

Dying with Dignity Tasmania (Inc)

PO Box 1022
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your right to choose
www.dwdtas.org.au
March 2010

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TASMANIAN STATE ELECTION

What to consider before you vote on March 20th

It is likely that members of the House of Assembly who are elected on 20 March 2010 will have the opportunity to vote on a new Dying with Dignity Bill some time in the next year and that they will have an individual ('conscience') vote. One of the features of the multi-member electorate, Hare-Clark voting system, is also that even if you have a particular Party preference, you can choose between candidates of the same Party in the vote.

The personal views of candidates on the issue of dying with dignity legislation are relevant and of great interest. What has been disappointing is that many of the candidates did not reply and therefore refused to tell voters what their views are on this important issue.

This report is based on responses received by 5 March. Other candidates have been contacted following the release of the list of candidates by the Tasmanian Electoral Commission. The table on the website will be updated as additional responses are received – see http://www.dwdtas.org.au/political/candidates_2010.php.

Please let us know if you have additional information about any candidates that you think should be made known to other DwDTas members through the website.

SUMMARY AS AT 5 MARCH

Remember that for a formal vote you must vote for at least 5 candidates in order from 1 to 5.

Top Ranking: Those who voted for the Dying with Dignity Bill 2009 or who have advised that they support the DwDTas Legislative Charter.

Maybes: Those who support the Legislative Charter but with reservations.

ELECTORATE	TOP RANKING	MAYBES
Bass	Kim Booth, Sally Day, Beverley Ernst and Jeremy Ball (all Greens)	Michele McGinity (Liberal)
Braddon	Claire Gilmour (Greens), Judy Richmond (Labor), Melissa Houghton (Greens)	
Denison	Cassy O'Connor (Greens), Lisa Singh (Labor), Kartinka Franks and Penelope Ann (both Greens)	
Franklin	Ross Butler (Labor), Lara Giddings (Labor), Nick McKim (Greens) and Deborah Brewer (Greens)	Tony Mulder (Liberal)
Lyons	Tim Morris (Greens), Jackie Graham, Karen Cassidy and Karl Stevens (all Greens)	Rebecca White (Labor) and Sharon Prior (Greens)

There were some sitting members who spoke more sympathetically than others during the debate on the Bill. See our report in the November newsletter to consider their views.

REPORT

Key information considered for this report includes:

- For sitting members who are recontesting their seats, information on how they voted and in most cases what they said during the debate on the Dying with Dignity Bill 2009. In the case of David Bartlett and Will Hodgman, we also have media reports of their appearance at a forum organised by the Australian Christian Lobby on 15 February 2010.
- For other candidates, information includes the responses to a survey by DwDTas on their attitudes to our Legislative Charter. The aim of the survey was to find out the views of candidates on the key principles of dying with dignity legislation. This was because we do not know whether any new Bill introduced to Parliament will be the same or will vary in detail from the 2009 Bill. At the time of the survey, we did not know who all the candidates would be so concentrated on those from the three main parties for whom contact and other details were available.

Sitting Members

The following MPs who are recontesting their seats in the 20 March election voted for the Dying with Dignity Bill 2009 at the second reading stage and have clearly indicated their strong support for the principles underpinning the Bill:

Bass: Kim Booth (Greens)
Braddon: [None]
Denison: Cassy O'Connor (Greens) and Lisa Singh (Labor)
Franklin: Ross Butler (Labor), Lara Giddings (Labor), and Nick McKim (Greens)
who introduced and strongly supported the Bill
Lyons: Tim Morris (Greens).

For more information, see the detailed report on the debate on the Bill that was included in our November 2009 newsletter.

