

Dying *with* Dignity



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COMMITTEE FOR 2011 – 2012

Margaret Sing (President)
Trish Kershaw (Treasurer)
Mike Harris
Allan Cameron
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Bill Godfrey (Vice President)
Barbara Porter (Secretary)
Keith Anderson
Dr Helen Cutts
Noel Woodrow

Patron: Professor Colin Wendell-Smith

NEW YEAR GREETINGS TO ALL MEMBERS

We wish you and your loved ones all the best for 2012. We also hope it will be a very successful year for dying with dignity legislation.

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CANCELLATION OF 5 FEBRUARY BBQ

It has been decided to cancel the scheduled BBQ get-together on 5 February because many of the Committee are not available on that day. An alternative event will be discussed at the next meeting. Please let us know if you have suggestions or preferences.

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 first meeting for 2012 is on **15 February** which is the third not the second Wednesday. This change is just for February and the next meetings are scheduled for 14 March, 11 April and 9 May.

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

December newsletter has become the January one: Apologies for not getting a newsletter to you in December but we have brought forward the first newsletter for 2012.

Consultation on new dying with dignity Bill: We are aware that work is continuing on the consultation paper for the new dying with dignity Bill and that it may be issued within the next 6 weeks. We are well prepared to contribute to the consultation and will consider members' functions to discuss the paper and draft Bill.

Increasing our visibility and credibility: The Salamanca Market stall on 17 December (postponed from 17 October due to the terrible weather that day) went very well, with reports of great supportive interest from many people at the market.

Bill Godfrey and I made a presentation to the Moonah Probus Club on 16 November. The meeting was attended by about 20 people. When one of the members asked for a show of hands on who supported dying with dignity legislation, all but one indicated that they did. A number indicated that they were undecided on the type of Bill they would support and would like to see a draft Bill.

Please suggest a presentation to any similar groups if you're a member. We cover the broader issues of end-of-life planning and support for palliative care as well as dying with dignity legislation.

Palliative care: As reported in the last newsletter, the Tasmanian Association for Hospice and Palliative Care (TAHPC) has taken on the valuable role of palliative care networking and DwDTas is committed to its involvement. We recommend you consider supporting the work of the association by becoming a member. Membership information is available by phoning the association on 62852514 or from <http://www.tas.palliativecare.org.au>.

Through involvement in the Association we have received a copy of a media release on 23 January 2012, in which Palliative Care Australia (PCA) welcomed the Federal Government's new telehealth pilot program, which aims to utilise the National Broadband Network to provide high quality health services to older Australians, people with cancer and those requiring palliative care, in their own homes. We will follow this initiative with great interest given its relevance to parts of Tasmania that already have National Broadband.

YourLastRight.com and the national alliance: The first AGM of YLR.com has been held with Directors and office holders being declared elected, including myself as the representative of DwDTas. Neil Francis was re-elected as Chair and remains as CEO. It now appears likely that the issue of uncertain future of funding will soon be resolved so that the operation and great work of the national alliance can continue into 2012 – 13.

Challenging misinformation: We have continued to take action to challenge misinformation that is being spread by opponents of dying with dignity legislation. We have written to the Catholic Archbishop of Hobart, Archbishop Doyle, about an extremely 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. The final touches are being made to a complaint to the University of Tasmania about major inaccuracies and other issues related to the public lecture by Professor Margaret Somerville in June.

Media: It has been very quiet in the local media about voluntary euthanasia apart from the story in the Mercury on 6 January 2012 about the suicide of an elderly couple who were reported to have consulted Dr Nitschke in the months before they took their lives. The Coroner's report from June 2011 on the suicides appeared on the website in November (see http://www.magistratescourt.tas.gov.au/decisions/coronial_findings/b/buenger_hans_-_2011_tascd_205).

The story prompted on 7 January a letter from Betty Roberts, a key Catholic opponent of voluntary euthanasia, but also five very positive short letters supportive of the couple's action and of euthanasia as a personal choice. My letter on 10 January refuted Mrs Roberts' claims and argued that voluntary euthanasia legislation is necessary, important and long overdue.

There continues to be regular and frequent news and comment in national and overseas media that shows a building of the case for voluntary euthanasia. If you would like to receive an email copy of the weekly media update please let us know.

INFORMATION SESSIONS END-OF-LIFE AND ADVANCE CARE PLANNING

Bill Godfrey conducted an information session on end-of-life and advance care planning in Launceston on Tuesday, 22 November. The session was well received by members and friends who attended.

We plan to offer other sessions around Tasmania, both to DwDTas members and to the general public in 2012. The timetable for this is dependent on the consultation process and the introduction of a new dying with dignity Bill, which will make big demands on our time and resources.

