

# Dying *with* Dignity



Tasmania (Inc)

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***Your Right To Choose***

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## JUNE 2012

### COMMITTEE FOR 2011 – 2012

Margaret Sing (President)  
Trish Kershaw (Treasurer)  
Mike Harris  
Allan Cameron AM  
Hilde Nilsson

Bill Godfrey (Vice President)  
Barbara Porter (Secretary)  
Keith Anderson  
Dr Helen Cutts  
Noel Woodrow

**Patron:** Professor Colin Wendell-Smith AO

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## AGM – FRIDAY 20 JULY, 1 PM, GLENORCHY LIBRARY

We would be very pleased to see you at the Annual General Meeting and the discussion after the meeting. Following the short AGM, there will be refreshments, then a discussion on what should be included in a new dying with dignity Bill.

It has been decided to have a discussion on this issue because there are a number of choices to be made about the details of the Bill. We know that many of you have had a personal experience that has convinced you of the need for the legislation and/or you've thought carefully about the issues and have personal preferences about what should be in legislation. In order for the DwDTas Committee to represent its members, we would like to hear what those views are.

There are many differences between the legislation that is already in place in different countries. For example, in Oregon the person has to be terminally ill with less than 6 months to live, but in the Netherlands and Belgium the focus is on the impact of the medical condition including the suffering of the person. In Oregon, the doctor provides a prescription for medication to be self-administered, whereas in the Netherlands and Belgium, doctor administration and self-administration of the lethal medication are allowed.

It is important that the Tasmanian Bill suits the circumstances here and the preferences of the community here. Help us to make the views of our members clear to the MPs. If the consultation paper on the Bill to be proposed by Lara Giddings and Nick McKim is ready, that will be the basis of the discussion. If not, information will be provided on the issues and options for discussion.

### **AGM Purpose and Agenda**

In accordance with the Constitution, the purpose of the AGM is to consider particular general business. The Agenda for the 2012 AGM is as follows:

- 1) Apologies
- 2) Confirmation of minutes of the last AGM, 13 July 2011
- 4) Annual reports
- 5) Election of committee members and Office Bearers
- 6) Appointment of Auditor.

### **PLEASE CONSIDER NOMINATING FOR THE COMMITTEE (See form at end of newsletter)**

Please note that ALL committee positions become vacant. We would greatly welcome your involvement if you would like to take a more active part in DwDTas activities. Nominations close on 10 July 2012. If you'd like more information, to talk about what's involved or ensure your nomination is proposed and seconded by other members, please ring the President, Margaret Sing, on 0438 004 994.

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### **MEMBERSHIP RENEWALS**

Our membership renewals are due on 1st June each year. Many members pay their memberships for more than one year, so you will only receive a renewal notice if your membership is due. We appreciate and need your support and hope you will renew.

If possible, please convince others to join. To get copies of the pamphlet with the membership application form, contact a committee member or ring us on 0450 545 167 (leave a message).

## OTHER FORTHCOMING EVENTS

**DwDTas Committee Meetings:** These are usually held at the Glenorchy Library, on the second **WEDNESDAY** of each month, starting at 2.00pm. The next scheduled meeting will be after the AGM, on Wednesday 8 August. Members are very welcome to attend and to contribute to the discussion but, as these details may change depending on the availability of committee members, please check with a committee member beforehand.

**Next Salamanca stall:** We are trying to arrange a booking for late September. If you would like to help for an hour or so handing out material please contact us.

**Major event in September or October:** We intend to organise a major public event with a well-known guest speaker. The aim will be to generate media coverage and publicity for the proposed dying with dignity Bill.

**Regional workshops for consultation on new Bill:** We will be planning regional workshops as part of the consultation on the new Bill, as soon as we are aware of the timetable and process for the release of the consultation paper. We will contact members directly about the workshop in their region to invite you and your friends to make your views known.

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## CAN YOU HELP?

- **Assistance with website entry:** We aim to put much more information on the website in the next few months and would appreciate some assistance to do this. The process is relatively easy after minor training. If you can help even if for only a few hours, please contact us.
- **Letters to papers, MPs, etc:** It's important in the next few months that those who support the new dying with dignity Bill make their views known. We all know that the vast majority of the population supports such law reform but those who oppose it are much more vocal. We encourage you to write to the papers, MPs, public commentators, etc. If you would like some assistance to do this, please contact us.

