

Dying *with* Dignity

Tasmania (Inc)

DECEMBER 2016

TASMANIAN VOLUNTARY ASSISTED DYING BILL 2016 WAS MOVED IN PARLIAMENT ON 17 NOVEMBER

The new Tasmanian *Voluntary Assisted Dying Bill 2016* Bill was moved on the last day of the Parliamentary sitting for 2016. It will be debated after Parliament sits again in March 2017.

It was looking as if it wouldn't happen this year so we are very pleased that we were able to assist to make it possible. We have continued to provide research information on developments elsewhere and by assisted with the re-drafting of the Bill through the President, Margaret Sing.

We are fortunate to have the ongoing commitment of the co-sponsors of the Bill, Lara Giddings, former Premier, now MP for Franklin, and Cassy O'Connor, Leader of the Greens and MP for Denison. They have invited other MPs to get involved and to join with them on the Private Member's Bill. As Lara Giddings said on 17 November in the Parliament: *We have deliberately tabled the bill today to allow members to look at it carefully and to consult with people in their electorate over the parliamentary break. We are open, Ms O'Connor and I, to talk with members about the bill and any issue or concerns they may have.*

There isn't yet a Liberal sponsor but we are hopeful that there will be before the Bill is debated. Cassy O'Connor said: *We would love to have a member of the Liberal Party with us on this legislation. We believe this legislation should not be made political.*

DwDTas will be doing our best to support and encourage careful consideration and consultation by all MPs and urge you to make your views known to your MPs. Elsewhere in the newsletter there are more details about the Bill, what we've already done and the help we'd really like from you in getting the success that so narrowly eluded us in 2013.

A special plea – please renew your membership if you haven't already done so and encourage others to join.

IN THIS ISSUE:

- **THE VOLUNTARY ASSISTED DYING BILL 2016**
- **THE CAMPAIGN** including what you can do
- **NEW AMA POLICY** – a positive step forward
- **AUSTRALIAN NEWS** – SA, VICTORIA, WA, NSW, QLD and national
- **OVERSEAS NEWS** – NZ, CANADA, US - COLORADO AND WASHINGTON DC
- **PALLIATIVE CARE** - "Inquiry into Palliative Care" and Northern hospice.
- **AGM**

YOUR RIGHT TO CHOOSE

PO Box 1022, Sandy Bay TAS 7006

0450 545 167

www.dwdtas.org.au

Voluntary Assisted Dying Bill 2016

If you get a hard copy of the newsletter, you'll find a summary of the Voluntary Assisted Dying Bill attached. If you get the newsletter electronically, you can access the summary [here](#).

The summary makes the point that the Bill is based on very thorough consideration and extensive research in Australia and overseas, and is closest to the model of assisted dying outlined by the Canadian Medical Association (CMA) in its policy, "[Principles-based Recommendations for a Canadian Approach to Assisted Dying](#)". The aims of the Bill are identified, particularly the primary aim of allowing competent adults and their doctors a last resort option to relieve terrible suffering through an assisted death.

The Bill has taken into account actual experiences and testimonials by many people – known to us personally, from you as members, hundreds of submissions to consultations and inquiries, letters to the paper, social media, and most recently in *The Damage Done*, the book of 72 testimonials published by Go Gentle Australia, the organisation set up by Andrew Denton to assist efforts by groups like DwDTas to get effective legislation.

(The book is downloadable from the Go Gentle website (www.gogentleaustralia.org.au) at a cost of \$3 for a pdf version and \$20 plus postage for a hard copy. It will soon be available in Readings bookshops in Victoria.)

We are very pleased by the coverage of the issue in the *Examiner* on 4 December 2016, particularly [the double page spread](#) featuring the detailed personal stories of Robert Cordover (by his widow Nica, a DwDTas Committee member), Elizabeth and Stuart Godfrey (by Bill our Vice-President) and Joan Fitz-Nead (a member). The article makes the critically important point that "*behind the*

legislation are real people, with real stories" and it shows how important it is for assisted dying to be available to people with terrible unrelievable suffering from advanced chronic conditions not just terminal ones.

The Bill will allow assisted deaths in a doctor-safeguarded system with the additional education, monitoring and review safeguard of an independent Registrar. The Registrar will have significant powers and responsibilities to monitor and review all deaths and take action, to report through an annual report to Parliament and to distribute information and provide education.

