

Dying *with* Dignity Tasmania (Inc)

POBox1022

Sandy Bay

www.dwdtas.org.au

Tasmania 7006

your right to choose

January 2009

Washington State has legalised voluntary euthanasia – see p 4

“Washington joins not only Oregon but Switzerland, Belgium, Luxembourg, the Andalusia region in Spain and the Netherlands in allowing for individuals to exercise their human right to die with dignity.” Greg Barnes

DON'T FORGET !! Barbecue – Sunday 15 February 2009 **12.00am, Site 9, Hobart Waterworks Reserve**

This is a great chance to meet other DwDTas members. You may be surprised to find others living close by that you did not know. Once again it's in Hobart's Waterworks reserve (Waterworks Road) and we've booked site No 9 which is at the far end of the reserve and has a good parking area and access to toilets. There is plenty of space and a roof so we'll not be bothered if it rains. It's a very picturesque setting so well worth a visit at any time.

There are the usual electric barbecues and bring a plate to share.
If you need a lift please phone 6295 0384 and we'll see if it can be arranged.

Dates for forthcoming DWDTas Committee meetings 2009

Committee meetings are held at the Glenorchy Library, starting at 2.00 pm on the following Fridays:

January 30

April 10

June 5

July 3 (Annual General Meeting)

AUSTRALIAN NEWS

Proposal to censor the internet: loss of freedom of expression feared

The federal government plans to trial internet filters. Initially the trial was to commence before Christmas 2008 but has been postponed until mid-January 2009. If successful this will have the effect of filtering a vast array of internet communications, probably far more than was originally intended.

Inevitably, sites such as our own website will be at risk. At best some content will be removed. At worst, the site itself may be made inoperative.

Websites declared “inappropriate” would be unable to function and even data sent directly between computers would be tested as part of the upcoming live filtering trial and might consequently be banned. Initially the plan was that people would be able to opt out of any internet filters – but it now appears this first tier of the Government's censorship policy will be

compulsory for all. This would block all "illegal" and "inappropriate" material. Just what constitutes such illegal and inappropriate material appears to be left to the determination, in part at least, of the Australian Communications and Media Authority.

Peer-to-peer file-sharing technology is the most common way for computer users to share video, picture and music files over the internet. It was previously thought the Government's filtering plan would be restricted to traffic on the "world wide web" – the channel through which users view websites like news.com.au.

A second tier would filter out content deemed harmful for children, such as pornography, but this would be optional for internet users.

There are significant criticisms of the government's plan. It severely limits freedom of expression; will be hard to implement because of the constant creation of new content, may drastically reduce the speed of the internet (to about one-fifth of current speed), will be easy to circumvent and will inevitably block perfectly acceptable sites.

Senator Bob Brown's Rights of the Terminally Ill Bill

In mid-September 2008 Senator Brown (Greens leader) introduced legislation to repeal the Commonwealth *Euthanasia Laws Act*. The 1997 Act had thwarted efforts in both the Northern Territory and Australian Capital Territory to provide some measure of legalised voluntary euthanasia. Senator Brown's bill, if successful, will restore the rights of the NT and ACT parliaments to assist terminally ill people to choose a death with dignity.

"In 1995 the NT Assembly led the way in Australia by giving its citizens the option to end their suffering with dignity and medical support. In 1997, Canberra removed that right. This bill will redress that action. In so doing, it reflects the heartfelt views of the majority of Australians on this important issue," (Senator Brown)

The Bill has been referred to the Senate Standing Committee on Constitutional and Legal Affairs for a report back to the Senate.

Nitschke death device

Dr Philip Nitschke has launched a new "death device" (December 2008) which uses household products which are readily available. Dr Nitschke claims this device provides a quick and fail-safe method of death and one which will make it harder to prove suicide.

Victoria

Physician Assisted Dying Bill

Despite the in-principle support for physician-assisted dying by a significant number of MPs in the Legislative Council, this Bill was defeated but DWDV President, Neil Francis, has called on the government to refer it to the Victorian Law Reform Commission. The DWDV website www.dwdv.org.au contains full details of the Bill, the campaign, parliamentary debates and news items.

Dr Rodney Syme and the Steve Guest case

Dr Syme, Deputy President of DWDV and author of "A Good Death", has been questioned by police following the re-opening of the investigation into the death of Steve Guest, aged 58, in 2005. Mr Guest had been suffering from cancer of the oesophagus. Weeks earlier he had used a radio interview to plead for legalised euthanasia.

Dr Syme has admitted to giving Steve Guest advice and medication, but he has not indicated what that medication was. Dr Syme has made it clear that he is prepared to go through a "test case" for physician-assisted suicide, though he does not relish the idea. He also admits having "given advice" to two other Victorians who are currently terminally ill.

