

## **Submission to the Victorian Government Ministerial Advisory Panel on Assisted Dying**

This submission is made in response to the **Voluntary Assisted Dying Bill Discussion Paper**

<https://www2.health.vic.gov.au/about/publications/researchandreports/voluntary-assisted-dying-bill-discussion-paper>.

We, the undersigned, make the following points against assumptions and questions posed within the above named document:

1. In line with the World Health Organisation (WHO) definition and the Australia and New Zealand Society of Palliative Medicine (ANZSPM) Position Statement, the provision of Palliative Care does not include the practice of euthanasia or physician assisted suicide. Furthermore, the provision of a medication to deliberately end a life is not an extension or logical consequence of good clinical practice. To help a person to end their life is not a medical treatment.

The speciality of Palliative Care neither hastens nor defers death. We concentrate on clarifying the medical goals that best ensure the overall welfare and quality of life of the person and their carers. If legislation were to approve assisting people to end their lives, any such 'assistance' should not be considered part of the provision of Palliative Care. Doing so would only distort community understanding of the role of Palliative Care and create ambiguity about what is ethical and optimal medical treatment.

2. The Inquiry Committee's final document on end of life choices makes forty-nine (49) recommendations to ensure the adequate care of those approaching the end of their lives.  
[https://www.parliament.vic.gov.au/file\\_uploads/LSIC\\_pF3XBb2L.pdf](https://www.parliament.vic.gov.au/file_uploads/LSIC_pF3XBb2L.pdf)  
These recommendations include addressing societal stressors, resource and health systems issues, the need for greater and more consistent Palliative Care provision and respite, as well as inadequacies around the support of the vulnerable and their families or carers.

It is incongruous and precipitous that the last of the recommendations (physician assisted suicide) is the focus of attention. Until the other 48 recommendations are adequately realised, those seeking euthanasia or physician assisted suicide may well be doing so because they feel they have no other choice open to them.

Overseas experience has demonstrated that where euthanasia or physician assisted suicide is permitted by law individuals may be less likely to seek appropriate choices for their care, including Palliative Care, out of fear of coercion. The proposed legislation actually infringes upon

the autonomy of those most vulnerable in ambiguous health care and legal systems, and this infringement extends to those with disabilities and mental illness, as well as the aged. Actions should be concentrated on the adequate care of those approaching the end of their lives.

Lastly, recommendation 49 relies on a determination of eligibility for 'voluntary assisted dying' by a selection committee or panel. It follows that the individual's choice, even if not coerced, will be trumped by the decisions of other people.

3. It is dangerous to try to re-define the criminal law in terms of a definition of 'unbearable suffering' and 'serious and incurable condition' in order to frame safe guarding provisions. Overseas experience has demonstrated repeatedly that changes to the law as originally framed have been gradually extended or changed, that regulation and reporting is often inadequate, and that definitions of concepts like 'unbearable suffering' and 'serious and incurable condition' are so arbitrary, that it is impossible to demonstrate that safe-guards would work or be impartially or consistently used. Specific concerns include the re-definitions of what activity is decriminalised, and what constitutes consent and medical practice. Re-definition in these areas represent a seismic shift in how a society views individual lives, the potential harms and impacts to patients, carers/families, and in the role of the clinician.

Consent is a dynamic and relational process, which evolves over time. In our experience, views about and requests for death often change or desist over time or with adequate care. In any case, there should be psychiatric assessment for depression or adjustment problems which are common, not only in those nearing end of life, but also in many of our society, and in those experiencing losses or significant transitions in life. Any right to consent to euthanasia or physician assisted suicide should not be extended to substitute decision makers, nor accepted as part of an Advance Care Directive in a subsequently impaired individual.

