



Speech by

**ELISA ROBERTS**

**MEMBER FOR GYMPIE**

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Hansard 2 April 2003

**CRIMINAL CODE [PALLIATIVE CARE] AMENDMENT BILL**

**Miss ELISA ROBERTS** (Gympie—ONP) (8.41 p.m.): I rise to speak in support of the Criminal Code (Palliative Care) Amendment Bill. The principal objective of this bill, I believe, is to remove the possibility of a medical doctor, or any other person acting on a doctor's instructions, being charged with a criminal offence as a result of administering palliative care to patients who are in the palliative phase of an illness.

For those who are unfamiliar with the exact meaning of 'palliative', it means to alleviate without curing. This distinction is important in relation to this bill so that people are aware that this is not just about ending people's lives because they have had enough or are depressed or even because of severe pain. This is not about euthanasia.

Although I have not experienced it, I am told by women who have given birth that the associated pain can be excruciating, but I am sure that no woman would want to be given pain-killers that could ultimately lead to death. The point I am trying to make is that when a patient reaches the palliative care stage of their illness it means that there is no cure. It is not a one-off painful experience such as appendicitis, for example, which, once the appendix is removed, is alleviated. This is about permanent and chronic pain. Therefore, it is only humane to ensure that the last weeks, days or hours of that person's life are as comfortable and pain free as possible.

I have great admiration for doctors and nurses who are faced with the dilemma of wanting to alleviate a patient's suffering, as well as that of the family, when they are in fear of prosecution if they prescribe enough morphine, for example, to stop the pain of the patient, knowing that the levels needed to stop that pain could mean the death of the patient.

Every individual has their own level of tolerance of pain. What may work for one person may not work for another. One of my father's doctors told me that the amounts of morphine my dad could tolerate before he died would have killed the average person, yet my father continued to be in pain because the doctors felt they could not legally give him the amount he needed to stop his pain without killing him. At the time I did not care; I wanted someone to stop my father's pain and I did not care what the consequences were. Looking back, I can see why the doctors were hesitant. Anyone in their position would have been.

This is why I support this bill. Anyone who has ever witnessed the fear and the suffering of someone, as I did with my father, would have absolutely no hesitation in supporting this bill wholeheartedly. Honourable members should remember that this bill is in no way associated with euthanasia. The people this bill refers to are already dying.