Other aims of the Bill are important, including preventing desperate suicides, to provide comfort (and palliative effect) protecting doctors, families and others from the risk of prosecutions.

A [recent blog on the general issue of death and dying by a US oncologist](#) argued for doctors to give patients "*the honesty, confidence, and respect to control their own lives. Not false hope, but the chance to cope with one of the hardest realities of life. ... They must accept that the enemy is not death; the enemy is needless suffering. They must understand the limits of their role. They must appreciate and respect the strength of their fellow man and the rights of every patient to choose their destiny.*

We believe the new Tasmanian Bill does that – and the opposition campaign does not reflect any of these characteristics. You will have noticed, as we have across thousands of words from religious and medical opponents of assisted dying law reform, that those who oppose the legislation almost never mention the people with terrible suffering. They fail to demonstrate empathy or kindness for people in this situation or respect their freedom to make decisions about their lives according to their own beliefs, values, priorities and

circumstances. Opponents generally pretend that palliative care is some sort of magical panacea, or it would be if there was more of it. This implies they are happy that people will have to continue with their suffering until it becomes available. We strongly support the ongoing improvement in palliative care services, but all of us have to make decisions in the real world, not some future nirvana.

Submission after submission to inquiries like the Victorian inquiry into end of life choices and the recent Tasmanian inquiry into palliative care (see President's Report) state the aims and methods of palliative care as if they're always achieved but we know they aren't. None of them make reference to even the reputable data from palliative care services across the country that demonstrate very clearly that some pain and suffering cannot be relieved. (See for example, data of the [Palliative Care Outcomes Collaboration](#) at the University of Wollongong.)

MPs or church, palliative care organisations, lobby groups or individuals are not telling the truth if they do not mention the reality that there are people with intolerable suffering that is otherwise unrelievable, who are seriously ill and have no chance of recovery or improvement in their medical condition. The Bill provides a last resort option for people in this situation, working with their doctors, to end their intolerable suffering through an assisted death when no other acceptable options exist.

THE CAMPAIGN

Tasmanian MPs have an historic opportunity to make our State the first, or among the first, in Australia with voluntary assisted dying legislation, to have effective legislation that has been thoroughly considered and that has broad political and community support. The key focus of our campaign is to assist MPs to

take a principles- and evidence-based approach to the issue of assisted dying. We are arguing for the primary focus to be on the people the legislation is primarily designed to assist. We are emphasising the values of empathy, kindness and respect, as shown, for example, by the Californian Governor Jerry Brown, a devout Catholic, at the time he signed the Californian *End of Life Option Act 2015*. He said: *"I do not know what I would do if I were dying in prolonged and excruciating pain. I am certain, however, that it would be a comfort to consider the options afforded by this bill. And I wouldn't deny that right to others"*.

A copy of *The Damage Done* has been provided to all House of Assembly members and will be sent to all Legislative Councillors.

The first of what will be a series of Issues Papers, "[Voluntary Assisted Dying – the Basics](#)" has been sent or will be soon to all MPs with an individual letter referring to the principles, values and high standards of evidence they have applied to their action and votes on other contentious issues, eg family violence and same-sex marriage. The paper includes information about some of the significant changes since the last time a Voluntary Assisted Dying Bill was debated in the Tasmanian Parliament in 2013. It has a particular focus and many quotes from the report of the Victorian inquiry into end of life choices. The inquiry recommended a framework for assisted dying legislation, although we believe there are some flaws in what was recommended. (See section of newsletter on Victoria).

We aim to be active in the media, directly and through our members. The *Examiner* and the *Advocate* are providing very good coverage in articles and letters, as is Leon Compton's ABC radio program Mornings. The President, Margaret Sing, appeared in along segment in October and Lara Giddings and Cassy O'Connor

on the day after the Bill was moved. Commercial TV news at Southern Cross and WIN provided very good coverage on the day the Bill was moved including Margaret Sing and DwDTas comment. We were very disturbed that ABC News failed to give it any coverage even though the ABC journalist was the one who asked the most questions at the media conference after the Bill was tabled. The *Mercury* had marginal coverage and we are concerned to encourage them not to repeat their negative coverage of the last Bill in 2013.

There was also a very good article in the Advocate on 21 November featuring an interview with long-term advocate Norma Jamieson who would be known to many of you for her great efforts over many years to get legislation, and Dr Shannon - <http://www.theadvocate.com.au/story/4304578/support-for-dying-bill/>.

