.

Having regard to the illegality of the action, there is also no redress in cases where doctors intentionally hasten the death of dying patients without their consent, or family consultation.

While I have not investigated, I do not believe any of the legislation in permissive jurisdictions has provision for redress in circumstances as asked by Mr Gorian.

b.

Mr Gorian also asked me, *"Might a relative have a better understanding on whether somebody was under duress than a practitioner who meets the person for the first time in a brief consultation?*"

I respond by pointing out that eligibility requirements in proposed bills (including cooling off periods) would mitigate against a doctor 'signing off' compliance in a single brief consultation.

END