

# Euthanasia advocate Rodney Syme challenges medical board over assisted death



By Julia Medew  
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A Melbourne doctor is fighting for the right to supply terminally ill people with a lethal drug.

Rodney Syme, a Melbourne surgeon who says he has helped scores of sick people die peacefully, is challenging a Medical Board of Australia order that prohibits him from doing anything that has the "primary purpose of ending a person's life".



Dr Rodney Syme and Bernard Erica who is dying of tongue and lung cancer. Photo: Penny Stephens

In January the board took immediate action against Dr Syme after it was told he was planning to give a lethal drug to Bernard Erica, a 71-year-old Brighton man who is dying of tongue and lung cancer.

On Thursday, Mr Erica said he was furious about the board's intervention because it meant Dr Syme declined to give him a prohibited drug favoured by euthanasia advocates.



Bernard Erica this week. Photo: Penny Stephens

Dr Syme said the medical board alleged he posed a serious risk to Mr Erica and others and that "any action by a medical practitioner that has the primary intent or effect of bringing about the end of a person's life constitutes a significant departure from accepted professional standards and presents a significant risk to that person".

The 81-year-old urologist said he had employed John Noonan QC to appeal the order. A three-day hearing is set to begin at the Victorian Civil and Administrative Tribunal on Monday.

It comes as the Victorian government prepares to respond to a parliamentary inquiry report recommending physician-assisted death for people dying of terminal illnesses in some circumstances. The government's response is due by December 9.

Dr Syme said he planned to argue that his provision of a lethal drug to people with intolerable suffering was not done with the primary intention of ending their life, but rather to relieve suffering. This was consistent, he said, with the doctrine of "double effect" in medicine, which permits doctors to administer drugs or other treatments intended to relieve symptoms even if there is a secondary consequence of hastening death.

The doctrine applies to the provision of high doses of painkillers and sedatives at the end of somebody's life, which is sometimes referred to as "terminal sedation".

Dr Syme, the Vice President of Dying With Dignity, said a significant proportion of seriously ill people who are given a drug to end their lives do not use it, but live a longer, happier life knowing it is there as an option. He said the board's "assumption" that this was a significant departure from accepted standards should be challenged.

"There is a significant volume of evidence that doctors do help patients to die," he said.



Dr Syme and Mr Erica. Photo: Penny Stephens

Mr Erica said after he featured on *Australian Story* with Dr Syme countless people had contacted him offering support, including somebody who offered him the drug Dr Syme was planning to give him. He took up the offer.

While he plans to give evidence at the hearing next week, Mr Erica said he did not plan to see Christmas. The six-foot-one-inch tall man who now weighs about 60 kilograms said his throat was so painful he lived in a constant daze under high doses of opioids in the form of lolly pops, skin patches and pills.

He said he was constantly nauseous, struggled to taste food, and was now coughing up blood, possibly due to his lung cancer.

"Life should be about being able to imbibe, enjoy food, and have sex and well, that's all gone," he said. "My life is as miserable as hell."

Mr Erica said he had met with a leading palliative care specialist who said he could be made comfortable to die over several days with the help of several drugs. But he said he wanted a faster death at the time of his choosing, and that other people should be given the same option.

On Thursday, a bill to introduce voluntary euthanasia in South Australia was narrowly defeated by one vote. Leader of the Australian Sex Party and Victorian MP Fiona Patten said it showed political will was "at a tipping point" in favour of euthanasia laws.

President of Right to Life Australia Margaret Tighe celebrated the result in South Australia, but said she would have preferred to see more votes against it. Mrs Tighe said overseas experience showed euthanasia laws were dangerous and led to a slippery slope of including children, and people with mental illnesses and disabilities.

"The Netherlands are now considering it for people who are tired of life," she said.

"I seriously hope they don't contemplate it here."

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