What you can do

We ask you to do what you can – contact media sources in as many ways as you can, particularly to challenge inaccurate and prejudiced claims, write letters to the papers, ring talkback such as Leon Compton’s Mornings on ABC 936, comment on social media, and ‘like’ our Facebook page and share information.

The best thing you can do is contact your local MPs – the five for each electorate for the House of Assembly and the Legislative Councillor for your area. Tell them why you support voluntary assisted dying legislation, and share your personal story. We are not going to provide form letters because they have little value – it’s much better if you express your views in your own words.

There are many ways you can do this:

- raise it with them if you see them at an event
- ring their offices and ask that your views be passed on to the MP

- ask for an appointment with the MP or if he/she is too busy, ask to meet with their electorate staff
- write a letter, no matter how brief – a handwritten letter is fine
- email or social media.

You can get contact details from the Parliament of Tasmania by ringing 6212 2200, or online for the [House of Assembly](#) and [Legislative Council](#).

If you haven’t renewed your membership, please do so, and encourage others to join. Your donations are also greatly appreciated and will assist us in running the best campaign possible.

NEW AMA POLICY

The chance of success for the Tasmanian Bill have been boosted by the new AMA policy on voluntary assisted dying (which they call “euthanasia and physician assisted suicide”). It represents a change in the AMA approach from their long-standing blanket opposition with no advocacy for patients or representation of the views of a significant percentage of their membership who support assisted dying legislation. The new policy puts paid to the ludicrous claims of opponents that voluntary assisted dying “isn’t medicine”, that doctor/patient relationships will be irreparably damaged, and that lawyers or judges should have the final say.

As Dr Gannon said in the AMA media release on 24 November: *“The compassionate care of dying patients is the priority of every doctor. Doctors have an ethical duty to care for dying patients so that they can die in comfort and with dignity. We are always there to provide compassionate care for each of our dying patients so they can end the last chapter of their lives without suffering.”*

He also said: *the AMA recognises that good quality end of life care can alleviate pain and other causes of suffering for most people, but there are some instances where it is difficult to achieve satisfactory relief of suffering. ... There is already a lot that doctors can ethically and legally do to care for dying patients experiencing pain or other causes of suffering.*

We agree. We also support their focus on *“much greater investment in quality end of life care, especially nationally consistent palliative care services”*.

The AMA has maintained its position that doctors should not be involved in interventions that have as their primary intention the ending of a person’s life. However, the new Tasmanian Bill puts the primary intention on patients and doctors relieving intolerable suffering, which is otherwise unrelievable, though an assisted death. People in this situation don’t want to die any more than the rest of us do, and their primary intention is to end their suffering. Doctors have made it clear to us that their primary intention is the relief of suffering.

Dr Rodney Syme, Vice-President of DWDV and long-time advocate for assisted dying laws, is just one of those doctors and is currently arguing [his case in a Victorian tribunal](#) that his intention is a palliative one, to relieve pain and distress.

At the time of writing, the detailed results of the AMA survey of their members have not yet been released to the public. Comments in the media by the AMA President, Dr Michael Gannon, indicate that nearly 40% of the doctors surveyed support assisted dying legislation. A majority of those surveyed supported the involvement of doctors in the exploration of patients’ requests for assisted dying.

AUSTRALIAN NEWS

South Australian BILL: In the early hours of 17 November, there was a heart-breaking result in SA when the *Death with Dignity Bill 2016* was defeated by the casting vote of the Speaker. The vote was very similar to the Tasmanian vote in 2013 so we understand how devastating the result was for our friends at SAVES who have worked so hard for so long for legislation. Groups like SA Nurses Supporting Choices in Dying and Andrew Denton and “Go Gentle Australia” also put enormous efforts and money into the campaign.

It was a more restricted Bill than the *Voluntary Euthanasia Bill 2016* but still failed to pass. When it came to the crunch, 8 Labor, 14 Liberal and 1 Independent-Liberal MPs voted against the Bill and, most galling of all, rationalised their votes often on the most specious grounds. According to the SA Nurses Supporting Choice group, they *“were astonished to hear blatant lies being passed off as fact”*.

