

Dying *with* Dignity



Tasmania (Inc)

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your right to choose
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DECEMBER 2010

COMMITTEE FOR 2010 – 2011

Margaret Sing (President)
Trish Kershaw (Treasurer)
Mike Harris
Keith Anderson
Dr Helen Cutts

Bill Godfrey (Vice President)
Barbara Porter (Secretary)
Maureen Aiken
Allan Cameron
Kay Scurr

Patron: Professor Colin Wendell-Smith

The DwDTas Committee wishes you and your loved ones all the very best for Christmas and the New Year. We thank you for your continuing support and look forward to seeing as many of you as possible at the February BBQ and during our activities next year.

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QUOTES: In this newsletter are four quotes from opponents of voluntary euthanasia. Can you guess the authors??! Answers on the last page.

FORTHCOMING EVENTS

Annual DwDTas Barbecue

WHERE: BBQ site no. 2, Waterworks Reserve, Waterworks road, Hobart

WHEN: Sunday 6 February starting at 12.00pm

This is a great social event and chance to meet like minded friends and catch up on news. The site this year is No 2 (unfortunately No 9 was already booked) which has a roof and good access to toilets and car park. Bring a plate to share. If you need a lift, please phone Margaret Sing on 62348280 and we'll do our best to arrange one.

Salamanca Stand

We intend to have a Salamanca Stall in March and will let you know when. We always appreciate volunteers to help on the day.

Committee Meetings for 2011

Meetings are usually held at the Glenorchy Library, on the second Friday of each month, starting at 2.00pm. The next meeting is scheduled for 11 February 2011.

Members are very welcome to attend and to contribute to the discussion but, as these details may change, please check with a committee member beforehand.

PRESIDENT'S REPORT

Our busy 2010 has continued since the last newsletter. There is more detailed information about a number of events in other sections of the newsletter.

Global Conference: Bill Godfrey, Helen Cutts and I attended the informative and inspiring biennial global conference of the World Federation of Right to Die Societies, "Dying with Dignity: Bridging Principles and Practice", which was held in Melbourne from 7 – 9 October, along with Barbara Porter who attended the Public Symposium Day on 8 October.

National cooperation: A meeting of all State and Territory DwD/VE societies was held on 6 October before the international conference started. This day also resulted in exchanges of valuable information and ideas and strengthened the cooperative national alliance which will achieve so much more than we can each do by ourselves. You will have already received information on the launch of YourLastRight.com which is the means by which the national cooperation can help all of us. This has already been demonstrated in relation to the SA Bill with a number of us able to provide information for the debate. Significant funding may also be available to us for our campaign on the legislation next year. The Committee is considering ideas for action that will need financial assistance.

Visit by Professor Jan Bernheim and Neil Francis: Their visit to Hobart on 25 October was very successful. We were pleased that about 25 members were able to attend the informative evening event at Parliament House. Neil has offered to visit again next year and to be available to speak at Northern events which we aim to organise.

Submissions and Expression of Interest: DwDTas has made a submission as part of the 2011 - 2012 Budget Community Consultation. We argued for increased budget allocations for end-of-life planning, implementation of advance care planning programs in hospitals and health facilities, increased funding for palliative care and planning to ensure resources are available to implement dying with dignity legislation without delay, if it is passed next year. A copy of the submission will be put on the website but if you cannot access it there, please contact one of us for a copy.

A submission will also be prepared for the consultation on a Charter for Human Rights and Responsibilities for Tasmania. The rights proposed for such a charter are very relevant to dying with dignity legislation. No prizes for guessing which groups oppose the charter! The closing date for submissions has been extended to 14 January 2011.

An Expression of Interest will also be submitted for a DwDTas representative to become a member of the Palliative Care Clinical Network Steering Committee.

Constitution, website and pamphlet: As part of the review of the DwDTas Constitution, the Committee has agreed on re-wording to clarify the objectives and priorities of our organisation. The final update of other sections of the Constitution is now being finalised by the sub-committee, Mike Harris, Bill Godfrey and Colin Wendell-Smith. A special meeting will be organised to consider the new Constitution early next year.

Work is also occurring to improve the website and to update our pamphlet so they are clearer and more consistent, in preparation for our active year ahead.

Consultation paper for new Bill: Apologies to those who had asked for a copy of the consultation paper on a new Bill so they can provide comments. Pressure of other activities has delayed its completion but you will be sent a copy as soon as it is done.