While neither of the other Party leaders, David Bartlett (Labor – **Denison**) and Will Hodgman (Liberal – **Franklin**), voted for the Dying with Dignity Bill 2009 at the second reading stage, they both made speeches that indicated some sympathy for the needs of those who would be assisted by the Bill and we were hopeful that they may be supportive of a new Bill that addressed their concerns. Both of them appeared at the Australian Christian Lobby forum on 15 February 2010 where they were asked about this issue. *The Mercury* reported that both “were against laws to enable euthanasia”. *The Examiner* report was more informative, more in keeping with what both the men said during the debate and therefore likely to be a more reliable guide to their positions. It reported that both had “expressed their disapproval of the Dying with Dignity Bill and both agreed on the need to support palliative care services”. Mr Hodgman was also reported as saying: “One of the fundamental flaws in that bill was that it would expose those most vulnerable within our community risks”.

Sitting member, Michelle O'Byrne (Labor – **Bass**) was away on a Ministerial meeting when the debate on the 2009 Bill was held. She was asked earlier for her views on the DwDTas Legislative Charter but did not reply.

Other Candidates

Other candidates from the three main parties were canvassed for their views on the DwDTas Legislative Charter. They were asked if they supported the Charter (A), supported it with reservations (B), or opposed it (C). A few candidates responded with comments but would not choose between A, B or C. They were categorised as a D response along with those who did not reply.

It is extremely disappointing that the vast majority of candidates did not respond at all to the survey even with reminders and extension of response time. We would hope that some of them if elected would provide appropriate democratic representation of the vast majority of the population that support dying with dignity legislation, but their refusal to provide information to voters before the election is not encouraging.

The candidates who supported the Charter were as follows:

Bass: Sally Day, Beverley Ernst and Jeremy Ball (all Greens)
Braddon: Claire Gilmour (Greens), Judy Richmond (Labor), Melissa Houghton (Greens)
Denison: Kartinka Franks and Penelope Ann (both Greens)
Franklin: Deborah Brewer (Greens)
Lyons: Jackie Graham, Karen Cassidy and Karl Stevens (all Greens).

Those who supported it with reservations were:

Bass: Michele McGinity (Liberal)

Franklin: Tony Mulder (Liberal)

Lyons: Rebecca White (Labor) and Sharon Prior (Greens).

Those who opposed the Charter were:

Braddon: Phillip Lamont (Liberal), Adam Brooks (Liberal), Leonie Hiscutt (Liberal)

Denison: Elise Archer (Liberal)

Franklin: Jacquie Petrusma (Liberal), Wendy Heatley (Greens)

Lyons: Jane Howlett (Liberal).

There were a few candidates that refused to categorise their response as A, B or C. Their comments gave no cause to believe they would support dying with dignity legislation, but they did at least have the courtesy to reply to our survey. They included Paul O'Halloran (Braddon – Greens), Madeleine Ogilvie (Denison – Labor) and Jim Playsted (Lyons – Liberal).

Margaret Sing

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NEWS FROM ELSEWHERE IN AUSTRALIA

Federal

PM Kevin Rudd unfortunately does not believe federal parliament will be asked to make a conscience vote on euthanasia any time soon – despite the fact that around 85% of Australians do not want to see patients suffering unnecessarily at the end of life. As Professor Michael Cousins, director of the Pain Management Research Institute at Royal North Shore Hospital and a pain medicine and palliative care specialist, has said: nearly half of all cancer patients experience unrelieved pain—with 80% affected in their final stage of life. Further, disturbing numbers of cancer patients are experiencing unrelieved pain, with many having to be sedated for the last week of their lives to free them from suffering.

The picture looks even grimmer with the comment by Dr Richard Chye, the director of palliative care at Sacred Heart at St Vincent's Hospital in Sydney, that the failure of some doctors to accept they cannot cure all patients means death is not well-managed. "From a doctor's perspective, I think a lot of doctors find it very hard to say you are dying, because ... one, they don't believe in palliative care, and two, they see palliative care as a failure. They see a patient's death as a failure."

Politicians, state and federal, and the medical profession need further education on this issue.

