

Dying *with* Dignity

Tasmania (Inc)

MARCH 2016

IN THIS ISSUE:

- **VALE, COLIN** - With great sadness, we farewell our patron and great supporter, Professor (Em) Colin Wendell-Smith AO who died in December. We are very sorry he will not see his work on voluntary assisted dying law reform come to fruition.
- **EXCITING TIMES AND GREAT PROGRESS**
 - **TASMANIA** - Voluntary Assisted Dying Bill will be moved in June and online petition
 - **AUSTRALIA** - AMA review of policy, Bills to restore Territory powers on assisted dying, Andrew Denton, Dr Rodney Syme's courageous action, Victorian inquiry and SA Bill
 - **OVERSEAS** - Canadian legislation now very close, Quebec and Californian laws into effect and NZ
- **NORTHERN HOSPICE** - Significant progress
- **PRESIDENT'S REPORT** - DECEMBER - MARCH

VALE, COLIN

Our Patron, Professor (Em) Colin Wendell-Smith AO, died peacefully on 15 December 2015. He was loved, respected and admired. Our thoughts are with his family and friends on their great loss. We will also greatly miss him, as will many other community, academic and professional colleagues and organisations in which he played a valued role over many years.

As a hands-on Patron, he played an active role in DwDTas, coming to many of our Committee meetings and responding to requests for comments and advice on action, letters and submissions. He brought a calm presence and a quiet humour to our meetings and his advice was always wise and helpful. He provided ongoing support and encouragement to us and to the wider dying with dignity cause. He initiated a 'Doctors for Dying with Dignity' group within DwDTas, with confidential information given to him by doctors who support assisted dying and are prepared to provide that service when the law is passed. When the national body, 'Doctors for Voluntary Euthanasia Choice', was formed he became involved and encouraged local doctors to join.

Colin had a distinguished academic career, including as Deputy Vice-Chancellor, University of Tasmania, and was recognised nationally and internationally. He was made an Officer in the General Division of the Order of Australia in 1991, received an Honorary Doctor of Laws from Utas in 1993 and was granted a Centenary Medal in 2003. Vale, Colin.

YOUR RIGHT TO CHOOSE

PO Box 1022, Sandy Bay TAS 7006

0450 545 167

www.dwdtas.org.au

EXCITING TIMES AND GREAT PROGRESS

This time a year ago, we said the tide had turned in favour of voluntary assisted dying legislation. What we have experienced since is a surge of progress.

TASMANIA

As you may already be aware, Lara Giddings (Labor) and Cassy O'Connor (Greens) have announced they will move another Voluntary Assisted Dying Bill in June. The debate may not be held till October so that all MPs and the public have the opportunity to consider the details of the Bill rather than ignore them as so many did last time.

We expect the Bill to be very similar to the 2013 Bill but DwDTas is working with Lara and Cassy and has proposed some amendments in the light of recent developments elsewhere, particularly in Canada.

An online petition for Tasmanians has also been announced. Please sign it if you can by going to <http://www.parliament.tas.gov.au/EPetitions/House/CurrentEPetition.aspx?PetNum=67&Index=-1>.

Also please urge your Tasmanian family and friends to sign it and take every opportunity you can to make your support known in letters to the papers, talkback radio, etc.

If you don't have online access, make your support known by writing to Lara Giddings or Cassy O'Connor, your local members and Will Hodgman, Parliament House, Hobart.

We will let you know more details of the Bill and lobbying action in the next newsletter, to be issued before the Bill is moved in the Parliament. Those of you with online access can keep up with news through our website and Facebook page.

AUSTRALIA

AMA REVIEW OF POLICY: We are very pleased about the news that the AMA is consulting with the Canadian Medical Association in the review of its policy on assisted dying. The AMA should adopt the same principles-based and patient-centred policy in support of voluntary assisted dying legislation as the CMA.

RESTORING TERRITORY POWERS ON ASSISTED DYING: Two similar Bills have been moved in the Federal Parliament to repeal *The Euthanasia Laws Act 1997* and restore the powers of Territories (NT and ACT) to act in the same way on voluntary assisted dying laws as the States can, if they choose to do so. DwD advocates, including Marshall Perron, have long campaigned for this and particularly so in the last year. We are disappointed it's taken till so close to the end of this parliament for the Bills to be moved. With the current 'shenanigans', the chances are limited that this important issue of democratic principle will receive its due consideration and support.

As you know, Territories were treated in an appalling way by the 1997 Act that quashed the Northern Territory *Rights of the Terminally Ill Act 1995* and removed the Territories' power to debate and pass similar laws, regardless of the views of their citizens and democratically elected parliaments. It was initiated and supported by conservative Catholics such as Kevin Andrews, and others on both sides of the Parliament.

We do not support the title, terminology or objects of one of the Bills, *Restoring Territory Powers (Assisted Suicide Legislation) Bill*, moved by Senator Leyonhjelm. The other Bill, *Restoring Territory Powers (Dying with Dignity) Bill*, is better and has cross-party sponsorship, including Senators Di Natale (Greens), Nova Peris OAM (Labor), Katy Gallagher (Labor)

and House of Reps MPs, Alannah MacTiernan (Labor), Sharman Stone (Lib) and Andrew Leigh (Labor).