HELP US CONTACT YOU MORE QUICKLY

There will be times in the next year when we may want to contact members quickly, eg about special events and to get important news to you. We can do this easily for members with email addresses and would like to find ways to contact members without email more quickly. Sending information by post is sometimes too slow and is costly in postage and takes a lot of volunteers' time to get everything in envelopes and mailed.

It would be very helpful if you could let us know an email address of a family member or friend who could pass a message on to you or you could provide a mobile number we may be able to send an SMS to.

DONATIONS AND BEQUESTS

DwDTas has received a very generous donation of \$5,000 from someone who wishes to remain anonymous, on behalf of himself and his late wife. We are very grateful to the donor. This is the largest donation we have ever received and will be of great benefit to us in the next year.

We ask you to consider DwDTas for donations and bequests. Even small amounts will make a big difference to our effectiveness and our ability to reach the broader Tasmanian community. We know that the vast majority of the community support dying with dignity law reform – the big challenge is getting them more actively involved in making that clear to their MPs.

GLOBAL CONFERENCE OF THE WORLD FEDERATION OF RIGHT TO DIE SOCIETIES

The conference was one of the best that some of us had ever been to – stimulating and informative speakers, great camaraderie, the opportunity to meet and talk to colleagues from many countries and wonderful organisation. The Committee members who attended all brought away information and ideas, as well as 'nuggets of wisdom' as Bill has called them, that will contribute to the work of DwDTas, particularly our efforts to get legislation next year.

It was particularly valuable to be able to hear first hand from those who have worked with the legislation that is operating successfully in Oregon, the Netherlands and Belgium. Their detailed presentations demonstrated very clearly that, based on factual evidence and sound research, there has been no slippery slope from voluntary to involuntary euthanasia. In fact, the opposite appears to be the case, that is, there are improved practices in relation to end-of-life medical treatment. Highlights included the presentations by Professor Barbara Glidewell and George Eighmey from Oregon.

Other major highlights of the conference were the inspiring and moving stories of those who continue to work for law reform in the UK and the US and who, for many years, have provided practical support and help to those in need of support at the end of their lives, even in the face of threatened and actual prosecution.

Tasmania was very well represented at the Public Symposium Day. An excellent presentation, 'Getting the law right on physician-assisted dying', was made by Professor Margaret Otlowski in the session on 'The Law'. This session also had informative presentations by the Hon Stephen Charles QC (Deficiencies of the current law) and Dr Charles Douglas, 'Palliative care or medically-assisted death: intentions, morality and the law'. Professor Michael Ashby's presentation, 'Causing death: palliative care and euthanasia' was part of the session, Physician-Assisted Dying (PAD) and Palliative Care. That session also included a presentation by Professor Jan Bernheim, similar to the one he made in Hobart, and one by Dr Roger Hunt, 'Practical and philosophical aspects of terminal sedation'.

Other sessions on the day included 'Ethics, Belief and Faith' and 'The Oregon Experience'. It is expected that a DVD of the day will be made. We will let you know when that is available and may organise showings.

There was very extensive and positive media coverage of voluntary euthanasia in newspapers and on TV and radio, leading up, during and after the conference, although there was no evidence in the Tasmanian media.

YOURLASTRIGHT.COM

Have you visited YourLastRight.com yet? DwDTas is an active member of the new national alliance, YourLastRight.com, as are all other State and Territory dying with dignity and voluntary euthanasia societies. Please visit <http://www.yourlastright.com> if you haven't already done so. Join the e-rally and stay in touch with national developments.

VISIT OF JAN BERNHEIM AND NEIL FRANCIS

On 25 October, Jan and Neil worked extremely hard for us. During the day there was:

1. an informal meeting of one hour with Professor Margaret Otlowski, Dean of Law, University of Tasmania, and her University colleague, Dr Natasha Cica, Director, Centre for Applied Philosophy and Ethics, School of Philosophy;
2. a 2 hour session organised by Professor Michael Ashby with staff of the Royal Hobart Hospital, the University and the public service. Despite short notice of the session, 23 people attended. A request was made and agreed to by Prof Bernheim for his presentation to be available for ongoing access by University and RHH staff.
3. a 2 hour session on Monday night with presentations to an audience of 55 people at Parliament House, including MPs and political staff, over 20 people from the health sector (including doctors, nurses, policy staff and hospice volunteers) and DwDTas members. These numbers more than hold up in comparison with the 100 – 120 in much bigger cities.
4. Apologies were received from the Premier, the Deputy Premier, the Leader of the Opposition and the Leader of the Greens as well as a number of other MPs. A number of MPs who could not come have asked for a summary of the information provided. This will be done soon.
5. Media included an article in the Mercury following an interview with Neil Francis, a 20 minute interview by Tim Cox on his ABC Breakfast program and interviews by Win TV that resulted in a short segment on the evening news. Another brief interview was done with ABC radio news but was not broadcast.