Google refuses Australian Government Request

Google refused to bow to a request by the Australian government to censor videos on YouTube, saying the move would stifle public debate on important issues such as euthanasia and drug use. Stephen Conroy, the communications minister, asked the search engine to "voluntarily" censor

videos that fall within the government's broad new "refused classification" category. However, Google said blocking access to videos in the category would lead to the removal of many politically controversial, but essentially harmless, clips. Google said it would not voluntarily censor videos on these subjects because exposing the topics to public debate was vital for democracy

VICTORIA

World Conference to be held in Melbourne, October 2010

The World Federation of Right-to-die Societies (WFRtDS) conference is to be held in Melbourne from 6th to 10th October 2010, at Rydges on Swanston in Carlton. International speakers and topics including world's best practice and the latest thinking around assisted dying for the terminally ill.

The panel discussion for the public day, Friday 8 October, will provide for some 300 people to hear views from some of the sharpest minds both for and against physician assisted dying, and to ask questions. Anyone may purchase a ticket to this event.

Enquiries: DWDV 03 9877 7677.

WESTERN AUSTRALIA

Advance Directives now legal in W A

New laws giving adults the right to determine their future medical treatment in a so-called living will finally came into effect in February enabling competent adults to document their future wishes to consent to or refuse medical treatments, in a legally-recognised form called an advance health directive. These directives allow peoples to make important decisions about their health care and lifestyle, in anticipation of a time when they may be unable to make the decisions for themselves.

Tasmania has had, for many years, ENDURING GUARDIANSHIPS. Have you completed an Enduring Guardianship or does yours need updating? Forms can be downloaded from our website: www.dwdtas.org.au or obtained from the Guardianship and Administration Board (6233 30885) or from any Service Tasmania shop.

Voluntary euthanasia Bill

The WA Greens MP Robin Chapple will, once more, introduce a Private Members bill to parliament pushing for voluntary euthanasia to become legal. Under the proposals in the Voluntary Euthanasia Bill, WA residents older than 21, of sound mind and able to communicate, could ask a doctor to help them end their life.

Mr Chapple says a draft version of the legislation has been well received by MPs and he hopes the Government will allow it to be debated soon. The Premier Colin Barnett says he'll grant Liberal MPs a conscience vote on the bill but doesn't think it will succeed.

According to Ted Watts (Right to Life News Jan-Feb 2010) "Some Right to Life (RTL) members plan to vote against it on first reading... saying that there are some things that parliament has no right to do..." !!!!

SOUTH AUSTRALIA

Voluntary euthanasia bill

South Australia's parliament rejected the Australian Greens' bill on voluntary euthanasia, in a close vote. However, Mark Parnell who put the bill before parliament, is confident that voluntary euthanasia will become legal in S A in the future. Laws will be passed in SA "one day". His voluntary euthanasia bill was defeated in the Upper House by a vote of 11 to nine, with one politician abstaining.



NEWS FROM OVERSEAS

UNITED KINGDOM

Policy for Prosecutors in Respect of Cases of Encouraging or Assisting Suicide

This Policy, issued by the DPP, came into effect on 25 February 2010, providing guidelines for prosecutors involved in cases of alleged assisted suicide. The DPP was forced to draw up the guidelines after a ruling in the case of **Debbie Purdy** who has a degenerative condition (MS) and has fought since 2007 to be able to die without fear of her husband being prosecuted should he accompany her to an assisted suicide clinic. In the case the House of Lords ruled that although the DPP had discretion on whether to prosecute or not in cases of assisted suicide, he should publish the factors he takes into account.

The guidelines outline six factors which could mitigate against prosecuting someone who has assisted the suicide of another.

Suicide or murder ?