The 15 Labor MPs who voted for it included the Premier, Jay Weatherill, and the Leader of the Opposition, Steven Marshall, was among the 7 Liberal MPs who voted in favour. One Independent also supported it. A new Bill is unlikely in SA before their State election in 2018, but we know they will not give up the fight for South Australians in need of the compassionate choice of doctor-provided assisted dying.

We will also take all the claims made against the SA Bill, subject them to rigorous analysis and provide evidence refuting false claims to Tasmanian MPs before they debate our Bill.

VICTORIA: At the time of writing the Victorian Government has not yet announced their position on the recommendation for assisted dying legislation made by the Upper House Parliamentary Committee inquiry into end of life choices that reported on 9 June this year. (There is a detailed report in our July

newsletter.) A decision is imminent because the Government had 6 months to respond. It has already acted on some other recommendations of the inquiry, eg palliative care and advance care directives which we will report on more fully in a future newsletter.

WA: The campaign for another assisted dying Bill in WA has been fuelled by the courageous act of respected doctor, Dr Alida Lancee. She provided a testimonial in *The Damage Done* revealing that she had given a lethal injection to enable someone to die when all else had failed to relieve their suffering. A police murder investigation was then commenced.

A number of politicians have washed their hands and pontificated about it being too hard and too complicated to legislate for “euthanasia” without any regard for the evidence that safe, effective and valued legislation exists.

WA Labor Opposition Leader Mark McGowan has criticised police as showing “poor judgment” after detectives seized documents from The West Australian newspaper as part of an investigation of Dr Lancee. He has supported debate on legislation. Greens upper house MP Robin Chapple, who brought legislation on voluntary euthanasia to parliament in 2002 and 2010, has vowed to reintroduce a Bill after the March 2017 state election. He has been joined by two candidates in the next election, former minister Tony Simpson and Labor candidate Alannah MacTiernan (formerly WA and Federal MP) and DWDWA to make it an election issue.

NSW: A cross-party NSW Parliamentary Working Group on Assisted Dying working towards another assisted dying Bill is attracting a lot of support but there is no information on when this will happen.

Queensland: In October, Queensland Speaker Peter Wellington called for “a parliamentary inquiry into end-of-life choices and voluntary euthanasia”. If

successful, the inquiry would be among the first conducted under changes that allow Queensland parliamentary committees to investigate issues on their own initiative, rather than being referred through Parliament. It has been reported that Premier Anastacia Palaszczuk said (very unhelpfully) that “Mr Wellington had spoken to her about the issue, but that it was a matter for the committee whether they chose to hold an inquiry.” This is an abdication of responsibility and compassion for people at the end of their lives.

NATIONAL: We will see in 2017 what progress can be made on the key federal issue, restoring Territory powers to debate and pass voluntary assisted dying laws if their democratically elected Parliaments decide to do so in keeping with community wishes.

OVERSEAS NEWS

NZ: The situation in NZ is confused and confusing with yet another MP putting forward yet another Bill. In November, Labour MP Louisa Wall tabled another draft Bill with the Parliamentary committee currently doing an inquiry into the draft *End of Life Choice Bill*. The inquiry attracted over 20,000 responses and is hearing from 1800 witnesses.

A very disturbing October event involved NZ police setting up a fake breathalyser check to get the names and addresses of attendees at an Exit meeting. Ten people were then visited at home and, according to a Guardian article, the police “*inquired after their wellbeing and asked questions about Exit International and if they had access to any euthanasia drugs*”.

The article reports a statement released by New Zealand police inspector Chris Bensemann which confirmed the operation and claimed that police have a duty of care and a responsibility to the community to investigate any situation where we have reasonable grounds to suspect that persons are being assisted in the commission of suicide.

The lawfulness of the operation has been questioned, the Privacy Commissioner became involved and the police subsequently referred themselves to their own watchdog, the Independent Police Conduct Authority.

CANADA: Clear statistics are not available but deaths are occurring in Canada under both the Quebec legislation which came into operation in December 2015 and the national legislation which became operative in June 2016.

Quebec has released a report on the first 6 months of operation of their end of life legislation. Total number of assisted deaths were 262 which is less than 1% of total deaths (if compared to Statistics Canada estimated data). In the same period, continuous palliative sedation (often called terminal sedation, and practised in Australia and elsewhere) was involved in 263 deaths.