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## PRESIDENT'S REPORT

**Consultation on new dying with dignity Bill:** *Very welcome news in the last few days is that the consultation paper may be released soon.*

Action in the last 6 months has included providing information and advice for the preparation of the consultation paper and new Bill. We are aware that Lara Giddings and Nick McKim remain strongly committed to the development of voluntary assisted dying legislation for Tasmania and the intention remains to introduce a Private Members Bill into Parliament before the end of the year. We are also aware that expert advice has been sought and given to them from those with significant academic, medical, legal, policy and religious perspectives in support of this important law reform to ensure the proposed model meets Tasmanian needs.

**Ongoing research and development of resources:** A lot of effort in the last 6 months has been spent on ongoing improvement in the information and resources to promote and

lobby for a new Bill. We now have a very substantial research base, both here and through our national alliance, supporting voluntary euthanasia law reform and challenging the misinformation that is a substantial part of the political campaign against law reform. Material is being prepared for the website and to send to MPs.

**Action to promote ethical campaigning and to challenge misinformation in the campaign against law reform:** A key part of our campaign is the promotion of an ethical approach by both sides of the debate, which includes pointing out inaccuracies and misleading aspects of the material being used. We respect everyone's right to express their views on this issue but not to use false and misleading material to prop up unsupportable arguments. In the last newsletter I reported that we had written to the Catholic Archbishop of Hobart, Archbishop Doyle, about an offensive and inaccurate pamphlet on the website of the Hobart Diocese and asked him to intervene and use his leadership to ensure ethical debate on this issue. After follow up letters, and pointing out inaccuracies and misleading material in another pamphlet from the Life, Marriage and Family Centre of the Archdiocese of Sydney, Archbishop Doyle has responded very positively and we are very pleased to report that the material has now been removed from the website. His senior adviser's response to us did not acknowledge that this had been due to our representations.

To date, our experience with the University of Tasmania has been considerably less positive. In March, we sent a major complaint to the Vice-Chancellor about the lecture last year by Professor Margaret Somerville. The complaint was supported by lengthy material demonstrating, among other things, that in the lecture there were major inaccuracies, including misrepresentations of academic articles, claims without any evidence, claims that were the opposite of reputable and consistent evidence and some claims that were preposterous. The response from the Vice-Chancellor, received only after a reminder, was relatively brief and included the statement: "I am informed that although Professor Somerville's lecture was indeed polemical, as might be expected given the nature of the debate in which she has been a key public figure, there was **nothing academically inappropriate** about her presentation". We will be pursuing this matter and requesting that the same opportunity be provided for an academic public lecture in favour of voluntary euthanasia law reform under the same conditions as applied for Professor Somerville and her sponsoring body, the religious conservative political lobbying organisation, the Ambrose Centre for Religious Liberty. We will again be urging the Vice-Chancellor to ensure that the debate, 'Dying to Know', is held soon. It was advertised for 21 November last year and then postponed until 2012. This will be an important forum for a range of views to be put to the public by University academics.

We intend to also challenge the inaccurate and misleading material on the website of Anglican Bishop Harrower and the website of the anti-law reform website, "Real Dignity Tasmania" (see below).

**U3A:** We are presenting a 6 week course for Hobart U3A titled, "What does dying with dignity mean?". The course commenced on 19 June and has over 50 enrolments.

Please suggest a brief presentation or a longer course like this to any similar groups you're a member of.

**YourLastRight.com and the national alliance:** It is very pleasing to report that considerable funding for 2012 – 2013 has been committed to YourLastRight.com by the Clem Jones group of companies in line with Clem Jones' wish to support voluntary euthanasia law reform. Neil Francis as CEO continues to play an extremely active role and provide valuable assistance in the national and State campaigns for law reform, including ours.

**Media:** Media coverage has resulted from indications that the consultation paper on the new Bill will be released before long. I spoke at some length to an Examiner journalist (story Examiner 25 Jun) and an AAP journalist, did an interview on 2GB on the night of 25 June and have been contacted by the producers of the Channel 10 program, The Project.

Before that it had been very quiet in the local media about voluntary euthanasia apart from the story in the Examiner on 12 May 2012 about the new alliance and website, Real Dignity Tasmania (see details below). Bill Godfrey had a letter in the Mercury on 4 June making the points that many Christians support carefully framed voluntary euthanasia legislation; many individuals and groups claiming moral superiority of their views on same sex marriage, and backing that up with dubious claims, are doing exactly the same when it comes to voluntary euthanasia legislation and this is not in keeping with democratic principles and values.

