

Submission into the Voluntary Assisted Dying Bill 2021

Submission No.: 568

Submitted by: St Kevin's Parish Pastoral Council

Publication: Making the submission and your name public

Position: I/We do not support the Voluntary Assisted Dying Bill

Comments in relation to: Eligibility criteria* ,Safeguards,Conscientious objection by either individuals or entities

Attachments: See attachment

Submitter Comments:

Submission on behalf of the St Kevin's Parish Pastoral Council, Geebung to the Queensland Parliament Health and Environment Committee – Inquiry into the Proposed Voluntary Assisted Dying Bill 2021

The St Kevin's Parish Pastoral Council in Geebung, Queensland wishes to express concerns on the proposed Voluntary Assisted Dying Bill 2021. From the outset, the Catholic Church, and this parish strongly oppose this bill. In addition, there have been some key aspects of the bill that the Parish Council wishes to make comment about, including flaws in various safeguards and provisions that are present in the bill itself.

First and foremost, opposition to this bill has been expressed by the Archbishop of Brisbane in his initial statement when the decision was made to introduce the proposed bill to the Queensland Parliament. Archbishop Coleridge has stated in his statement that firstly, instead of focusing efforts on promoting Palliative Care, the government is focused in promoting Euthanasia. Additionally, the Archbishop has pointed out that Indigenous Australians were also failed to be consulted regarding the introduction of this bill. Finally, the Archbishop has identified that in regional, remote and rural areas, Queenslanders living there might not have a choice to choose Palliative Care due to the lack of funding or availability of such services, with this bill being pushed as the only “option”.¹

In addition to this, the Australian Medical Association believes that Doctors should not be involved with any procedures regarding the end of a person's life, which includes Euthanasia. Underpinning the reasoning behind the position of the AMA is the principle of “Primum non nocere”, or to do no harm to any patient. The AMA, like the Catholic Church also urges Governments to invest more in resources for End of

¹ Mark Coleridge, 'Statement from Archbishop Mark Coleridge: RE Queensland Premier's Announcement on Draft VAD Legislation', *Archdiocese of Brisbane* (18 May 2021).

Life Care and Palliative care services.² The council strongly endorses the views of the Archbishop of Brisbane and the Australian Medical Association and urges more funding for Palliative Care and End of Life care, especially in regional areas of Queensland instead of pushing through this Voluntary Assisted Dying bill.

Although the draft bill contains a section in which there is a provision in which Registered Health Practitioners can conscientiously object to participate in the Voluntary Assisted Dying scheme, the council takes issue with a section in the draft bill that compels the same registered health practitioners to refer any persons seeking information or assistance about Voluntary Assisted Dying to either another Health Practitioner or a Voluntary Assisted Dying navigator service.³ The council believes that a conscious objector should not be compelled to provide or disclose such information to a person. Instead, a provision could be inserted into the bill that instead allows the health practitioners to discuss options like Palliative Care and End of life care to a patient, without having to disclose any options or referrals to other Health Practitioners or Navigator services that will participate under Voluntary Assisted Dying.

Even though health practitioners are not compelled to participate in the Voluntary Assisted Dying scheme itself, the very notion of compelling the Health Practitioner to refer the patient to another doctor or Navigator service that would perform the procedure would still compel the person to be forced to “participate” in this scheme by the very act of referring the patient to a Health Practitioner or Navigator Service who allows Voluntary Assisted Dying. This has been backed up by submissions made by Catholic Health Australia and the Royal Australasian College of Physicians to the Queensland Law Reform Commission’s drafting of the bill.⁴ Furthermore, the council

² Australian Medical Association, *AMA Position Statement - Euthanasia and Physician Assisted Suicide* (2016) Positions 1.6 and 3

³ Voluntary Assisted Dying Bill 2021 (Qld) cl 84 (2)

⁴ Queensland Law Reform Commission, *A Legal Framework for Voluntary Assisted Dying* (No 79, May 2021) Section 14.133.

has noted, together with the Catholic Leader that these conscientious objection provisions do not apply to aged care and health care providers. Furthermore the Catholic Leader, a Queensland Catholic publication notes that in Rural and Regional areas of Queensland, that faith based organisations like the Catholic Church are the only providers of these services to the community.⁵ This is also included in Catholic Health Australia's submission to the Queensland Law Reform Commission in which they state that entities, as well as the practitioners working within the said entities are bound to certain ethical codes and frameworks (including ethical codes specifically used by Catholic Health Services).⁶ The council believes that all health providers, together with the practitioners themselves should be allowed to conscientiously object to Voluntary Assisted Dying and be allowed to present options like Palliative care and end of life care, all consistent within their ethical frameworks these providers and practitioners operate under.