Jan has sent us a copy of an updated PowerPoint presentation if anyone would like a copy.

NEWS FROM AROUND AUSTRALIA AND OVERSEAS

AUSTRALIA

Federal Parliament

Debate has commenced on Senator Bob Brown's private senator's Bill, Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010, that seeks to overturn a 1997 Commonwealth law prohibiting the Northern Territory, the ACT and Norfolk Island from legalising euthanasia. Debate will resume in 2011.

NSW

A proposed Greens Bill, *Rights of the Terminally Ill Bill 2010*, moved by MP Cate Faehrmann, will enable terminally ill patients, of sound mind and whose pain and suffering cannot be alleviated, to voluntarily request and receive assistance from a medical practitioner to end their own lives. will move the Bill.

Victoria

The recent Victorian election has resulted in a win for the Liberal/National coalition. It is not yet clear what effect this will have on legislation on physician-assisted dying.

Not since the 1950s has the Catholic Church intervened quite so strongly in Victorian State politics. During the election campaign, Melbourne Archbishop Denis Hart stated that the church totally disagreed with the Greens on assisted suicide. Bishop Peter Elliott, the Auxiliary Bishop of Melbourne, and head of Melbourne's John Paul II Institute for Marriage and the Family, went even further and claimed the "warped practice of eugenics is rising from its Nazi tomb" in Victoria. Further, he claimed that euthanasia "is the policy of a political and ideological force that puts more value on wattle and wombats than people".

The Greens took on the Catholic Church, accusing the church hierarchy of trying to tell parishioners how to vote in the election and wanting to "dictate" to the terminally ill that they should suffer. The Catholic Church issued pamphlets through Catholic schools and churches listing 25 questions voters should ask candidates before deciding how to vote. Topping the list of Catholic concerns were legalising euthanasia, abortion and same sex marriage.

Senator Brown was reported as saying that he did not think Archbishop Hart's intervention would have much impact because the Greens embraced Christian ethics and Catholic voters could think for themselves. He said polls showed about 80 per cent of Victorians were in favour of voluntary euthanasia, so on that issue the Greens represented the majority view and the Catholic bishops were in a small minority. He was also reported as saying: "What they are wanting to do in terms of euthanasia is dictate to people who are suffering the indignity and pain of a terminal illness that they shall suffer and to deprive those persons of their ability to ask their doctors to, with their families, help them have a dignified end when there is no hope of recovery."

QUOTE 1 - Bob Brown's version of social justice is to kill people from womb to tomb. In the *perverted and dysfunctional morality of the Greens*, compassion means to kill people. Talk about a brave new world where evil becomes good, and good evil.

South Australia

Voluntary euthanasia legislation – two bills

Two different Bills have been moved in the SA Parliament. Debate has taken place on the Bill sponsored by Mark Parnell, Greens member of the Legislative Council (Upper House), and Steph Key, Labor member in the House of Assembly. The Key/Parnell Bill was defeated "on the voices" in the Legislative Council on 24 November with the vote likely to have been 12 against and 9 for. Steph Key will move the same or a similar Bill in the Lower House early next year.

As expected, there was strong religious opposition to the Bill and some MPs chose to represent their church's view and to repeat their inaccurate, false and misleading statistics and claims.

SA Supreme Court grants woman the right to die

The South Australian Supreme Court has granted a South Australian woman the right to die by refusing to take food and medication without her carers facing prosecution. This judgment, which gives the woman (in her seventies) the right to refuse food, drink and insulin, is believed to be a first in South Australia and reflects a similar ruling in Western Australia in 2009 in the Rossiter case.

The nursing home was concerned it might be breaking the law by carrying out her wishes, but the woman argued it would be illegal for the home not to do so. Supreme Court Justice Chris Kourakis does not consider her refusal to be suicide and held that the nursing home will not be assisting in a suicide nor committing other crimes if it complies with her desires.

