

Assisted Dying in Australia: A Values-based Model for Reform

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Introduction

Assisted dying demonstrates starkly the tensions and traumas of health law as Australia, like jurisdictions around the world, wrestles with proposed changes to make voluntary euthanasia and/or assisted suicide lawful. Tensions are evident in the entrenched and opposing policy positions of individuals and organisations about whether reform should occur. And even those advocating for a change in the law will disagree about what should and should not be permitted and how a permissive regime should be regulated. These different positions are often driven by different ideological perspectives and are embedded in deeply held personal values and beliefs.

Assisted dying debates raise issues of trauma too. In our sophisticated health system which boasts a very high standard of palliative care,¹ death is generally well managed with the patient's pain and symptoms being adequately controlled. Yet, this is not always possible. There is trauma for a small cohort of people whose suffering (whether physical, psychological or existential) cannot be satisfactorily alleviated and who seek assistance to die. This trauma can extend to their loved ones and their treating teams.

The debate over whether we should reform our law on euthanasia and assisted suicide has been particularly prominent in Australia over recent years. We have seen Bills drafted in all but one Australian State,² parliamentary committee inquiries,³ police

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1 The Economist Intelligence Unit, *The 2015 Quality of Death Index: Ranking palliative care across the world* (2015) 7, 15, 23, 26, <<https://www.eiuperspectives.economist.com/sites/default/files/2015%20EIU%20Quality%20of%20Death%20Index%20Oct%2029%20FINAL.pdf>>.

2 Lindy Willmott et al, '(Failed) Voluntary Euthanasia Law Reform in Australia: Two Decades of Trends, Models and Politics' (2016) 39(1) *University of New South Wales Law Journal* 1, 11.

3 Most recently, see the Joint Select Committee on End of Life Choices which was established by the Western Australian Parliament on 23 August 2017, <<http://www.parliament.wa.gov.au/Parliament/commit.nsf/WCurrentNameNew/023DFCF05E82695948258186001A2106?OpenDocument>>. See also the review of end-of-life choices in Victoria: Legislative Council Legal and Social Issues Committee, Parliament of Victoria, *Inquiry into End of Life Choices Final Report* (June 2016), <https://www.parliament.vic.gov.au/file_uploads/LSIC_pF3XBb2L.pdf>.

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