Particularly in areas outside Hobart, we would welcome any assistance from members who could help arrange sessions, including for example sessions sponsored by other organisations to which you may belong. Our hope is that these sessions will both encourage greater use of the Enduring Guardianship legislation and Advance Care Directive arrangements and build support for DwDTas as an organisation. Our testing suggests that a group of around 20 – 25 people is ideal.

We believe that the best way of conveying the information is through a workshop, but we recognise that some people will not be able to attend. For these people, we are happy to send a copy on request and to answer any questions by telephone or email. For further information or to offer help in arranging a session or to request a copy, please contact Bill Godfrey.

NEWS FROM AROUND AUSTRALIA AND OVERSEAS

AUSTRALIA

NATIONAL: The formation of the national group, *Doctors for Voluntary Euthanasia Choice* (website: drs4vechoice.org) is a very positive development. The group describes itself as: "a national organisation of Australian medical practitioners, both current and retired, who are committed to having a legal choice of providing information and assistance to rational adults, who, for reasons of no realistic chance of cure or relief from intolerable symptoms, would like to gently end their lives. Assistance may be by doctor provision of medication for the patient to consume, or by doctor-administration." Its aims are described as: "In the context of patients with no realistic chance of cure or relief from intolerable distress and

who would like to gently end their lives, the primary aim of Doctors for Voluntary Euthanasia Choice is to legalise VE. Part of this objective is to ensure that professional medical bodies adopt or maintain a neutral attitude towards the legalisation of VE in order to reflect the range of views of their membership.”

SOUTH AUSTRALIA: There has been more debate on the SA Medical Defences Bill but it was not brought to a conclusion before the end of the year. A report in the Adelaide Advertiser on 4 January reported that “MPs Bob Such and Steph Key will continue separate bids to have voluntary euthanasia legalised. This is despite Premier Jay Weatherill's decision to wipe all outstanding legislation ahead of Parliament's resumption.”

(<http://www.adelaidenow.com.au/euthanasia-bills-will-be-back/story-e6frea6u-1226235944565>)

NSW: On 15 November 2011, DwdNSW organised a very successful forum, *A Rights of the Terminally Ill Bill for NSW*, which was held in the NSW Parliament, was attended by about 150 and which attracted very positive publicity. Speakers included Marshall Perron, Neil Francis, media commentator, Jane Caro, the former NSW Director of Public Prosecutions, Nicholas Cowdery, and Greens NSW MLC Cate Faehrmann, who intends to introduce a bill in 2012 to the NSW Parliament on assisted dying. The excellent speeches especially by Jane Caro and Nicholas Cowdery were widely reported. You can read the speeches on the website of DwdNSW.

VICTORIA: On 8 December 2011, the Victorian Council of Churches made a very welcome statement that reflects what dying with dignity groups and the Christians Supporting Choice in Voluntary Euthanasia have been saying. The Council pointed out that the Australian Christian Lobby Pty Ltd (ACL) does not represent all Australian Christians nor all Christian viewpoints. The Executive of the Council “expressed dismay at the one-sided view of Christianity portrayed in the media”, and the General Secretary commented that “there are well-organised and well-financed lobby groups who routinely present their views as ‘the’ Christian position. It was also stated that the ACL “presents a particular Christian view on a range of issues, usually based on a fundamentally conservative view of the Christian faith”. (See <http://blogs.victas.uca.org.au/mediaroom/?p=971> for the full statement.)

OVERSEAS

New Zealand: In November 2011, the NZ case against Sean Davison was concluded with his conviction. Davidson, 50, a microbiologist based in Cape Town, South Africa, was initially charged with attempting to murder his terminally ill mother, Patricia Elizabeth Davison, 85, a former medical practitioner, in 2006. The charge was reduced to counselling and procuring attempted suicide, to which Davison pleaded guilty. On 24 November 2011, he was sentenced to five months’ home detention.

There has been very little publicity about the case in the Australian media until recently, eg Sunday Age, 15 January (<http://www.theage.com.au/victoria/a-sons-act-of-mercy-divides-a-family-20120114-1q0ps.html#ixzz1jTULmH1p>).

Canada: In another development in Canada, a case is being brought by the B.C. Civil Liberties Association and a group of people who want physician-assisted suicide legalized. One of them is Gloria Taylor, 63, who suffers from ALS, or Lou Gehrig's disease, an incurable illness that gradually weakens and degenerates muscles to the point of paralysis.

The right-to-die, or euthanasia, debate last arose in 1993 when the Supreme Court of Canada ruled 5-4 against Victoria resident Sue Rodriguez's battle to change the law. She also had ALS and died illegally the following year with the help of an anonymous doctor.