There continues to be frequent news and comment in national and overseas media. If you would like to receive an email copy of the weekly media update please let us know.

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#### **OTHER GROUPS SUPPORTING CHOICE IN VOLUNTARY EUTHANASIA**

**NEW NATIONAL LAWYERS GROUP:** The South Australian group, Lawyers for Legalising VE, is set to expand nationally in a similar fashion to Doctors for Voluntary Euthanasia Choice as reported on in the January newsletter (see [www.drsv4vechoice.org.au](http://www.drsv4vechoice.org.au)). Please contact the President, Margaret Sing, on 0438 004 994 if you're interested.

**CHRISTIANS FOR VE CHOICE:** This group is growing strongly and recently had just over 1000 signatories on a letter to South Australian MPs following the close defeat of the Dr Bob Such Bill (see news in SA section below). In their new pamphlet they state: "A key aim of the organisation is to make it known to all Australians as well as all politicians that many Christians support legalisation of choice for voluntary euthanasia, holding it to be consistent with Jesus' message of love and compassion. ... The main opposition to law reform arises from some fundamentalist Christians and conservative groups, such as the Australian Christian Lobby. We are seeking to counteract their disturbing dogmatic approach to this issue."

If you would like more information, to join (free) or to express your support as a non-Christian who wants to support the group, you can send your name, address, email address (if you have one), and electorate details to: Ian Wood, Coordinator, Christians Supporting Choice for Voluntary Euthanasia Villa 1, Hampton Mews, 4 Wills Place, Mittagong, NSW 2575; Or email your details to: [iagree@christiansforve.org.au](mailto:iagree@christiansforve.org.au) .

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#### **OPPONENTS OF DYING WITH DIGNITY LAW REFORM – OUT IN FORCE**

**Anti-voluntary euthanasia law reform meeting:** On Thursday 28 June, at 7 pm, Alex Schadenberg, a major international campaigner against voluntary euthanasia law reform will

speak at the Hobart Church of Christ, 203 Liverpool St, Hobart. Schadenberg is the founder and CEO of the Euthanasia Prevention Coalition in Canada and the international body.

**‘Real Dignity Tasmania’:** A new anti-law reform coalition calling itself ‘Real Dignity Tasmania’ was launched at Parliament House on 11 May. The lead person is former Governor, William Cox, and the group includes the Hon Ray Groom, Dr Paul Dunne, and UTas staff - Professor Father Michael Tate, Professors Ray Lowenthal and Jeff Malpas, Dr (PhD) Jeremy Prichard and Dr Nick Cooling - and UTas honorary research associate, Dr (PhD) Kristi Giselsson. The website features their submissions to the 2009 Parliamentary Committee inquiry as well as a video of Professor Margaret Somerville’s lecture.

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## HEALTH COMPLAINTS

We know that there are times when people are dissatisfied with the treatment their loved ones receive at the end-of-life. If you are in this position, the Health Complaints Commissioner may be able to help you. The service is free and applies to health service providers in Tasmania in both the public or private sectors. Detailed information can be found on the website, <http://www.healthcomplaints.tas.gov.au>. According to the website, the Health Complaints Commissioner is an independent officer appointed by the Governor, is also the State Ombudsman and his role is to help resolve problems between consumers and providers of health services.

You can contact the service by phone (1800 001 170) or in person at the office, Ground Floor 99 Bathurst St, Hobart 7000. You will have to put it in writing before they can make any enquiries. The website includes a printable complaint form or an online form, or you can contact the office to send you a copy.

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## NEWS FROM AROUND AUSTRALIA AND OVERSEAS

### AUSTRALIA

**SOUTH AUSTRALIA:** On 14 June, a new voluntary euthanasia Bill introduced in the SA Parliament by Independent MP Bob Such, was narrowly defeated 22 – 20 in a conscience vote. A report in the Adelaide Advertiser (<http://www.adelaidenow.com.au/news/south-australia/parliament-kills-off-euthanasia-laws/story-e6frea83-1226395772400>) revealed some positive aspects, that the Bill was supported by the Premier, Jay Weatherill, senior Labor ministers, Pat Conlon and Paul Caica, and Liberal frontbenchers, Steven Marshall, John Gardner and Duncan McFetridge. Interestingly, five MPs - including Opposition Leader Isobel Redmond - did not vote. Not surprising was the heavy lobbying against the Bill by conservative Christian groups and that those who voted against it included Influential members of Labor's Right faction.

