



B.9 NSWNMA COUNCIL

Moved

Seconded

That the draft Position Statement on Assisted Dying be endorsed.

DRAFT POSITION STATEMENT ON ASSISTED DYING

This position statement has been drafted by the Professional Issues Committee and the relevant NSWNMA Professional Officer.

- This position statement has been adapted from the ANMF Position Statement on Assisted Dying.
 - Minor editing of the opening statement (in comparison to the ANMF position statement) was undertaken to assist the flow of information and to provide additional and current information.
 - The intention of this Position Statement, if endorsed by this Annual Conference, is to replace the NSWNMA Position Statement on Voluntary Euthanasia.
-

Draft Position Statement on Assisted Dying

Note

This position statement has been adapted from the ANMF Position Statement on Assisted Dying.

Assisted Dying

For the purposes of this position statement assisted dying is defined as the intervention by one person to end or to assist to end the life of another person with that person's informed consent and with the primary intent of relieving pain and suffering.

Assisted dying is a complex social issue which causes debate in the community. Those contributing to the debate include: providers of medical, nursing and midwifery care; those seeking to end their lives due to pain and illness; advocates for assisted dying; ethicists; religious organisations; and the broader community.

With a growing population of older people and those with a diagnosed terminal illness, existing laws in Australia continue to be debated and challenged. Although the Northern Territory in Australia was the first to introduce an assisted dying law - "The Rights of the Terminally Ill Act of 1996", within 18 months, the Commonwealth Government introduced a retrospective law that removed the right of the Northern Territory to make its own laws and the assisted dying law ended.

Presently, seven countries, including seven States of the United States of America, presently have legalised assisted dying. This means that over 100 million people in the world have full choice about what happens to them at the end of their life. None of them are Australians.

It is the position of the NSW Nurses and Midwives Association that:

- 1 Society's approach to assisted dying should be informed by the moral and ethical dimensions of:
 - respect for self-determination;
 - concern for quality of life; and
 - compassion for those who suffer.
- 2 Currently euthanasia is illegal in Australia. Registered nurses, enrolled nurses and registered midwives are required by both the law and their professional codes of practice and ethics, to practice within the law.
- 3 Refusal of medical treatment is not assisted dying and is legal. Adult patients with decision-making capacity have a common law right to consent to or refuse medical treatment which is offered to them.
- 4 We support advance care planning whereby individuals consider end-of-life decisions while they have the capacity to do so, and to provide instructions about their wishes for future treatment as direction for their family and health professionals. This is legal and does not necessarily restrict itself to decisions that would end life.

- 5 Our membership comes from diverse cultural, religious, and ethnic backgrounds, and our members hold a range of ethical views on the subject of assisted dying. Nurses, midwives and assistants in nursing have the right to hold their own opinion and for their opinion to be respected.
- 6 Registered nurses, enrolled nurses and midwives have a professional responsibility to stay reliably informed about the ethical, legal, professional, cultural and clinical implications of assisted dying.
- 7 Where a person expresses a wish for assistance with dying, nurses should be educationally prepared to discuss the legal and medical parameters of this request as well as other options available to the person or seek the assistance of knowledgeable health care professionals.
- 8 We have a role in providing nurses, midwives and assistants in nursing with information about issues related to assisted dying and providing a forum for members to debate those issues. Our role is also to participate in the broader public debate as an appropriate organisation to ensure that the nursing and midwifery voice is heard.
- 9 We will continue to participate in the debate and will ensure a critical nursing and midwifery voice is represented in the public and political domains.
- 10 In the event that assisted dying becomes legalised, nurses, midwives and assistants in nursing:
 - have the right to conscientiously object on moral, ethical or religious grounds, to participation or involvement in assistance with dying;
 - are protected from litigation where they are requested to assist with the process.
- 11 Irrespective of whether euthanasia is legalised, as a branch of the ANMF, the Association will continue to lobby for adequate resourcing of palliative care (including suitably qualified and adequate numbers of nurses and midwives) for those requesting and/or requiring palliation.
- 12 We support legislative reform so that persons with a terminal or incurable illness that creates unrelieved, profound suffering shall have the right to choose to die with dignity in a manner acceptable to them and shall not be compelled to suffer beyond their wishes.
- 13 Legislative reform must ensure that no individual, group or organisation shall be compelled against their will to either participate or not participate in an assisted or supported death of a sufferer.
- 14 Legislative reform must ensure that it shall not be an offence to confidentially advise a sufferer regarding a voluntarily chosen death, assist or support such a death, or to be present at the time of that death.

References

- 1 ANMF position statement 'Assisted Dying'.
- 2 Euthanasia – the Australian Law in an International Context', Natasha Cica, Research Paper 4 1996-97, Parliamentary Library, Parliament of Australia.
http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/RP9697/97rp4
- 3 Hunter and New England Area Health Service v A (2009) 74 NSWLR 88; [2009] NSWSC 761, Supreme Court of New South Wales.
<http://www.austlii.edu.au/au/cases/nsw/NSWSC/2009/761.html>

