



UnitingCare Australia

12 Voluntary Assisted Dying

That the Assembly resolve:

- (a) To request UnitingCare Australia to commence a twelve-month process of consultation and discussion across the life of the Church to discern the Church's approaches to voluntary assisted dying to be presented to the Standing Committee at a meeting no later than July 2019.
- (b) To request that the scope of the consultation include theological, ethical, social, pastoral, health, cultural and service aspects of the issue.

Proposer: Bronwyn Pike

Seconder: Mark Lawrence

Rationale:

The issue of Voluntary Assisted Dying is at the forefront in Australia at present. In November 2017 the Victorian Government passed a *Voluntary Assisted Dying Bill* which allows people with decision-making capacity, who are experiencing unbearable pain and suffering at the end of their life, to be able to access medical intervention to end their lives in certain and limited circumstances. Governments in other Australian states and territories are also considering this issue.

A number of Uniting Church service providers deliver medical and aged care services across Australia and are therefore likely to have requests for Voluntary Assisted Dying to be undertaken in those facilities. The Uniting Church in Australia does not currently have a national position on the issue. Therefore, it is essential that the Church considers its position on this issue to guide its service providers. It is recognised that for a considered decision to be made across the Church, time is required for prayerful discernment and thorough consultation.

To ensure that there is consistent information on this issue in relation to the Uniting Church and its services this paper provides below clarity around definitions, the current status of each state and territory government on the issue, information about the theology of dying and a summary of the work that has been undertaken on the topic within the Church to date.

Given that the Synod of Victoria and Tasmania will also be undertaking a similar process it is envisaged that these processes will work closely together.

Definitions

It is important to note that there are a number of terms used in this space including euthanasia, active voluntary euthanasia, assisted dying, physician assisted suicide and voluntary assisted dying. Each of these terms has a slightly different definition, particularly in relation to who administers the life-ending medication.

The Victorian *Voluntary Assisted Dying Act 2017* specifically refers to "Voluntary Assisted Dying" and defines this as "the administration of a voluntary assisted dying substance and includes steps reasonably related to such administration". There are a number of safeguards in the Act including a three-step process around medical assessment and the requirement for the patient to administer the drug themselves in all but a few instances.

In contrast, actions which allow a person to die naturally from their underlying disease are **not** Voluntary Assisted Dying. These include accepting a person's right to refuse medical treatment, to have treatment withheld or withdrawn, giving pain relief, which may also shorten life or withholding or withdrawing life support systems.

Legislation across Australia

Over the past 20 years there have been numerous attempts across states and territories to allow Voluntary Assisted Dying. The current status in states and territories is listed below:

Victoria:	In November 2017 the Victorian Government passed a Voluntary Assisted Dying bill.
South Australia:	In November 2016 a Death with Dignity bill failed to pass in the South Australian Parliament by one vote.
New South Wales:	In November 2017 a bill to legalise Voluntary Assisted Dying failed to pass the Upper House by one vote.
Northern Territory:	In May 1995 the Northern Territory passed the <i>Rights of the Terminally Ill Act 1995</i> . This was overturned federally in March 1997.
Western Australia:	In August 2017 the Western Australian Parliament set up a committee to look at the issue.
Tasmania:	In May 2016 a bill to legalise Voluntary Assisted Dying was defeated.
ACT:	An Inquiry into End of Life Choices in the ACT commenced in November 2017 with a report due by 29 November 2018.
Queensland:	No bills on this issue have been introduced to parliament to date.

Theology of Dying

The Uniting Church in Australia has been involved in the research and conversation about theology of dying over 20 years. It has persistently called upon the government to increase training of palliative care specialists and provide pastoral care to the staff and the families involved in end of life care. However, the Church embodies a diverse range of theological views on Voluntary Assisted Dying. Various discussions are often evolved around Christian understandings of dying and living.

