

Nitschke fight steps up to lift medical ban

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The Advertiser 9Jan2015



APPEAL: Dr Philip Nitschke

Euthanasia advocate Philip Nitschke will appeal to the Supreme Court after the Medical Tribunal of the Northern Territory dismissed his appeal against suspension of his registration.

Dr Nitschke said he was disappointed but not surprised by the tribunal's decision.

In July the Medical Board of South Australia used its emergency powers to immediately suspend Dr Nitschke after ruling he posed "a serious risk to the health and safety of the public".

The ruling followed the suicide of Perth man Nigel Brayley, 45, who died in May after communicating with Dr Nitschke and his attendance at an Exit International workshop in Perth in February.

"Given the Crown admitted on day one of the trial that there was no doctor-patient relationship, and that I was therefore under no legal duty to intervene in Nigel Brayley's stated intention to rationally suicide more than what I did, I find it hard to understand the law the tribunal have used to dismiss my appeal," Dr Nitschke said.

"As a consequence of the tribunal's finding, every Australian doctor is now obliged to treat every random stranger that the doctor meets in a social setting - including in a state in which that doctor is not lawfully permitted to practice medicine.

"A doctor who fails to do so is, in the view of the tribunal, a danger to public health and safety whose right to practise medicine must be suspended immediately. The decision, if left unturned, creates a very dangerous precedent which applies to every Australian medical practitioner.

"Voluntary euthanasia and rational suicide are very challenging issues for the medical profession. It is cases such as this which will hopefully encourage them to get their heads out of the sand and face the harsh reality that many elderly people, and some who are not, believe it is their right to exit this planet when they choose.

"We might not like or agree with such decisions, but they cannot be interpreted as meaning that person is depressed or mentally incompetent. Nothing could be further from the truth."

Dr Nitschke's barrister Peter Nugent, said that the Supreme Court in Darwin will be asked to examine the narrow consideration of the issue by the tribunal.

"One of the errors of law, which will be contended was made by the tribunal, was its refusal even to consider the enormous body of medical literature addressing the issue of rational suicide, which it was sought to have the tribunal read and consider," he said.