Dr Syme acknowledges being "deliberately provocative" in his admissions about his role in Mr Guest's death to highlight what he believes are shortcomings in the law and hypocrisy in its application, and to pave the way for a possible test case for doctor-assisted suicide.

South Australia

Parnell bill

Greg Parnell (Greens) has introduced a new voluntary euthanasia bill into the SA State parliament. He described it as follows:

"This bill is careful and conservative. It will stretch existing legislation on medical treatment, rather than create new stand-alone laws."

The Bill will differ from previous attempts by other SA politicians (including Sandra Kanck and Bob Such). While their Bills tried to create an effectively new right in the SA law, Parnell's Bill will include voluntary euthanasia within the existing *Consent to Medical Treatment and Palliative Care Act*.

The Bill also seeks to provide greater protection via the establishment of a new 5-person committee, whose government appointees will include medical and palliative care experts. This committee will have the authority to grant final approval before a physician can act; it will also have the capacity to investigate, seek further psychiatric or other medical testing, and hear from concerned family members.

Western Australia

Consent to medical treatment legislation

The *Acts Amendment (Consent to Medical Treatment) Bill 2006* (formerly the *Advance Health Care Planning Bill 2006*) was passed by both houses of parliament and was awaiting royal assent when parliament went to the polls for the recent WA election. The Bill seems to have got stuck in limbo! Months have passed and no date for proclamation has been set.

The Berg case

There was considerable media coverage, including much criticism of Dr Philip Nitschke, over the death of Erin Berg, a 39 year-old mother of four who was suffering severe post-natal depression. She had unsuccessfully sought the help of Exit International and had then travelled to Mexico where she obtained and imbibed the drug Nembutal. Her sisters alleged that Nitschke (in "Killing Me Softly") had misrepresented the circumstances in which the drug could be obtained and its effectiveness. The WA Health Department is investigating Berg's release from the maternal health unit where she had been an involuntary patient.

ARTICLES INVITED

Members are invited to submit articles, stories and letters for publication.

Submissions can be sent

- Post: DWDTas, P O Box 1022, Sandy Bay, Tas 7006

- Email: mike@pangolin.co.nz

OVERSEAS NEWS

Washington renews the right to die debate

It has long been assumed that the majority of Australia's politicians, in opposing right to die legislation, are out of step with community feeling on the issue. And not only in Australia it seems but also in some parts of the US.

Among the hundreds of ballots conducted in Tuesday's election day was what is known as Initiative 1000 in Washington State. This Initiative, sponsored by a former Governor of Washington, Booth Gardner, who is suffering from Parkinson's Disease, permits terminally ill, competent, adult Washington residents, who are medically predicted to have six months or less to live, to request and self-administer lethal medication prescribed by a physician. And the measure protects doctors from being prosecuted under a state law forbidding anyone from aiding in a suicide attempt.

The Initiative was supported by a decisive 58.66 percent of Washingtonians, including voters in conservative rural areas, as well as residents of liberal cities like Seattle.

Washington now becomes the second US state to allow individuals to die with dignity. Neighbouring state Oregon has had such a law on its statute books for ten years now. That law was challenged in the US Supreme Court in 2006 but by a 6 to 3 vote the Court upheld the validity of the law.

The Oregon law is a model for Australia to follow. It has only been used 341 times since it came into force in 1998 and has not been abused in the way that anti-right to die campaigners forecast it would be. In fact, the success of the Oregon law was a key factor in the strong support given by Washington's voters to Initiative 1000.

The Oregon/Washington model for physician assisted death for terminally ill people was recently rejected by the Victorian Parliament, despite the fact that a 2007 Newspoll survey showed 80 percent support in Victoria for allowing terminally ill individuals the right to a physician assisted death.

The only way forward for the terminally ill and their families and medical advisers in Australia to get the same rights as the residents of Washington and Oregon is to force politicians to put the issue to a referendum or plebiscite. It seems that is the only way that we can cure the absurd state of affairs in this country where politicians refuse point blank to legislate to reflect the community will, and spend considerable sums of taxpayers' money trying to silence right to die campaigner Philip Nitschke and his Exit International, the leading support and lobby group in Australia on right to die issues, and in prosecuting family members who assist a loved one to end pain and suffering by dying.

Meanwhile Washington joins not only Oregon but Switzerland, Belgium, Luxembourg, the Andalusia region in Spain and the Netherlands in allowing for individuals to exercise their human right to die with dignity.

Greg Barnes

No Prosecution for parents of Daniel James

The UK Director of Public Prosecutions has announced that it would not be in the public interest to prosecute the parents of Daniel James, 23 and paralysed from the chest down following a rugby accident. Mr James had made clear his request to die:

“I want to die and due to my disability I am unable to make this happen. Not a day goes by without hoping that it will be my last.”

