EUTHANASIA – YES OR NO?

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You may have heard that Victoria is set to become the first Australian State to legalise euthanasia.

I was born and raised in the Netherlands, where euthanasia has been legalised since 2002 and personally, I support this legislation. There are two categories of euthanasia: the medical practitioner applies the lethal drugs, or provides the drugs to the patient, who administers it themselves. A third option, which is not considered euthanasia, is where the medical practitioner gives the patient pain reducing drugs rendering the patient unconscious who then eventually dies from natural causes.

Strict circumstances apply in which euthanasia is allowed and strict guidelines and procedures are to be followed. As long as these conditions and guidelines are adhered to, the medical practitioner is immune from prosecution (up to 12 years’ imprisonment for euthanasia and up to 3 years for assisting suicide). The immunity to prosecution only applies to a medical practitioner: not everyone can perform euthanasia or assist in someone’s suicide.

A patient can execute an advance directive indicating their wishes with respect to euthanasia to their medical practitioner and where a patient later suffers from dementia, such a prior advance directive is required before a medical practitioner is able to assist the patient.

Although the Dutch Termination of Life on Request and Assisted Suicide (Review Procedures) Act provides the ability to euthanise, a patient does not have an absolute right to it nor do medical practitioners have an absolute duty to perform it.

There are various guidelines, prepared by the Royal Dutch Medical Association, in relation to patients that have lapsed into semi-consciousness or suffer from dementia, or children. Each case of euthanasia must be reported to a regional review committee which consists at least of a medical practitioner, an ethicist and a legal expert. The committee then assesses whether all the guidelines have been met, rendering the medical practitioner immune from prosecution.

Recently, a review committee was established with its final report presented in February 2016 concluding that the current legislation functions well. The current legislation does not allow for scope for assisted suicide for people who consider their life as completed, although there is no medical condition in these situations. The Dutch Government is of the view that there should be scope in these situations, with strict guidelines and preconditions. The Government’s letter to the House of Representatives was presented on 12 October 2016. Time will tell if and when the new legislation is to be implemented and whether Australia will be guided by this existing legislation.

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