In a submission made to the Queensland Law Reform Commission into Voluntary Assisted Dying, Catholic Health Australia has suggested that more robust protections with conscientious objections be put in place to this bill, should this pass. One such recommendation include the ability for suffering people to access health and aged care institutions and services where there is a guarantee that there would be no pressure for the person to access Voluntary Assisted Dying.⁷ The council strongly agrees with this suggestion and should the bill pass, would at least offer some solace to people who are opposed to Voluntary Assisted Dying that a robust provision like this would be included.

Another provision that this Pastoral Council has concerns over is the very fact that

⁵ Mark Bowling, 'Queensland Labor Government to Introduce Voluntary Assisted Dying Bill', *The Catholic Leader* (18 May 2021).

⁶ Queensland Law Reform Commission, *A Legal Framework for Voluntary Assisted Dying* (No 79, May 2021) Section 15.70

⁷ Queensland Law Reform Commission, *A Legal Framework for Voluntary Assisted Dying* (No 79, May 2021) Section 15.77

Mental Health is a factor in whether a person is entitled to be allowed to access the Voluntary Assisted Dying scheme. In this draft bill, “suffering” in order for a person to qualify to access this scheme is defined as “physical OR mental suffering”⁸. In addition, although the bill in itself states that a person suffering only mental illness would not be eligible to access the Voluntary Assisted Dying scheme, it does state that a person with mental illness still MAY be eligible to access the Voluntary Assisted Dying scheme⁹. The parish council does have issues over this provision because there is evidence that this legislation can be exploited under these provisions. The Archbishop has identified that Elder Abuse in particular, as well as the vulnerability of Queenslanders would increase the risk of unintended deaths occurring under the scheme.¹⁰

Although in the bill there are numerous provisions regarding protecting people who wish to access this scheme from undue influence and coercion, the council still believes that some exploitation of this can occur from the scheme. This can occur from deliberate and direct exploitation like for example, Elder Abuse as mentioned earlier to some more indirect and nuanced means of exploitation like the person undertaking Voluntary Assisted Dying undertaking the procedure not because the person is voluntarily accessing this scheme because of the suffering alone, but rather to ease the burden on family members looking after the person who is suffering. This is where Palliative and End of life care must be promoted at all costs.

A final provision of the bill that this council has concerns over would be the provisions regarding Residency Exemptions, especially those regarding Queensland Residency Exemptions. Under the proposed bill, it is proposed that exemptions be granted under compassionate grounds if a person has “a substantial connection to Queensland”, which includes persons who live on the Queensland border, or to people

⁸ Voluntary Assisted Dying Bill 2021 (Qld) cl 10 (2a)

⁹ Voluntary Assisted Dying Bill 2021 (Qld) cl 13 (1)

¹⁰ Mark Coleridge, ‘Statement from Archbishop Mark Coleridge: RE Queensland Premier’s Announcement on Draft VAD Legislation’, *Archdiocese of Brisbane* (18 May 2021).

who work and/or receive medical treatment in Queensland, or even to people who live outside Queensland but has either been a former resident or have family living in Queensland.¹¹

The council is concerned that this provision could be exploited and used as a back door to people who live in jurisdictions where Voluntary Assisted Dying is not yet legal but nevertheless, can be accessed by those people who meet this provision. The council is concerned especially with the example stated in the bill in which people who may not even live in Queensland but has family living in Queensland would be allowed to access the scheme.

In conclusion, this Council remains opposed to this proposed Voluntary Assisted Dying Bill. The Catholic Church, together with the AMA strongly advocate that Palliative Care, as well as End of Life care should be promoted at all costs over giving the choice of Voluntary Assisted Dying to persons who are suffering. We believe that the sanctity of life is very important and must be protected at all costs. We are concerned that should this Voluntary Assisted Dying bill pass, that this scheme will be exploited and not be used for the very purposes it was intended to perform, which would be to offer “choice” to people who are suffering. We hope that all members vote with their own personal conscience free from undue influence from lobby groups, certain parties and other external influences.

¹¹ Voluntary Assisted Dying Bill 2021 (Qld) cl 12 (2)