4. Patients with life-limiting illness should have the opportunity to *experience* Palliative Care, not merely to have it offered as an alternative. They should also receive further opinions about management of their medical condition from the appropriate specialties involved in their care, as well as assessment of their social situation.
5. Lastly, clinicians involved in the care of vulnerable individuals, or in the care of those at their end of life in mainstream medicine, should not be involved at any level in the judicially sanctioned role or process to end their life. The power differential in the clinician/patient relationship and the transference and un-due influence that may be experienced by individuals in an ongoing therapeutic or dependent relationship cannot be over-estimated.

**Signed by:**

1. **Dr Maria Cigolini** MBBS FRACGP FACHPM Grad.DipPallMed, Clinical Director Palliative Care RPAH Sydney, Chris O'Brien LifeHouse Cancer Centre & USyd
2. **Dr Annmarie Hosie**, Post-doctoral Research Fellow, University of Technology Sydney
3. **Prof Douglas Bridge** BMedSc(Hons) MBBS FRACGP FACHPM DTM&H, UWA & Royal Perth Hospital Past President RACP AChPM
4. **Dr Megan Best** PHD MAAE BMed(Hon) ClinDipPallMed GradDipOHR, UND
6. **Prof Sinead Donnelly** FRCPI FRACP FACHPM, CCDHB & Victoria University
7. **Prof Jane Phillips** RN PhD FACN, Director, ImPACCT – Improving Palliative, Aged and Chronic Care through Clinical and Translational Research, Professor Palliative Nursing, Faculty of Health, University of Technology Sydney
8. **A/Prof Melanie Lovell** MBBS PhD FRACP FACHPM, Clinical Director Greenwich Hospital & USyd
9. **Dr Simon Allan** MB ChB MD FRACP FACHPM FRCP (Edin.), President RACP AChPM
10. **Prof Ian Oliver**, Professor of Translational Cancer Research Director Sansom Institute for Health Research I Dean Research Strategy Division of Health Sciences, UniSA
11. **Prof Roger Woodruff** MBBS FRACP FACHPM, Founding Member RACP AChPM, Board Member and former Chairman International Association of Hospice and Palliative Care
12. **Prof David Kissane**, Director of Psychiatry Faculty of Medicine & Health Sciences, Monash University Palliative
13. **A/Prof Josephine Clayton** MBBS PhD FRACP FACHPM, Director National Advance Project & USyd
14. **A/Prof Richard Chye**, Clinical Director St Vincents & Sacred Heart PCU Sydney, UNSW
15. **A/Prof Natasha Michael** MBChB FRACP FACHPM MRCPI MRCP MSc Clinical Director Cabrini Health & UND
16. **Dr Scott King**, Clinical Director of Calvary Health Care Bethlehem
17. **Prof Katherine Clark** MBBS MMed PhD FRACP FACHPM, Clinical Director of Palliative Care NSLHD, Uni NC
18. **A/ Prof Eleanor Flynn** MBBS BEd MTheol DipGerMed FRACGP FRACMA, UniMelb Faculty of Medicine, St Vincent's Melb

