

5 November 2020

The Hon. Peter Gutwein MP
Premier of Tasmania
Level 9, 15 Murray Street
HOBART TAS 7000
E: premier@dpac.tas.gov.au

Dear Premier,

RE: Calvary Health Care's concerns regarding the End of Life Choices (Voluntary Assisted Dying) Bill 2020

After being rejected by the Tasmanian Parliament in 2017, the adoption of Voluntary Assisted Dying (VAD) legislation is again before you.

What is different this time is that the new Bill is being debated at a time of COVID-19 pandemic and two Royal Commissions, each dealing with many examples of neglect and abuse of vulnerable people reliant on aged care and disability services in Australia.

As Chair of the Little Company of Mary Health Care (LCMHC) Board and a Director of the LCMHC Board, respectively, we speak to the notion of ensuring compassionate care for a human being above all else. Calvary is a significant provider of health care and community care services in Tasmania. We are a Catholic health and aged care organisation whose services have served the Tasmanian community for over 100 years. Our national LCMHC Board has always had a Director who resides in Tasmania.

We operate four hospitals in Hobart and Launceston and a network of community care services. Our dedicated role in the Tasmanian community is to care for and alleviate the suffering of those in need.

Calvary acknowledges the very difficult task before Honourable Members to make good decisions on behalf of all Tasmanians. Accordingly, we wish to register the very serious concerns we have with the *End of Life Choices (Voluntary Assisted Dying) Bill 2020* currently before the Parliament, and present our case for the need to first hold a public inquiry into end of life choices for Tasmanians before any VAD legislation is considered.

Importantly, and given the Bill has been significantly amended in the Legislative Council, we strongly recommend the need for—at the very least—a renewed and independent process of community and expert consultation.

Any person requesting help to terminate their life is an especially vulnerable human being. How we accurately identify, understand and address the suffering of individuals belonging to this especially vulnerable group must be our collective focus.

Mr Paul Santamaria QC recently observed, “It is one thing to respect personal autonomy; it is quite another to pass legislation where vulnerable members of the community may be led into a VAD death not by a genuine exercise of personal autonomy, but rather because they feel pressured to agree [whether directly or indirectly through subtle social pressure]—or, worse, are actually unaware of the nature of the process being undertaken [by interested third parties] “for” them.”

Calvary agrees with Mr Santamaria's concerns. These kinds of concerns are front and centre in the ongoing work of the Royal Commission into Aged Care Quality and Safety and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

We must ask ourselves: have we done enough to mitigate against the real and present risk of elder abuse in our community; minimise the suffering associated with advanced disease; and ensured quality services to support ageing and dying with dignity before we allow people to give up on themselves and before we effectively give up on them, rather than fighting incisively and pointedly for the precious gift of life, and life with quality and meaning?

Surely there are other things, other areas formed on the principles of compassionate and genuine care that require immediate and dedicated work in Tasmania.

One area, for example, is the much needed expansion of high quality palliative and end of life care services, across all of Tasmania, to adequately address the suffering of the 20% – and growing – number of Tasmanians aged 65 years and older as they develop serious life limiting diseases and approach end of life. What message does the Parliament risk sending to ageing Tasmanians by preferencing access to a medically assisted death over investment in expanding and improving quality and access to palliative and end of life care services as outlined in the *Tasmanian Palliative Care Policy Framework 2017-21*?

Given Calvary's and others' concerns with the Bill before you and your colleagues, we respectfully request that you consider the need for a thorough and transparent public inquiry into end of life choices in Tasmania and, critically, access to appropriate palliative and end of life care services, regardless of geographical location and socio-economic status.

Such a public inquiry last took place over 20 years ago, in 1997, with the Parliamentary Inquiry into the Need for Legislation in Tasmania on Voluntary Euthanasia for the Terminally Ill. The subsequent Tasmanian House of Assembly Community Development Committee Report, published in 1998, found:

- While the individual cases may present a strong case for reform, the obligation of the state to protect the right to life of all individuals equally **could not** be delivered by legislation that is based on subjective principles;
- There is evidence to suggest that abuses of the current prohibition on active voluntary euthanasia **do occur** and Tasmania may not be immune to such abuses;
- That the Committee does not consider the legalisation of voluntary euthanasia as an appropriate solution to abuses that may be occurring in the current system; and
- That the codification of voluntary euthanasia legislation **could not** adequately provide the necessary safeguards against abuse.

A new inquiry would allow for Tasmanians to better understand their choices at end of life as well as the services available to them, and the gaps in need of dedicated work to improve; its findings would support a more holistic and considered approach to care of people at the end of life; and – if a VAD Bill were to be developed as a result (which we do not advocate) – that its scope would be well defined, less likely to be misused as a substitute for inadequate care, and its operation well governed with adequate safeguards to protect vulnerable people from the abuse and coercion we know can and does occur.

Similar processes have been recognised and adopted as a critical component by other jurisdictions examining their own VAD legislation. Such an inquiry, similar to those conducted by other states and territories in recent years, would support more rigorous examination of the needs and gaps in services for Tasmanians at end of life by virtue of engaging, for example, a variety of experts in the fields of health, aged and in particular end of life care provision, peak bodies and advocacy groups, and critically, members of the Tasmanian public.

In our work across six states and territories in Australia, we have developed considerable expertise in providing effective palliative treatments to care for those who are terminally ill and provide a positive end of life experience for them, their families and significant others in the community.

We oppose this and any proposed VAD legislation in Tasmania. We do not believe assisting a suffering person to end their own life addresses that suffering. Rather, it ignores the complex physical and psycho-social causes of a person's suffering at end of life; suffering that can so often be addressed and relieved with the appropriate high-quality palliative care. Our shared challenge, as it has always been, is to continue to find better ways to address the real and often difficult to determine reasons for seeking an assisted death. This is now, as much as it has ever been, our commitment to Tasmanians.

If the Bill is passed, Calvary will not participate in Voluntary Assisted Dying.

We respectfully invite you to consider our call for a public inquiry into end of life choices in Tasmania. Such an examination would only serve to strengthen the democratic process, and expand and improve end of life services for all Tasmanians.

Calvary will seek to assist the Parliament in any way Calvary can, and would welcome the opportunity to meet with you, or any of your colleagues, if required.

Please direct any questions you may have to Calvary's National Director of Mission, Mark Green:

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Yours faithfully,



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cc: The Hon. Sarah Courtney MP – E: minister.courtney@dpac.tas.gov.au