We have heard from Labor Senator Lisa Singh and Julie Collins (Franklin) that they support it and expect that Senator Carol Brown will. We will continue to urge all Tasmanian Federal MPs to support it as a matter of democratic principle independent of their views on voluntary assisted dying. All Australians should have the same rights on this issue, regardless of their geographic location.

ANDREW DENTON: Andrew has continued his very active and valuable advocacy for assisted dying laws, across the media, TV, radio and press. There are also now 9 podcasts available based on his interviews in Australia and overseas - http://www.wheelercentre.com/broadcasts/podcasts/better-off-dead?show_all=true.

DR RODNEY SYME'S COURAGEOUS

ACTION: Currently Vice-President of DwDVic and as we know a long term and passionate advocate for VAD, Dr Rodney Syme, has again challenged the hypocrisy of the current law and revealed the help he provides to people to enable them to have a peaceful death and release from suffering at the time of their choosing.

This was done in the “Australian Story” program on the ABC on 7 March. If you missed it, you can watch online and get a transcript from <http://www.abc.net.au/austory/content/2015/s4384764.htm>. (Or contact us and we'll send you the transcript.)

What the program demonstrated so clearly is the stark contrast between compassionate, courageous doctors like Rodney Syme who listen to and respect

their patients, and the doctors who fail to demonstrate these values.

Dr Hitchcock who appeared on the program opposing voluntary assisted dying is just the latest of the opponents who show exactly the same characteristic – a failure to meet the most basic principles, values and standards expected of doctors and Christians. She showed no compassion or empathy and no respect for the principle of patient autonomy or for the wishes of individuals like the man in the program, Bernard, a former corporate boss who has tongue and lung cancer, and who asked for Rodney's help.

DwDNSW provided on its Facebook page an excellent analysis of Dr Hitchcock's comments. As the analysis shows, she made misleading claims that distort the facts. For example, she claimed: *Physical pain towards the end of life is treatable*. As the DwDNSW analysis comments:

In making these statements Hitchcock ignores many things including:

** the Position Statement of Palliative Care Australia, which states that while pain and other symptoms can be helped, complete relief of suffering is not always possible, even with optimal palliative care.*

** It is well-established that physical pain is not the only cause of suffering at end-of-life; suffering can also result from existential concerns, such as feelings of helplessness, hopelessness, futility, remorse, death anxiety, as well as social isolation and loss of dignity and control.*

** the findings by “The Economist” in July last year that, over the past 15 years, terminal sedation—increasing drug doses to maintain deep unconsciousness until death—has become widely used in many countries to control dying patients' fear and agitation. A sedated patient could not scream in pain but they may still experience an undignified and prolonged death where they do not get to say goodbye to their*

family who watch them slowly die in this state.

In addition, Dr Hitchcock implied sinister motives of Rodney Syme. She did not know what motivated Dr Syme to “kill people” and implied that his assistance to people was because he decided “when people’s life is not worth living or is worth living”.

Dr Rodney Syme actually lives his principles and is what we all want from our doctors. Fortunately, there are many more like him who support assisted dying law reform and who will provide the assistance when it becomes law. In the meantime, he should not have to go to gaol for providing the standard of compassionate, respectful end of life care people ask for.

VICTORIA: The Parliamentary inquiry into end of life choices has continued to receive excellent evidence in support of voluntary assisted dying legislation. We understand the inquiry committee will also visit places overseas with legislation and also go to Canada. The inquiry report is due by 31 May 2016. We are very hopeful it will recommend legislation, which will be a major boost for the Tasmanian Bill.

You can access up to date news, submissions and transcripts of hearings at <http://www.parliament.vic.gov.au/lpic/article/2759>.

SA BILL: The *Voluntary Euthanasia Bill 2016* has been moved in the SA Parliament and is sponsored by a cross-party group of Labor, Liberal and Greens MPs. The Bill will be debated over an extended period and is always in danger of slipping off the list for debate. Only brief periods are made available in the SA Parliament for private member’s Bills and newly moved Bills take precedence over earlier Bills. Dirty tricks by

opponents to push it off the agenda are always likely.

OVERSEAS

CANADA: Canada is very close to getting national assisted dying legislation in line with the February 2015 unanimous decision of the Canadian Supreme Court. The Trudeau Government asked the Court for a 6 month extension of the February 2016 deadline for legislation but the Court approved only a 4 month extension until 5 June.

It looks as if this deadline can be met following the release in February of the report, “Medical Assistance in Dying: A Patient-centred Approach”, by the Special Joint Committee of the Canadian Parliament.

It contains 21 recommendations for legislation which should be introduced into the Parliament to reflect the Supreme Court decision. All are supported by detailed rationales, resulting from thorough consideration of different viewpoints provided in a consultation process.