Western Australia

Greens MP, Robin Chapple, introduced a private members bill to the WA Parliament. That bill would have allowed West Australians over the age of 21 with a terminal illness and who are sound of mind,

to ask a doctor to end their life. However, the bill was defeated on 23 September 2010, in a free vote, 24 votes to 11. Voting took place after 2 days of consideration. Robin Chapple has vowed to re-introduce the bill if he wins another term in Parliament.

QUOTE 2 - Given the frequency with which euthanasia bills appear before parliaments across Australia, surely it is time to declare a moratorium on them to enable governments to concentrate on governing.

UNITED KINGDOM

Scotland

The End of Life Assistance (Scotland) Bill was defeated after its first stage debate in the chamber on 1 December 2010. The Scottish Parliament voted by 85 votes to 16 with two abstentions to reject the bill to legalise assisted suicide. The Independent MSP Margo MacDonald, who has Parkinsons disease, wanted a change in the law to give terminally ill people the right to die.

2/3 of Britons support legalisation of Voluntary Euthanasia

A British online survey (of 2,015 people) reports that:

- 67% support legalising voluntary euthanasia in the United Kingdom;
- 19% oppose legalising voluntary euthanasia;
- 58% think people who help a person to commit suicide should not be prosecuted;
- 83% believe legalising voluntary euthanasia would give people who are suffering an opportunity to ease their pain;
- 77% believe legalising voluntary euthanasia would enable clearer medical guidelines to be established for doctors to deal with end-of-life decisions;
- 30% believe that legalising euthanasia would send the message that the lives of the sick or disabled are less valuable

Further, nearly three-in-five respondents believe people who help a person commit suicide should not be prosecuted. Britons are evenly split on whether legalising euthanasia would leave vulnerable people without sufficient legal protection, with 43 per cent agreeing and 42 per cent disagreeing.

Sir Michael Caine calls for voluntary euthanasia

Double Oscar Winner, Sir Michael Caine, one of Britain's most respected actors, has thrown his support behind the legalisation of voluntary euthanasia. He has revealed that he asked a doctor to help his gravely ill father die.

He is reported as saying: "My father had cancer of the liver and I was in such anguish over the pain he was in, that I said to this doctor, I said 'Isn't there anything else you could, just give him an overdose and end this', because I wanted him to go and he said 'Oh no, no, no, we couldn't do that'. Then, as I was leaving, he said 'Come back at midnight.' I came back at midnight and my father died at five past 12. So he'd done it."

Assisted suicide law to be reviewed

A commission is being established to question whether or not relatives should be able to apply to a judge for permission to assist a loved one to commit suicide. The background to this move lies in the fact that a number of British people have travelled with friends or family to the Dignitas clinic in Switzerland, where terminally ill people are able to end their lives. Although police investigated the cases, none were taken to court. Last year, Debbie Purdy, who suffers from multiple sclerosis, won an historic judgment in the House of Lords that said she had a human right to know if her husband would face prosecution in such circumstances. In several other cases, the law has not been enforced. It is asserted there is a problem with the current situation because some people have chosen to die alone, or earlier than they might have done, in order to protect relatives.

QUOTE 3 - The experience of the Netherlands confirms just how far such a mentality can spread with pressure to increase the scope of the law [on euthanasia] so that it includes not just those with terminal illness and unrelievable suffering, but also people who suffer from depression, those who cannot make their own decisions, and even children.

UNITED STATES OF AMERICA

Oregon

The 12th annual report on the operation of the Death with Dignity Act, issued by the Oregon Department of Health Services has shown a continuation of key patterns. The report states that: "As in prior years, most participants were between 55 and 84 years of age (78.0%), white (98.3%), well-educated (48.3% had at least a baccalaureate degree), and had cancer (79.7%)".

It is interesting to note that the percentage of people with cancer who use the Oregon Act is almost exactly the same as for those in Belgium and the Netherlands who use voluntary euthanasia and physician assisted suicide.

Contrary to the claims of those opposed to voluntary euthanasia, feeling a burden on family, friends/caregivers is **not** a major concern for those who have ended their lives through ingesting a lethal dose of medication. In 2009, only 25% of those who did so mentioned it as a concern.