US: Colorado and Washington DC are to have assisted dying legislation similar to Oregon's, bringing to 7 the number of jurisdictions in the US with legal voluntary assisted dying.

On the same day as the US Presidential election, Colorado voted in favour of a ballot initiative for assisted dying similar to Oregon's by a vote of 64.87% to 35.13%. The three biggest funders of the anti-campaign, who contributed \$2,235,499, were the 3 Catholic dioceses in Colorado. [Of course, they have nothing better to spend their spare cash on.]

Early in November, the Washington DC Council voted 11 – 2 to give initial approval to legislation allowing physicians to assist terminally ill patients who wish to end their lives.

PALLIATIVE CARE

Funding ends: The dismal state of secure palliative care funding for community groups and initiatives has been shown by the end of

funding on 30 September 2016 for the excellent program of Palliative Care Tasmania, *Networking End of Life Care across Tasmania*. This happened despite the project exceeding its targets and intensive lobbying to try to secure continued funding. This is so disappointing for those who worked hard to initiate the project, to get the funding and provide the service, and for those who benefited from it.

The House of Assembly Committee "Inquiry into Palliative Care" has not yet reported or included on their website the Hansard of hearings in August and September. DwDTas made a submission and provided evidence at a hearing on Monday 8 August, through representatives President, Margaret Sing, Deputy President, Bill Godfrey, and Committee member, Hilde Nilsson. Submissions to the inquiry, including the DwDTas submission, are available at

<http://www.parliament.tas.gov.au/ctee/House/HAComDev-PC.htm>.

Northern Hospice: DwDTas continues to support a Northern hospice of the same model and quality as the Whittle Ward in the South. There have been no developments since the government received a report which recommended against the hospice.

On 23 November, the Northern Hospice and Palliative Care Foundation marked 10 years since the former hospice, Philip Oakden House, was closed without consultation or warning by OneCare. DwDTas congratulates the Foundation for its ongoing efforts to secure a hospice in the North.

OTHER NEWS

AGM: The DwDTas AGM was held on 19 August. The Committee and Office Bearers for 2016 - 2017 were declared largely as for the last year. Nica Cordover has joined the Committee.

Paul Duncombe was thanked for his generous assistance as Auditor and was appointed again for the coming year. Thanks was also given to all our members and donors for their support, with a special thank you to a regular large donor, Anne Millar, of Rest Easy Solutions.

Both the President and Deputy President advised the meeting that this would be the last year they would fill their positions.

Following the meeting, Lara Giddings provided an interesting and frank presentation on the political situation involving the proposed *Voluntary Assisted Dying Bill 2016*.

Presentations and meetings in the last few months: On Tuesday 9 August, the President, Margaret Sing made a presentation on the proposed voluntary assisted dying Bill to a Kingston U3A group of around 20 attendees, and they showed great interest and support. Meetings have also been held with some MPs. Bill Godfrey has made presentations about end of life planning at the Midway Point

Community Centre and North Hobart Women's Health Centre.

Salamanca market: Another successful market stall was held on 10 September, promoting our cause. As usual, a lot of support was expressed for voluntary assisted dying legislation and there were many signatures on letters to be sent to the Premier and Deputy Premier urging them to support the proposed Bill.

You 'n Taboo: This is a new initiative to encourage and support talking about death. The group meets on the first Sunday of each month from 10 – 12.00 at the Hotel Soho Hobart for a free, open minded and respectful discussion about death, dying and all that entails.

Their Facebook page is used to share information and many interesting perspectives on death and dying. You can join the group by going to <https://www.facebook.com/groups/1010746429046817/>.

COMMITTEE FOR 2016 - 2017

Margaret Sing (President)
Helen Brookfield (Treasurer)
Maureen Aiken
Trish Kershaw
Barbara Porter
Dr Helen Cutts (co-opted)

Bill Godfrey (Vice President)
Keith Anderson (Secretary)
Nica Cordover
Hilde Nilsson
Noel Woodrow
Mike Harris (co-opted)

Committee meetings: We will continue to hold our meetings in Kingston, in D Building, Old School Building in Hutchins St. While they are usually scheduled for the second Wednesday in the month at 2 pm, there are occasional changes depending on the availability of members. We would love to see you at meetings but check first by ringing on the DwDTas number.

To all our members and supporters, a happy and safe Christmas and New Year. We hope for the success of voluntary assisted dying legislation in 2017.