



10 November 2020

The Hon P Gutwein MP  
Premier Of Tasmania  
Level 9, 15 Murray Street  
HOBART, TAS 7000  
By email

Dear Premier,

End-Of-Life Choices (Voluntary Assisted Dying) Bill 2020.

I am writing to express grave concerns about the lack of protection for freedom of belief in the End-Of-Life Choices (Voluntary Assisted Dying) Bill 2020 ('the Bill').

I write in my capacity as Executive Director of Freedom for Faith. Freedom for Faith is a bipartisan legal think-tank, working in co-operation with several national church leaders. We exist to see religious freedom protected and promoted in Australia.

We note Mr Mike Gaffney MP's comments quoted in The Australian on 7 November (accessed at <https://www.theaustralian.com.au/nation/politics/scramble-for-faith-protections-as-euthanasia-bill-set-to-pass/news-story/5bd9d001ceda63ebed31864495f3145d>):

Mr Gaffney said his bill, while allowing doctors to boycott the system, unashamedly did not allow faith-based hospitals and aged-care homes to deny VAD to their patients.

"They shouldn't be able to (stop VAD occurring at their institutions) in a secular society," he said.

"I'd be concerned that any organisation, where you've had a person resident for years, would then at their time of need, say, 'well, you've got to get up and go because it's not part of our policy'.

"If this becomes law, it is ... a legal choice, so why would any institution deny a person access to adequate or correct medical assistance? VAD is not suicide; it's a legal, medical option."

Respectfully, Mr Gaffney has misunderstood the secular nature of Australia, given insufficient weight to religious freedom concerns, and does not appear to

have considered the effect of Tasmania's constitutional protection of religious freedom.

Most religious faith groups will oppose euthanasia. This Bill will alienate many people of religious faith. Legislating permission to kill is at odds with the support of vulnerable people and the defence of life. The valuing of human life is a central tenet, for example, of the Catholic faith. It is this religious belief that has led to their founding of hospitals, hospices and aged care for the frail and vulnerable. To require Catholic hospitals, hospices and aged care providers to enable euthanasia goes against the very faith commitments that brought them into being and continues to animate them. To trivialize what these Tasmanian Catholics believe as a mere 'institutional policy' unworthy of protection at law is both wrong and will cause offence.

Religion is not merely private and pious or restricted to acts of worship. Consider the breadth of the explicit references to the communal, public and manifested practice of religion set out in Article 18 (1) of the International Covenant of Civil and Political Rights:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

The Tasmanian Constitution is the only state constitution to guarantee religious freedom to its citizens, in s 46. Mr Gaffney's comments as quoted and the Bill as it stands are completely at odds with this robust constitutional protection.

If the Tasmanian parliament is to introduce euthanasia it must make generous space for Tasmanians and religious organisations operating within the State who cannot and will not take part in euthanasia because of their religious beliefs. This protection must extend beyond narrow conscientious objection claims for medical practitioners (provided in the Bill in clauses 18(2), 38(2), 62, and 69(3)) to broad religious freedom protections for citizens both individually and in association with others who share these beliefs. In particular, the Bill should include a provision to the effect that a hospital or residential care provider run by an organization whose religious beliefs do not allow it to participate in voluntary assisted dying, and so has a conscientious objection to providing assistance to a person to die, is not required to make their premises available for this process.

Far from drafting laws which act against the religious beliefs and practices of its citizens, the parliament should be considering how it might best support a pluralistic and multi faith approach to this contentious social issue. Failure to do this could lead to people of religious faith withdrawing from the provision of services such as hospitals, hospices and aged care. As drafted the bill and as described gives the choice of closing or remaining open in ways which enable euthanasia. Many will see this requirement as an overreach of the state, and the place where they are unable to 'render this loyalty to Caesar' because it asks them to be unfaithful to a deeper loyalty to God. Tasmanian citizens and religious organisations operating in Tasmania must not be asked to make this choice, particularly where their convictions are being expressed in extravagant concern for the aged and vulnerable. In an age of elder abuse we should be far more careful to make space for their commitment to life. If euthanasia is to be introduced it should not be in this way.

I have given a copy of this letter to other members of parliament and would be pleased to provide further information or clarification of the above. Please do not hesitate to contact me if I might be of assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'M. Kellahan', written in a cursive style.

Rev Michael Kellahan