

**Submission
No 58**

**INQUIRY INTO PROVISIONS OF THE VOLUNTARY
ASSISTED DYING BILL 2021**

Organisation: Church of the Flying Spaghetti Monster Australia

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Dear Committee,

We are a fast growing, but minority, religious group who believe in equality, freedom, safety and acceptance of everyone. We believe in celebrating the fact that each one of us is here. We believe that what any number of consenting adults do in their own time is none of our business. We believe we have a religious calling to point out and correct any bigotry we witness. We believe it is a really wonderful thing to want to help your fellow humans, and that when it comes to improving another's quality of life, every small advancement is precious.

Death is an emotional subject. It involves acknowledging our own mortality and the mortality of those we love. It is not a discussion that can be based in data and scientific facts. The only useful data we can bring to the table is that 100% of people die. We do not get a choice over the fact that we will die. All of us. For some people that death will be peaceful after a long and fulfilling life, but for other's it will cause unbearable suffering. Nobody wants to die. Nobody wants those who they love to die. However, sometimes the need to stop suffering overrides the basic instinct to avoid death.

This proposed legislation, if passed, will not cause one additional death. The eligibility safeguards in the proposed legislation only allows access to voluntary assisted dying ('VAD') if a person has a terminal illness and have been given 6 months to live, or 12 months for a neurodegenerative illness. The only people who would be eligible to access VAD are at the end of their lives. They are terminally ill; they are dying. All this proposed legislation does is allow that person the choice over how much suffering they are able and willing to endure, and to choose, if they wish, to not endure any more, on their own terms and in their own time.

Opponents of VAD argue that to terminate a human life intentionally 'crosses a line' and is a 'culture changing decision'. Humans, as a species, crossed that line a long time ago when we made 'rules or war' for when it was fine to kill other people. Before the cries of 'but this is different because those rules are about war and criminals', we

also already allow life support to be turned off by third parties, we stopped prosecuting people for attempting suicide and allow people to voluntarily refuse medical treatment leading to their death. This proposed legislation ensures more protection for vulnerable people, not less, by ensuring they seek the assistance of medical professionals and have their options fully explained to them in carefully controlled circumstances.

We're supposed to be discussing this proposed legislation, not the legislation of other countries. Attempting to make 'slippery slope' arguments in relation to other jurisdictions whose legislation was written differently is disingenuous and misinformed scaremongering. This proposed legislation is limited to people who are terminally ill. Some other jurisdictions have no such restriction of a diagnosis of a terminal illness for eligibility; their restrictions concern intolerable suffering.

With this proposed legislation the entire process for an individual to access VAD involves the oversight of at least two qualified medical practitioners, two witnesses to the individual voluntarily signing their consent, a powerful Board of 5 persons and ultimately the Minister and, in the case of self-administration of the substance, a contact person. This is a thorough and extensive set of checks and balances to assure that the person accessing the scheme is terminally ill and is seeking assistance voluntarily and without coercion.

Suicide is not illegal in NSW. Voluntary assisted dying should not be treated any differently. It's voluntary; it's not compulsory. Even if a terminally ill person chooses to obtain access to the medication, they also choose whether or not to use it. We have all heard stories about terminally ill people committing suicide. Methods vary, but they are all shocking and violent and done in secrecy for fear loved ones will be held accountable for assisting. Such deaths are lonely deaths.

Involuntary euthanasia already occurs in palliative care, people are given such large doses of medication in an attempt to lessen their suffering that the increasing level of dosage required renders them unable to sustain life. Sometimes, people are left suffering because the dosage of medication that would be required to ease their suffering is clearly a fatal dose, and the doctors involved do not want to risk prescribing such a high dosage in case they are accused of intentionally killing a patient. Leaving people to suffer is not compassionate, it is cruel.

This proposed legislation would formalise the process for the terminally ill into one dose in a short period of time, instead of a person's death being long, drawn-out suffering. With the extensive safeguards in this proposed legislation at least the person, their friends, their family, and the entire community can be assured that this was the person's voluntary choice, and not a choice foisted upon them by others. This proposed legislation provides multiple, sensible checks and balances to ensure that individuals understand fully their options, including palliative care, and that their decision of what to do with their own life is their own decision and not anyone else's.

People can presently choose to refuse treatment, including food and water, often leading to a lingering death. They die of things such as dehydration and malnutrition. These people have chosen that they want to die instead of continuing to suffer, but presently in NSW they have to suffer even more before their suffering ends. That is not compassionate. When palliative care fails to alleviate suffering it is not extending life, it is extending death. VAD doesn't change the fact these people are dying; it just changes how their deaths are going to be.

The Victorian Voluntary Assisted Dying Review Board, which was set up to report on the operation of the Voluntary Assisted Dying Act 2017 (Vic), released their fifth report in August 2021¹. In the two years since the legislation came into effect 488 people had died after they had received voluntary assisted dying permits to access medication. Of those 488 people 283 self-administered the medication, 49 people were assisted by a medical practitioner and 156 people died without using the medication. This is a very small percentage of all deaths in Victoria over that period.

Opponents of VAD often state that better funding for palliative care will allow people to die with their dignity without suffering. The Church of the Flying Spaghetti Monster Australia fully support that palliative care does need proper and full funding; it is an essential end of life service to assist people in the time before their death. Unfortunately, palliative care does not work for every individual. For this small cohort of individuals there should be the choice to not suffer. Of all the 900 applicants for a permit under the Victorian legislation, the vast majority (88.2%) were already accessing palliative care at the time of the application.

¹ 'Report of operations, January-June 2021' by the Voluntary Assisted Dying Review Board, August 2021. Available at www.bettersafecare.vic.gov.au/

Statistically, the amount of people who did chose to utilise the medication in Victoria shows that palliative care failed to alleviate the suffering of at least 332 people over a two-year period. It is not a large proportion of people, but it is 332 people that palliative care failed and who voluntarily chose death over continuing to suffer. Opponents of this proposed legislation, if they are being intellectually honest, will admit that palliative care works in the vast majority of cases. However, that means that for some people it does not work to alleviate suffering. The people that palliative care fails are the people this proposed legislation seeks to help.

As elected representatives of the people, decisions on passing legislation should give great weight to the will of the people. Don't limit other people based on your individual ideology. In 2019, 80% of Australians were in favour of legalised VAD. Of Catholics the number is 74%, of Anglicans the number is 78%². These Christians all, no doubt, believe that life is sacred, but also believe that relentless suffering should be alleviated and that legalised VAD, with adequate safeguards, is the compassionate answer.

May you be Touched!

R'amen,

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² Neil Francis, Religiosity in Australia Part 1: Personal faith according to the numbers, May 2021, Rationalist Society of Australia.