19. **Dr Rebecca Chapman** MA MBBChir DTM&H FRACP FACHPM, Bendigo Health Vic
20. **Prof Roderick Macleod**, Director Hammond Care & USyd
21. **Prof Peter Ravenscroft** AM MD FRACP FFPMANZA FACHPM Newcastle University
22. **Prof Paul Glare** MBBS MM FRACP FACHPM FAFPM MA(Appl. Ethics), Director Pain Management Research Centre, Pain Chair USYD
23. **Dr Melanie Benson**, G.DipPallMed FRACP FaChPM, Peninsula Health, VIC
24. **Dr Merlina Sulistio** MBBS BMedSc FRACPBM Cabrini Health, VIC
25. **Dr Robyn Marie Keall**, Nurse Practitioner, Palliative Care, Greenwich Hospital and Community Services
26. **Dr Anthony Herbert**, Clinical Director Palliative Care, Lady Cilento Children's Hospital, QLD
27. **Felicity Burns**, Acting Director of Nursing & Operations Manager, Braeside Palliative Care Unit
28. **Dr Adrian Dabscheck** FRACP FACHPM, Western Health, Vic
29. **Michelle Griffiths**, Nurse Unit Manager, HammondCare
30. **Kathryn Bennett**, Nurse Practitioner, Eastern Palliative Care
31. **Maureen Fields** RN, Director, Ten Years Younger Home Care
32. **Jacqueline Mazzer** Clinical Nurse Consultant Palliative Care, St John of God Subiaco Hospital
33. **Dr Leeroy William**, BSc(Hons) MBBS MSc FACHPM Eastern Health & Monash Uni
34. **Rachel Mupariwa**, Registered Nurse, Palliative Care, Neringah Hospital
35. **Marichell Beltran**, Registered Nurse Instrument and Circulating Nurse, Western Sydney Local Health District
36. **Dr Betty Pin Man Chung**, Lecturer in Nursing, Polytechnic University
37. **Mrs Bronwyn Heron**, Palliative Care Clinical Nurse Consultant, Anglicare Sydney
38. **Teresa Assen**, Research Assistant, Centre for Cardiovascular and Chronic Care, Faculty of Health, UTS, Sydney
39. **Philippa Cahill**, PhD Candidate, UND, School of Medicine
40. **Joan Ryan**, Clinical Nurse Consultant Palliative Care, Royal Prince Alfred and ChrisO'BrienLifeHouse Cancer Centre
41. **Jacqueline Mazzer**, Clinical Nurse Consultant Palliative Care, St John of God Subiaco Hospital Dr Mil Chan: North Adelaide, SA
42. **Dr Louis Christie** Clinical Stream Leader Orange Hospital Western NSW Pall Care Service, NSW
43. **Dr Derek Eng** MBBS FRACGP FACHPM Perth UWA & WA
44. **Dr Suharsha Kanathigoda** FRACP FACHPM Canberra, ACT
45. **Dr Martin Kennedy** MBBS FRACP FACHPM Lady Davidson Calvary Hospital Sydney, NSW

46. **Dr Amanda Landers** Palliative Physician UOtago,
47. **Dr Lynn Lim** MBBS FRCP FACHPM, RPAH ChrisOBrien LifeHouse, Dubbo/Lourdes Service, NSW
48. **Dr Yvonne McMasters** MBBS FRACGP Pall Med Specialist & Activist, NSW
49. **Dr Wendy Muircroft**, MRCP FACHPM Southern Adelaide SA
50. **Dr Riona Pais** MBBS FRACP FACHPM, RPAH ChrisO'Brien LifeHouse Cancer Centre & UNSW
51. **Dr Lawrie Palmer** MBBS, FRACGP, FACHPM, MPH Director Northern Adelaide Clinical Service & UA,
52. **Dr Laura Pearce** FRACP FACHPM Director Palliative Care, South Coast NSW
53. **Dr Sarah Thompson** FRACGP FACHPM, HammondCare, Sydney NSW
54. **Dr Sarah Wenham** MRCP FACHPM Broken Hill Hospital Western NSW
55. **Alison Parr** MBBS FACHPM FRACP FRCP(UK) MS, St John Of God Healthcare, Murdoch
56. **Dr John Dudley Bonifant** MB.ChB., FRNZCGP, FACHPM
57. **Dr Michael Bolton** AM, MBBS, FACHPM, FACHAM
58. **Dr Meg Sands** FRACP FACHPM, Prince of Wales Hosp & UNSW
59. **Dr Nella Maria Pisasale** MBBS BHA FACHPM FRACMA AFCHSE, Peter MacCallum Cancer Centre
60. **Dr Geraldine Lake** MBBS, FRACGP, FACHPM, Hammond Care
61. **Dr Gillian Rothwell** MBBS, FRACGP MSpMed FACHPM, Grad.DipPallMed, Sydney Adventist Hospital
62. **Dr Alice Phua** MBBS FACHPM, Nedlands WA
63. **Dr Helen-Anne Manion** OAM, MB BS, D.Pall.Med.(UWCM), FFACHPM, Cancer Care Home Hospice
64. **Dr John Gerard Manion** , Cancer Care Home Hospice
65. **Dr Mark Deuble** MBBS Dip.PallMed (Melb University) FACHPM, Princes Alexandria Hospital QLD
66. **Dr Amy Yoke Yee Chow** MBChB FRACGP FACHPM, Pall Med Consultant
67. **Dr Angela Plunkett** FACHPM FRACGP MPH, Pall Med Consultant
68. **Dr John Ralph McConaghy** MBBS DRACOG FRACGP MPH MMed FACHPM AFRACMA, Medical Director Palliative Medicine Service Wesley Hospital Brisbane
69. **Dr Ashwin Davray** MBBS FRACP, Nedlands WA & UND
70. **Dr Jus Rakhra** MBChB FRACP DCHDr, Blacktown Hosp, NSW
71. **Dr Amanda Landers** FRACP FACHPM, Palliative Physician, NZ
72. **Dr Graham Grove** MBBS Hons FRACP FACHPM BTh, Palliative Medicine Physician, QLD
73. **Dr Lourdes Tilde** MD FPCP Liverpool Hospital NSW
74. **Dr Barbara H Martin** MBBS(Melb) FRCOG FRANZCOG FACHPM Palliative Physician