Major theological issues can be summarised in the following:

- **Human dignity as a gift from God:** Each person is created equal in the images of the Triune God. (Genesis 1:26) Human dignity, though impacted by sins and shortcomings, is a gift of goodness to be celebrated even to the end.
- **Celebrating the individual in the community:** Human being is a relational being, life is more than an individual self. The inner life of the Trinity is formed in mutual relationship of love, in giving and receiving life from one another. In the process of dying, we are more aware that we are inwardly connected.
- **Accepting death as a part of life:** In Christian Baptism, death is accepted as a part of new life, as we die and raised to the newness of life with Christ (Romans 6:4).
- **Individual rights and God's companionship:** In the process of dying, neither individual nor God is solely responsible for giving and withdrawing life. In suffering God invites the dying to see the suffering Christ for the world, and calls the church to journey with the dying and the family through compassion.
- **Death and Resurrection:** Death is the end of bodily life, but also marks a new beginning in our relationship with God. Our hope for eternal life is rooted in Christ's death and resurrection for all people who recognise his lordship over death and death's domain. (Revelation 1: 17-18)
- **New Heaven and New Earth:** All created lives and things will be brought to the fullness through God's New Creation. "Death will be no more; mourning and crying and pain will be no more, for the first things have passed away". (Revelation 21: 1-6).

The Uniting Church recognises those complex circumstances in which our UnitingCare staff provide end of life (palliative) care daily. With their professional skills, human dignity is upheld, the individual is celebrated in the community, and the family is supported to the end. This ongoing conversation on Voluntary Assisted Dying will open a new horizon of ministry for the Church to reengage Christian

ethics in dialogue with the praxis. The dialogue between the Church and community services will bring in new understandings on this subject.

The Uniting Church in Australia – work done on this topic to date

- In 2012 a scoping paper on the topic of euthanasia was produced for the Assembly Standing Committee (ASC). The purpose of the document was to identify whether the ASC would further explore the topic. The paper was informed by a short survey of key people from the following areas of the Uniting Church: General Secretaries, theology, justice, bioethics, pastoral care, health and community services, Uniting Aboriginal and Islander Christian Congress, and multicultural and cross cultural. 71% stated that they believed the Uniting Church should develop a position on the topic.

Synod of Victoria and Tasmania

- Since 1992 the Synod has made a number of resolutions in relation to assisted dying but has yet to make a definitive statement regarding the topic.
- In 2002 the Bioethics Committee of the Synod of Victoria developed a paper titled: *End of life decision-making – Policy issues for UCA aged care facilities*.
- In response to the imminent changes to legislation in Victoria, the Synod has developed a consultation paper (September 2017) titled *Voluntary Assisted Dying/Suicide*. The paper provides details of the new legislation, a history of the Victorian' Synods work in this area and an overview of the diversity of Christian responses to the issue. The purpose of the paper was to collect submissions from across Church members around their view on the topic.
- In 2017 The Synod resolved:
 - (a) ***In the event of the Parliament of Victoria passing legislation to allow assisted dying/suicide, to request the Synod Standing Committee to initiate a process including, but not necessarily limited to, consultation with Uniting AgeWell, Uniting Victoria-Tasmania, the faculty of Pilgrim Theological College and the Assembly Standing Committee, and taking into account the feedback from the wider Church through the current consultation process in relation to this matter being conducted by the Justice and International Mission Unit, to present a report with proposal(s) to the 2019 Synod meeting regarding the Uniting Church in Victoria and Tasmania's response to the assisted dying/suicide legislation, including a position on how the Synod and relevant UCA institutions and staff should be asked to respond to such legislation; and***
 - (b) ***To support the recommendation of the Victorian Government Ministerial Advisory Panel on Voluntary Assisted Dying that any voluntary assisted dying legislation include a broad provision to allow all health professionals and facilities the right of conscientious objection to participation in such legislation.***
- In February 2018 the Victoria and Tasmania Synod Standing Committee authorised the Moderator and General Secretary to commence a process of consultation.

Queensland Synod

- The Synod of Queensland Bio-Ethics Committee 1996 Report titled *A Christian Response to Euthanasia* which rejects euthanasia as “contrary to God’s law and the values of a civilised society”. They urged “the parliaments of Australia to show commitment to their people by opting for care, not killing, and to resist any moves to substitute euthanasia for effective palliative care”.

WA Synod, Northern Synod, NSW/ACT Synod and SA Synod

- No papers have been produced by these Synods to date that we are aware of.

Conclusion

At this point in our history this is an important issue for our Church, for our ministry agents and for those that care every day for people at the end of their life journey. Given that legislation has already been passed by one state, and it is likely more will follow, it is imperative that we develop a view on the issue in order to be able to respond in an informed and appropriate way. A twelve-month process will provide the opportunity for broad consultation and consideration.