There was a very interesting exchange in the case that was reported in the Canadian newspaper, Globe and Mail, on 8 December 2011 on the issue: "If the state doesn't condone the taking of human life, then why does it send men and women off to war?". The report states that the issue was raised by British Columbia Supreme Court Judge Lynn Smith on Thursday as she prompted to flesh out her argument that the government regards life as so sacrosanct that euthanasia or physician-assisted suicides can never be justified.

'Where the state draws the line is that we will not condone the taking of life,' Ms. Nygard said as she laid out the government's opposition to a constitutional challenge to a Criminal Code sanction that makes physician-assisted suicide illegal in Canada. 'But [the state] sends young men off to war, and young women,' said Judge Smith, who is hearing a case. And the Government lawyer's response? "Ms. Nygard said war is 'a separate and different issue' that isn't relevant to the case, and she added: 'The exceptional nature of war is such that criminal law doesn't apply. ... There is a completely different set of rules.'"

Major reports – Canada and UK:

A major development has been the November publication of an excellent 116 page report by the Royal Society of Canada Expert Panel on End of Life Decision making. The Royal Society of Canada is a prestigious and reputable body and the Expert Panel included respected scientists in the fields of bioethics, clinical medicine, health law and policy, and philosophy. The report is available at www.rsc-src.ca.

On 5 January 2012, the 400 page report of the UK Commission on Assisted Dying was released after a year's work. The report is available at <http://www.demos.co.uk/publications/thecommissiononassisteddying>.

A number of main messages of the Canadian report while referring to Canada also generally apply to Australia, including that:

- The evidence from years of experience and research where euthanasia and/or assisted suicide are permitted does not support claims that decriminalization will result in vulnerable persons being subject to abuse or a slippery slope from voluntary to non-voluntary euthanasia.
- Assisted suicide and voluntary euthanasia should be legally permitted for competent individuals who make a free and informed decision that their life is no longer worth living. Canada should have a permissive yet carefully regulated and monitored system.

The UK Commission was chaired by the former Lord Chancellor Lord Falconer and included the former Metropolitan Police Commissioner, Lord Blair, a former president of the General Medical Council, a leading consultant in disability equality, an Anglican priest, and medical, mental health, palliative care and social care specialists.

It was commissioned by the group Dignity in Dying and funded by the author Terry Pratchett, who has Alzheimer's disease, and Bernard Lewis, a businessman. Lord Falconer has been reported as saying that he and his fellow commissioners had been "absolutely

clear" that they would participate only if they were entirely independent. (See <http://www.guardian.co.uk/society/2012/jan/05/assisted-suicide-should-be-legal>)

Lord Falconer is also reported in the Guardian making a very important point about the better protection provided by legislation which includes safeguards: "The choice is whether or not vulnerable people are better protected by the current law, where the only safeguard is the threat of prosecution, or whether or not the stringent safeguards we envisage where two doctors look at it before the person has committed suicide, whether they provide better protection than the current law."

Conclusions reached by the Commission include:

- The Commission considers that the current legal status of assisted suicide is inadequate and incoherent.
- The Commission finds that there is a strong case for providing the choice of assisted dying for terminally ill people. Even with skilled end of life care, the Commission finds that a comparatively small number of people who are terminally ill experience a degree of suffering towards the end of their life that they consider can only be relieved either by ending their own life, or by the knowledge that they can end their life at a time of their own choosing.

Both the Canadian and the UK reports have attracted the usual false and misleading claims by the religious opposition about what was covered, and attacking the credibility of the authors, rather than responding to the extremely well researched and soundly based conclusions.

US: Georgia has become the fourth state in the United States to allow legal physician assisted suicide, the attorney general of Georgia disclosed in a brief before the Supreme Court of Georgia in November 2011. (See [org.opn.lists.right-to-die Digest, Vol 17, Issue 176](#)) According to the article, "The attorney general of the state now says the law prohibits assisted suicide only in a case where the suspect also 'publicly' advertises, offers, or holds out that he will assist in a suicide. So long as a doctor does not make any public statement about his availability to participate in physician assisted suicide, the doctor has not violated the law of Georgia by writing prescriptions for lethal doses of drugs to enable patients to decide to die at the time of their own choosing."

Voters in Massachusetts will be able to decide this year whether terminally ill patients whose suffering has become intolerable may ask a licensed physician to prescribe medication to bring about an earlier, more peaceful death. On 7 September 2011, Attorney General Martha Coakley agreed to permit a proposal, called the Massachusetts Death with Dignity Act, to appear on the ballot in the 2012 elections. The proposal is the same as the Oregon Death with Dignity law.