If the recommendations are agreed to, the resulting legislation will be very similar to the Tasmanian 2013 Bill but with the additional option that people be able to access assisted dying through advance care directives. We will now support this option being added to the 2016 Tasmanian Bill.

This is the relevant recommendation:
Recommendation 7: *That the permission to use advance requests for medical assistance in dying be allowed any time after one is diagnosed with a condition that is reasonably likely to cause loss of competence or after a diagnosis of a grievous or irremediable condition but*

before the suffering becomes intolerable. An advance request may not, however, be made, prior to being diagnosed with such a condition. The advance request is subject to the same procedural safeguards as those in place for contemporaneous requests.

The terminology used is different from ours but these are other relevant recommendations of the Committee:

- **Recommendation 2:** *That medical assistance in dying be available to individuals with terminal and non-terminal grievous and irremediable medical conditions that cause enduring suffering that is intolerable to the individual in the circumstances of his or her condition.*
- **Recommendation 3:** *That individuals not be excluded from eligibility for medical assistance in dying based on the fact that they have a psychiatric condition.*
- **Recommendation 4:** *That physical or psychological suffering that is enduring and intolerable to the person in the circumstances of his or her condition should be recognized as a criterion to access medical assistance in dying.*

Even before the finalisation of the Canadian legislation, another provincial Court has applied the principles of the Supreme Court decision in February 2015. An Alberta court judge made a ruling in the case of a woman with ALS (motor neurone disease), making it legal for her to end her life.

We will continue to monitor the Canadian developments.

QUEBEC: After a rocky road with legal challenges by opponents, the Quebec assisted dying law came into effect on 10 December 2015, 18 months after it was passed in a vote of 94 - 22. It is still subject

to legal challenge but at least one person has so far been helped to die. Privacy law protected that person from having their personal details spread across the media to be mischievously misrepresented by opponents, as has happened in Belgium and the Netherlands.

CALIFORNIA: The Californian *End of Life Option Act* will finally come into operation on 9 June 2016. It was signed into law in October 2015 by Catholic Governor, Jerry Brown but had to wait until 90 days after the parliamentary session ended earlier this month.

The law will provide virtually the same legal assisted dying option as that available in other US States, Oregon, Washington, Vermont and Montana. That is, people with a terminal illness with less than 6 months to live may be able to get from their doctor a prescription for lethal drugs, subject to meeting other requirements, eg mental competence, voluntary request.

NZ: NZ also has a Parliamentary inquiry underway into the draft *End of Life Choice Bill*.

NORTHERN HOSPICE

A Northern hospice has recently moved a step closer, we hope. The Northern Hospice and Palliative Care Foundation has submitted plans to convert government-owned Launceston building Allambi into a purpose-built hospice. People in the north have worked hard for some years to get a dedicated hospice in Launceston since the closure of the previous one at Philip Oakden House.

In an article in the Examiner on 10 March, Barb Baker, vice-chairwoman of the Foundation and one of the hardest workers for the hospice, commented on the gaps in

service delivery that the new hospice will address.

A feasibility study will soon report to the Government. According to the Examiner article, "a government spokeswoman said the government would consider all recommendations from the Grosvenor study into a Northern hospice".

[\(http://www.examiner.com.au/story/3784404/hospice-plans-submitted/\)](http://www.examiner.com.au/story/3784404/hospice-plans-submitted/)

PRESIDENT'S REPORT - Dec - Mar

THE NEW BILL: A big focus has of course been the new Bill and working with Lara and Cassy, including providing updates on news and developments elsewhere such as the amazing amount of supportive material from Canada. The Canadian assisted dying legislation will be based on the most thorough and comprehensive consideration of all the issues - and we aim to make the most of it here.

WEBSITE AND FACEBOOK: Work has started on updating the website adding more real stories and core information. We are making the most of material from our interstate and overseas colleagues.

Recently added is a moving video made for DwDNSW of John Grayson, a 34 year-old

man living with a terminal brain tumour. He gave DwDNSW the opportunity to capture his views on life, the decisions he has ahead of him and why he supports the introduction of voluntary assisted dying laws in Australia. It's experiences like John Grayson's that show how essential voluntary assisted dying laws are. We will be adding many more.

Our Facebook page has become a major and valuable way to provide quick updates and contact non-members as well as members. Interest has increased significantly recently, particularly with the announcement of the new Tasmanian Bill. If you use Facebook, 'like' us to stay in touch more frequently than is possible with the newsletter.

END OF LIFE PLANNING: We continue to get requests for the excellent end-of-life planning guide, developed by Bill Godfrey. You can download it from the website or contact us to have a copy mailed at a total cost of \$10.

Bill is now working on a new series of workshops and information sessions. If you are a member of a group, or know of a group that may be interested, please let us know.

COMMITTEE FOR 2015 - 2016

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

Bill Godfrey (Vice President)
Keith Anderson (Secretary)
Mike Harris
Hilde Nilsson
Noel Woodrow

Committee meetings: We now 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.