



# **MEDIA RELEASE**

## **Darwin Euthanasia Trial**

### **Medical Board of Australia v. Nitschke to be appealed to the NT Supreme Court**

The decision of a Northern Territory Tribunal dismissing Dr Nitschke's appeal from the South Australian Medical Board, suspending his right to practice pending the hearing of charges which were only laid against him over 5 months after the decision to suspend him was taken, will be appealed to the Supreme Court of the Northern Territory

Commenting about the decision, Dr Nitschke, said he was 'disappointed' but not 'surprised'.

"At the start of the trial the South Australian Medical Board were forced to admit that Dr Nitschke had never been in a doctor - patient relationship with Nigel Brayley - a man who expressed his desire to engage in what is referred to in the medical literature as "rational suicide", I find it hard to understand how the Northern Territory Tribunal had any proper basis for dismissing my appeal.

"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 practice medicine must be suspended immediately".

"The decision, if left unturned, creates a very dangerous precedent which applies to every Australian medical practitioner".

"I welcome the opportunity to have what I have been advised are a number of errors of law made by the Tribunal examined Darwin's Supreme Court.

Speaking from Melbourne, Dr Nitschke's barrister, Peter Nugent, said:

"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.

Mr Nugent said he expects the appeal to be lodged in the Supreme Court in Darwin tomorrow with the matter to be listed for hearing in the coming months.

Dr Nitschke said that: "Voluntary euthanasia and rational suicide are very challenging issues for the medical profession. It is cases such as this which will hopefully encourage the medical profession to face the harsh reality that the belief held by many elderly people, and some who are not, that no doctor has the right to tell them when they can or can't exit this life - can be rational and not a product of depression or mental illness."

'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' he said.

**END.** 6<sup>th</sup> January 2015

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