75. **Dr Kaye Basire** MBChB FACHPM, Palliative Physician
76. **Dr Lucy Kernick** RACP AChPM Trainee, Melb
77. **Dr David R Bell**, MBBS FRACP Oncologist Northern Cancer Centre, RNSH Sydney
78. **Dr Stephen Begbie** MB.BS FRACP Medical Oncology and Palliative Care, Port Macquarie NSW
79. **Dr Philip Redelman** MBBS FRACGP FACHPM, St Vincents, Sacred Heart and Wolper Private Hospitals, Sydney
80. **Dr John Dudley Bonifant** MB.ChB., FRNZCGP, FACHPM, Palliative Physician
81. **Dr Martina Welz** FRACP, Cabrini & Monash University
82. **Dr Janine Winters** Palliative Medicine Specialist (USA and New Zealand)
83. **Dr Peter Roach** MBBS FRACGP, Hammond Care, Sydney
84. **Dr Devi McAlpine**, Eastern Health Vic
85. **Dr Melissa Jessop** MBBS, FRACP Adolescent Young Adult/Paediatric Cancers
86. **Dr Catherine Mary Byrne** MBBS FRNZCGP DipPallMed, DipOG, DipPaeds, Pall Med Specialist
87. **Dr Vicki Tai** FRACP FACHPM, Palliative Physician
88. **Dr Cate Hayes** B.Med(hons)DRCOG(UK)
89. **Dr Grace Walpole** BA, BSc, MBBS (Hons), DRANZCOG, Clin Dip Pall Med, FRACGP, Richmond Vic
90. **Dr Akhtar Ghani** MBBS FRACP FACHPM, Palliative Physician
91. **Dr. Ashwini Davray** MBBS FRACP, Nedlands & UND, WA
92. **Dr Cheryl Melissa Johnson** BHB MBChB,FRACP ClinDipPM, Dir .Pysician Education, Aukland
93. **Dr Salina Iupati** MBChB FRNZCGP FACHPM, Palliative Consultant
94. **Dr. Ian Gwynne-Robson** MD (Toronto) CCFP FCFP FACHPM, Wellington
95. **Dr Alicia Ward** BSc BMBS(Hons) FRACP FACHPM, Central Adelaide, SA
96. **Dr Maziar Fahandej** BMBS FRACGP FACHPM, Melbourne Vic
97. **Dr Anil Tandon** MBBS FRACP, Sir Charles Gardiner Hospital WA
98. **Dr Siew G.Tan** MBChB, Te Omanga Hospice
99. **Dr Leonie Zadow** MBBS, FRACP, FACHPM Central Adelaide, UniSA
100. **Dr Janine Winters**, Pall Med Specialist Otago, NZ