Factors against prosecution

- The victim had a "clear, settled, informed wish" to commit suicide
- Indicated that wish to suspect
- Had a terminal illness, severe disability or severe degenerative physical condition with no cure
- Was physically unable to undertake the act him or herself
- The suspect was "motivated by compassion"
- Had sought to dissuade victim
- Was a spouse, partner, close relative or friend
- The suspect's actions were of minor assistance
- Co-operated with police

Factors in favour of prosecution

- The victim was under 18
- The victim was physically able to undertake the act him or herself

- Suspect unknown to the victim
- The suspect has assisted more than one victim who were not known to each other
- The suspect was paid by the victim or someone close to victim
- The suspect was employed by a care home
- The suspect was a member of a group designed to provide facilities for people to commit suicide

In all there are 16 factors which will be seen to favour a prosecution, including if the victim is under 18, the suspect stood to gain or was paid. Crucially, the issue of whether a victim had a terminal illness, incurable physical disability or severe degenerative physical condition, will no longer mitigate against prosecution.

The full Policy can be seen at

http://www.cps.gov.uk/publications/prosecution/assisted_suicide_policy.html . If you would like to read some comments and critique, go to: <http://www.tc.umn.edu/~parkx032/SG-UK10.html>.

UNITED STATES

Will Massachusetts become the fourth state to legalize voluntary euthanasia?

The Massachusetts could become the fourth state to legalize elective human euthanasia for the terminally ill under a proposed bill whose author succumbed to the ravages of cancer before he could make his case to the Legislature. The Joint Committee of the Judiciary has been appointed to consider the bill which would allow Bay State residents with a terminal illness to choose to end their suffering by ingesting a prescribed medical cocktail.

See http://news.bostonherald.com/news/regional/view/20100222state_mulls_right-to-die_bill/srvc=home&position=also

Montana

Residents of the USA State of Montana have now joined those of Oregon and Washington in being able to access medically assisted dying, a right just confirmed by Montana's Supreme Court. Whereas Oregon and Washington's laws were created by public ballot, Montana's was declared a constitutional right.

The Supreme Court, in confirmed an earlier ruling of a lower court, stated that there was nothing in state law preventing patients from seeking physician-assisted suicide. So doctors now have the freedom to prescribe the necessary drugs to mentally competent, terminally ill patients who make the appropriate request.

THE NETHERLANDS

Research on Voluntary Euthanasia from the Netherlands

Reports of two decades of research on euthanasia in the Netherlands show that

- no slippery slope has occurred. Physicians seem to adhere to the criteria for due care in the large majority of cases.
- the majority of physicians think that the euthanasia Act has improved their legal certainty and contributes to the carefulness of life-terminating acts.

Medical end-of-life decision-making is a crucial part of end-of-life care. It should therefore be given continuous attention in health care policy and medical training. Systematic periodic research is crucial for enhancing our understanding of end-of-life care in modern medicine, in which the pursuit of a good quality of dying is nowadays widely recognised as an important goal, in addition to the traditional goals such as curing diseases and prolonging life. *J Bioeth Inq.* 2009 September.

FORTHCOMING EVENTS FOR YOUR DIARY

Dates of Committee and Annual General meetings for 2010

Dates for committee meetings in 2010 are as follows: March 12, April 9, May 14, June 11 and July 2 (AGM)
11/June

Meetings are usually held at the Glenorchy library and start at 2.00pm. Members are invited to attend but as these details may change so please check with a committee member before hand.

Exit International Public Meeting

Mr Greg Barns will be keynote guest speaker at Local Chapter Meeting of Exit International at 12:30 pm on Friday 18th March at the Adult Education Centre, 33 Church Street, Hobart. Contact Kay Scurr on 6297 0048 if you require further information.

REQUEST FOR ASSISTANCE

We can now access the submissions to last year's Parliamentary Committee inquiry into the Dying with Dignity Bill 2009, but it means going to Parliament House to read them. There are over 400 submissions of varying length and it would be very useful to have information such as those that were pro- or anti-legislation.

If you have some time to contribute to this task by reading a few submissions and providing us with information on them, please contact the Vice-President, Margaret Sing, on 62348280.

Assistance would also be appreciated with the newsletter. We are always looking for article contributions and for people to help fill and seal envelopes. Contact Mike Harris on 0407 923156

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