In total, since the Act came into operation, only 37% of the 460 people who have ended their lives in this way mentioned it as a concern. It has been the fifth most frequently mentioned concern and a long way behind the most frequently mentioned end-of-life concerns. They have been: loss of autonomy 91% (96.6% in 2009), loss of dignity 85% (91.5% in 2009), and decreasing ability to participate in activities that made life enjoyable 87% (86.4% in 2009).

Also contrary to the claims of opponents, slightly more men (53%) than women (47%) have ended their lives using lethal medication obtained under the Act.

As in other years, in 2009, many more prescriptions were written than were used. The report states that, of the 93 prescriptions written, "53 patients took the medications, 30 died of their underlying illness, and 12 were alive at the end of 2009. In addition, six patients with earlier prescriptions died from taking the medications, resulting in a total of 59 DWDA deaths during 2009. This corresponds to an estimated 19.3 DWDA deaths per 10,000 total deaths."

This means that deaths using lethal medication were 2% of total deaths, also very similar to the rate in Belgium and the Netherlands for those who use voluntary euthanasia and physician assisted suicide.

Vermont

The next Death with Dignity campaign will target Vermont. Public opinion polls there show 82% of the population supports Death with Dignity; during the last biennium, 68 legislators were willing to sign on as co-sponsors of Death with Dignity legislation. Vermont's new governor has repeatedly stated in no uncertain terms he will champion terminally ill patients' rights to decide to die with dignity.

QUOTE 4 - Legislation to legalise voluntary euthanasia directly attacks the social contract by which we citizens are able to live together peaceably. In other words, it's not a slippery slope into some abyss of darkness so much as a catastrophic undermining of the very foundations on which a civilised society can agree to live together.

FRANCE: New attempt to legalise euthanasia

In October 2010 a new bill to legalise voluntary euthanasia was registered with the President of the French Senate. Those proposing it pointed at the last liberty to be conquered: the right of patients with incurable disease to request "euthanasie volontaire". They also argued that the practice of terminal (palliative) sedation, commonly used in most hospices, is far from satisfactory: "Terminal sedation is actually nothing else but active euthanasia with the doctor refusing to take into account the wishes of the concerned person".

A poll released on 30 October 2010 showed that an overwhelming majority of French people (94%) favoured a law permitting euthanasia in some cases, such as an incurable disease.

SPAIN: To pass law to allow death 'with dignity'

Spain's socialist government will approve a draft law in March 2011 on end-of-life care that will allow people with incurable diseases to "die with dignity", said the deputy prime minister. The law will spell out the rights of patients facing death and their families and the medical staff who care for them so they can "die without suffering", Alfredo Perez Rubalcaba told reporters after a cabinet meeting.

SWITZERLAND: Landmark acquittal

A former Neuchatel cantonal head doctor has been acquitted after an appeal, in what campaigners are calling an important case over assisted suicide. A regional criminal court in Boudry ruled that the doctor had no choice when she took the final step to end the life of a terminally ill patient. Direct active euthanasia is illegal in Switzerland but assisted suicide and passive euthanasia (mercy killing) is not.

In this case, the medic had started a lethal drip for a patient who was suffering from Lou Gehrig's disease, an incurable degenerative condition. As the patient - who had expressed a wish to die - was not able to perform the act herself, the doctor relied on a movement of the patient's foot as a signal.

The court ruled that as there was no doubt about the patient's wishes, the doctor in this case had a medical and moral duty to break the law. It also pointed to the Federal Court in Lausanne which has already ruled on a similar situation.

Assisted suicide organisation Exit called the verdict a "small sensation" which sent a clear signal at a time when the government is considering new guidelines and restrictions on assisted suicide.

ANSWERS TO THE QUIZ

QUOTE 1 - Bill Meuhlenberg, formerly Australian Family Association and Salt Shakers, now runs CultureWatch.

QUOTE 2 - John Barich, National Civic Council, Australian Family Association, Knights of the Southern Cross.

QUOTE 3 - Archbishop Denis Hart, Catholic Archbishop of Melbourne.

QUOTE 4 - Dr John Fleming, Southern Cross Bioethics Institute, former Anglican priest but now RC priest.

Opponents simply repeat each others' claims, arguments and bizarre logic, so you'll hear them all again in different forms.

Have a contribution for the Newsletter?

Submissions welcomed by email or post:

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Post: DwdTas, PO Box 1022, Sandy Bay, Tas 7006.