According to the story, Dr Such said “he intended to "re-jig" the proposal and try again” and regarded it as “a significant step forward to get that close in a vote”. He also told the Advertiser: "Slavery wasn't abolished overnight and women didn't get the vote overnight. Big changes take time, but the Parliament will eventually catch up with the views of the broader community." (Hear, hear!)

## OVERSEAS

**New Zealand:** NZ MP Maryann Street has indicated that shortly she will submit a new bill on the subject. The 'End of Life Choice Bill' will shortly be placed in the private member's bill ballot list. In New Zealand's national parliament, a private member's bill sits on the ballot list awaiting the discharge of another private member's bill under debate. At that point a new bill is drawn from the ballot list and is raised to the Notice Paper for debate.

**Canada:** A very major positive legal decision, *Carter v. Canada (Attorney General)*, was brought down in the Supreme Court of Canada on 15 June 2012. The Court found in favour of the plaintiffs, including Gloria Taylor, who had challenged the Criminal Code of Canada provisions prohibiting physician-assisted dying. It found that the provisions unjustifiably infringed the equality rights of Ms Taylor and the rights to life, liberty and security of the person of Ms Taylor and two other plaintiffs. As a result of particular action, Ms Taylor is to be permitted the option of physician-assisted death under a number of conditions and the Canadian Parliament is to be given a year "to take whatever steps it sees fit to draft and consider legislation" that meets relevant sections of the Canadian Charter of Rights and Freedoms.

The judgement is very detailed and lengthy and includes findings of fact and legal reasoning relevant for the Tasmanian debate including the following (the sections in bold are our emphases):

- [4] Palliative care, though far from universally available in Canada, continues to improve in its ability to relieve suffering. However, **even the very best palliative care cannot alleviate all suffering, except possibly through sedation to the point of persistent unconsciousness (palliative sedation)**. (Our emphasis)
- [10] The defendants identify a number of areas of risk for patients if physician-assisted death is permitted, for example relating to the patients' ability to make well-informed decisions and their freedom from coercion or undue influence, and to physicians' ability to assess patients' capacity and voluntariness. **The evidence shows that risks exist, but that they can be very largely avoided through carefully-designed, well-monitored safeguards.**
- [15] The claim that the legislation infringes Ms. Taylor's equality rights begins with the fact that the law does not prohibit suicide. However, **persons who are physically disabled such that they cannot commit suicide without help are denied that option, because s. 241(b) prohibits assisted suicide.** The provisions regarding assisted suicide have a more burdensome effect on persons with physical disabilities than on able-bodied persons, and thereby create, in effect, a distinction based on physical disability. ... **The distinction is discriminatory, ... because it perpetuates disadvantage.**

The Court found that: "[16] ... a less drastic means of achieving the legislative purpose would be to keep an almost-absolute prohibition in place with a **stringently limited, carefully monitored system of exceptions allowing persons in Ms. Taylor's situation – grievously and irremediably ill adult persons who are competent, fully-informed, non-ambivalent and free from coercion or duress – to access physician-assisted death.** Thus, the legislation does not impair Ms. Taylor's equality rights as little as possible. Further, the legislation has very severe adverse effects on Ms. Taylor and others in her situation, that are not outweighed by its benefits."

**France**

The new President of France, Francois Hollande, supports legalisation of assisted dying. In his campaign, he stated his intention to legalise assisted dying so that "all adults in the advanced or terminal phase of an incurable illness, provoking unbearable physical or psychic suffering, and that cannot be alleviated, can request, within precise and strict conditions, to receive medical assistance to end their life with dignity". (Source: World Federation of Right-to-Die Societies)

**Please detach** -----

**Dying with Dignity Tasmania Inc - Proposal Form for Committee Membership**

**Name of nominated member:** .....

**Signed:** .....signature of member nominated.

**For the position of:** .....

**(President/Vice President/Secretary/Treasurer/General Committee)**

**Name of Proposer member:** .....

**Signed:** .....

**Name of Seconder member:** .....

**Signed:** .....

**Date:** ...../...../ 2012

**Please mail this form to: DwDTas, PO Box 1022, Sandy Bay Tasmania 7006, by 10 July 2012.**