His parents took Daniel James to Dignitas in Switzerland after he had made several unsuccessful suicide attempts. His parents' efforts to talk him out of his wish to die had been unsuccessful.

The suicide tourist

Controversy erupted over the planned showing of “The Suicide Tourist”, which shows retired American university professor and motor neurone disease sufferer, Craig Ewert (59) in his last days . and his death by ingestion of sedatives and the switching off of his life support machine. The terminally ill man was forced to use a mouth operated system to switch off the machine because he had lost the use of his limbs. He died 45 minutes later with his wife of 37 years by his side.

Mrs Ewert told The Independent newspaper in Britain that her husband allowed a Canadian film director to record his final moments to “remove the veil” that made people reluctant to think or talk about death:

“Allowing the cameras to film his last moments in Zurich was about facing the end of life honestly. This wasn't a film about him personally. He was keen to have it shown because when death is hidden and private, people don't face their fears about it.”

Severe MS sufferer seeks the right to die

Val Mackay, who is severely disabled with multiple sclerosis, has pleaded for the right to die. After the most aggressive form of MS was diagnosed five years ago, she quickly changed from being a busy, happy, working woman into someone who cannot even feed herself without assistance. She spends 22 hours a day in bed and can do almost nothing without help.

“This is no life, lying here, dependent on everybody for everything. People have to realise that. There's no point keeping me alive. I think society should change. I know there should be stringent rules and procedures followed. But there are people like me and thousands of others, who want to die with some dignity. This is cruel. It's mental torture keeping me alive.”

Dr Michael Irwin avoids prosecution

A former UN medical director questioned by police after accompanying a 75-year-old woman to a euthanasia clinic in Switzerland will not face prosecution for assisting in her suicide, The Independent has learnt. The decision not to prosecute Dr Michael Irwin will be seen as further evidence that prosecutors are turning a blind eye to people who help in the planning of suicides abroad.

Dr Irwin, 77, spent more than two years under investigation and faced a maximum 14-year prison term after he admitted accompanying May Murphy, who had the severe degenerative disease multiple system atrophy, from Glasgow to Zurich. There she took a lethal dose of barbiturates at an apartment used by Dignitas, which helps terminally ill people end their lives.

Doctors acquitted of the death of Timothy Sanders

Two German doctors accused of illegally helping a severely ill British man die in 2004 have been acquitted amid an emotional national debate on euthanasia.

The pair had allowed the brother of a terminally ill, paralyzed patient to turn off his breathing apparatus in May 2004 and one of the defendants administered strong painkillers. The man, Timothy Sanders, died minutes later.

"The court found that the doctors behaved correctly both ethically and medically," a court spokeswoman said, adding that the judges had determined that Sanders' condition was already terminal when his life was ended.

The British man had been paralyzed since an accident in 2002 and was unable to breathe unaided. The following year, Sanders was transferred to the rehabilitation centre in Magdeburg where his condition worsened. He could barely speak and regained consciousness only for brief periods of time.

Sanders' brother Paul turned off the patient's breathing apparatus in May 2004 "with the knowledge of the chief doctor and the ward physician" and the consent of the rest of the family, prosecutors said.

Non-active euthanasia - such as switching off hospital equipment - is not illegal in Germany if the patient gives his or her consent, or if it can be proven that the patient instructed relatives to allow doctors to stop treatment.

Stephen Dufour

A Quebec man charged with helping his severely disabled uncle kill himself was found not guilty Friday in a case that rekindled Canada's debate on assisted suicide. The jury acquitted Stephan Dufour of aiding or abetting his wheelchair-bound uncle, Chantal Maltais, to commit suicide in September 2006. The polio-stricken Maltais had badgered his nephew to help him end his life for more than a year. Dufour, 30, testified that he installed an apparatus made of cord and a dog choker inside Maltais' bedroom closet .

"A Good Death" by Dr Rodney Syme

This book, written by Dr Rodney Syme, gives an account of his commitment to the cause of dying with dignity. For more than three decades Dr Syme has counselled and assisted those facing death from terminal illness. Written in a very accessible style, he describes the particular circumstances people have faced and their efforts to die with dignity – not so easy given the laws in Australia.

"In 1972 I treated a woman with incurable cancer in the spine. Her nerve and bone pain was persistent and unbearable. ... From that time, I began to think carefully about intolerable suffering and dying with dignity. I found myself inevitably drawn into helping others in a range of circumstances. My conscience and my respect for other human beings would not allow otherwise." (DWDV website – www.dwadv.org.au).

Copies of this book are available to members at \$32.95 inc postage.

Send your order to Mike Harris, President DWDTas, P O Box 51, Cygnet, Tas 7112.