

## **AUSTRALIAN FEDERATION OF AIDS ORGANISATIONS**

### **POSITION PAPER ON VOLUNTARY ACTIVE EUTHANASIA – November 1995**

#### **What do we mean by 'Voluntary Active Euthanasia'?**

**Voluntary Active Euthanasia:** Where an individual of sound mind wishes to bring about his/her own death and asks for assistance in this task. In this instance the activating cause of death is due to the action of someone else (eg a lethal injection).

**Passive Euthanasia:** Where occurs by withholding or stopping treatment that is necessary for keeping someone alive. When this is done, the person dies from their illness or condition.

**Assisted Suicide:** When the activating cause of death is due to the dying person's own actions, but the means have been provided by someone else (eg someone else buying lethal tablets while knowing the person's intentions).

**Murder:** When a person's life is terminated by someone else without the understanding and consent of the person.

#### **Background**

The right to choose to die with dignity at the onset of terminal illness can be seen to be a central feature to the way people with HIV/AIDS position themselves in response to this epidemic. People with HIV/AIDS have, from the beginning of the epidemic in Australia, been fighting for the right to self determination in the way they live their lives, seek health information and treatment and engage with health professionals. The right of people with HIV/AIDS to end their lives in the later stages of their illness is a part of this same framework.

Some people with HIV/AIDS have already and are currently exercising this right to end their lives despite the fact that it is illegal. The need for reform of current laws stems from the fact that these laws do not properly reflect the beliefs and practises of many people with HIV/AIDS, nor does the law reflect general community attitudes towards voluntary active euthanasia<sup>1</sup>. The

---

<sup>1</sup>ANU Social Science Survey 1994, Herald-AGB McNair Poll (NSW) June 1995.

illegal nature of voluntary active euthanasia places significant and unnecessary stresses on situations that are already difficult. While voluntary active euthanasia remains illegal, people with HIV/AIDS will have their access to proper information and support jeopardised. For those who care for people with HIV/AIDS, their access to information and support is also jeopardised.

The laws that make voluntary active euthanasia illegal are state and territory-based laws. AFAO welcomes developments in the Northern Territory, in the form of their Rights of the Terminally Ill Act, which places people with a terminal illness at the centre of decisions about life, death and treatment. The need for similar developments in the laws of other states and territories is clear.

**The following principles should be central to any voluntary active euthanasia legislation:**

People with HIV/AIDS have the right to choose to die with dignity, as an extension of their rights to self-determination in health care decision making, and as an expression of a fundamental human right.

This right to choose to die with dignity may involve medical procedures that hasten the occurrence of death.

People with HIV/AIDS insist on fully informed consent to medical procedures that hasten the occurrence of death. People should be informed of their diagnosis, their prognosis, their options in responding to their condition and all other relevant information.

People should be able to ask for voluntary euthanasia on the basis of having a terminal illness, and a doctor must prescribe the means to effect a death.

If a person needs physical assistance to die, they should have the right to nominate whoever they choose to administer that assistance.

Any person requested to give assistance in a death by voluntary euthanasia has the right to refuse that assistance.

Those who care for people with HIV/AIDS - partners, friends, family, professional and volunteer carers - have a right to protection from criminal and civil liability where they assist in a death by voluntary euthanasia, and a right to support and counselling.

People with HIV/AIDS have a right to effective palliative care, with the understanding that palliative care provision does not exclude the right to euthanasia.

There should be sufficient safeguards on voluntary euthanasia to ensure that the vulnerable are protected from abuse and that all requests to die are informed, voluntary and considered.

The right to voluntary euthanasia and the placing of appropriate safeguards should be achieved through legislation which specifically makes the act of euthanasia a legal act.

## APPENDIX I: Press release, February 1995

February 1995

### Peak AIDS Body Welcomes Territory Euthanasia Reform

The Australian Federation of AIDS Organisations today welcomed moves by Northern Territory's Chief Minister, Mr Perron, to introduce voluntary euthanasia legislation to the NT Parliament.

National President of AFAO Mr Tony Keenan congratulated Mr Perron for introducing the private member's bill.

"Public support for voluntary euthanasia is overwhelming and it is pleasing to see a politician reflecting the views of his electorate. We welcome the introduction of the legislation via a private member's bill as it guarantees full and open debate on what is a complex issue."

Mr Keenan called on parliamentarians of all parties in other States to follow Mr Perron's lead.

"Across Australia, there are many politicians who strongly believe that people with a terminal illness should have the right to seek voluntary euthanasia. These people should act in conscience and move to introduce euthanasia reform before the issue becomes embroiled in party politics.

"This is a very real issue for our members. Each month, counsellors, doctors and community workers deal with 'botched' suicide attempts by people who are terminally ill with AIDS related illnesses."

*Address as of 2004:*

*Australian Federation of AIDS Organisations (AFAO)  
PO Box 51  
Newtown NSW 2042  
Australia*