

# Dying *with* Dignity



Tasmania (Inc)

PO Box 1022  
Sandy Bay  
Tasmania 7006  
Phone: 0450545167

***your right to choose***  
[www.dwdtas.org.au](http://www.dwdtas.org.au)

## MARCH 2011

---

### 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

---

### IN THIS ISSUE

- *Forthcoming Events*
- *Special General Meeting, 7 pm, Thursday 7 April 2011*
- *President's Report*
- *We Need Your Help!*
- *News from around Australia and Overseas*

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

---

### FORTHCOMING EVENTS

**7 APRIL 2011 - SPECIAL GENERAL MEETING AND TALK BY PROF MARGARET OTLOWSKI – see details below**

#### **Committee Meetings for 2011 - *Please note change of day for meetings***

Meetings are usually held at the Glenorchy Library, on the second WEDNESDAY of each month, starting at 2.00pm. The next meetings are scheduled for Wednesday 9 March and 13 April. 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.

**26 March 2011 - SALAMANCA MARKET STALL – See 'We need your help!'**

**1 JULY 2011 - AGM – more details in our next Newsletter.**

## SPECIAL GENERAL MEETING AND TALK BY PROF MARGARET OTLOWSKI

A Special General Meeting has been organised in Hobart for the evening of Thursday 7 April for members to vote on a proposed amended Constitution and to hear an interesting talk by Professor Margaret Otlowski, 'Getting the Law Right on Physician-assisted Dying'.

Venue: *The old Catholic Women's League room, near the 50 and Better Centre, Bathurst St, Hobart.* (See map below)

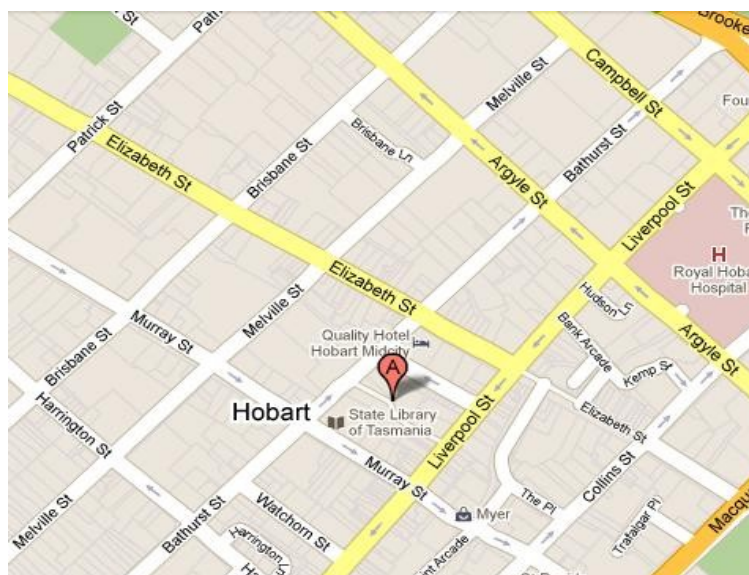
Time: 7 pm SPECIAL GENERAL MEETING

**7.30 pm PROFESSOR MARGARET OTLOWSKI**

The changes to the Constitution include a re-wording of the DwDTas purposes or objectives to reflect the commitment to important rights and freedom, to end of life planning and palliative care, as well as law reform. The other amendments are very minor and have generally been proposed to bring the Constitution up to date and into line with Model Rules that apply to incorporated organisations.

Professor Margaret Otlowski's talk will provide a valuable legal perspective on what is needed in a new Bill in Tasmania. Professor Otlowski will speak for about half an hour and there will be the opportunity for questions and discussion at the end of her talk.

Professor Otlowski is the current Dean of Law at the University of Tasmania. She has been involved in University administration in senior roles and has participated extensively in community activities. Her PhD thesis was published in 1997 in the UK by Oxford University Press under the title of *Voluntary Euthanasia and the Common Law*. This book is regarded as seminal in the field. Margaret has played a significant role in efforts to legalise voluntary euthanasia in Australia. She was a witness before Committees of the Tasmanian Parliament on voluntary euthanasia in both 1997 and 2009.



## **WE NEED YOUR HELP!**

Please let us know if you:

- Would be prepared to tell publicly your personal story of why you want the legislation passed.
- Can put up a flyer for the Special General Meeting on 7 April and/or for the AGM on 1 July.
- Provide some time on the Salamanca Stall on Saturday 26 March. If you can, please ring Noel Woodrow on 62663480. It will involve being with others handing out leaflets and other material and, if possible, talking to people about the importance of end of life planning and what they can do to support dying with dignity legislation. (We'll help you to do this.)
- Belong to a group that has guest speakers and you can arrange for one of the Committee to come and speak on end-of-life planning and/or dying with dignity legislation.

## **PRESIDENT'S REPORT**

We look forward to seeing you at our next major event, the Special General Meeting on 7 April.

Please come along and bring your friends. Non-members are very welcome but they cannot vote on the Constitution.

A few hardy souls turned up for our annual BBQ at the Waterworks on Sunday 6 February and braved the sleet and wind for a pleasant time chatting to fellow members!

The DwDTas Committee has decided that our main priorities this year will be active campaigns for improved end-of-life and advance care planning and for a new dying with dignity Bill later this year.

Our members in the North and North West have not been forgotten. In the first part of the year, we intend to run information sessions in each region, with an emphasis on end-of-life and advance care planning, but also providing an opportunity to pass on other information. The sessions are being planned in response to an identified need for assistance to help people complete the form and the process to appoint an Enduring Guardian. A new State Advance Care Directive has also become available which people need to be made aware of and given assistance to complete. We will let you know the details either in our next newsletter or a special mail-out.

As you know, Lara Giddings announced at the time she became Premier that she continued her commitment to dying with dignity legislation. We wrote to thank her for this ongoing commitment, and issued a media release that resulted in a small piece on ABC radio news and an interview with a Melbourne radio station. Ms Giddings repeated that the work on dying with dignity legislation would continue in the Mercury on 4 March in her interview with Sue Neales. We are ready to contribute to the consultation process to be undertaken before the Bill is developed but don't yet have the details or timeframes of the process. We expect to hear before long.

We are very fortunate to have had \$10,000 offered to us for the campaign by our generous Victorian colleagues at Dying with Dignity Victoria (DwDV), subject to a detailed proposal from us. This proposal is close to completion along with a proposal for additional funds which may become available from YourLastRight.com and the Clem Jones Estate. We hope to be able to provide more details of the funding and program at the 7 April Special General Meeting.

The huge amount of work in running an effective campaign is beyond our current resources. The funding will enable us to engage services to help us, including in dealing with the media, preparing and printing information and promotion material, advertising and other costs of information sessions and speaking engagements, bringing people to the State for events and lobbying of MPs.

Visits to the State and inflammatory commentary by those opposed to the legislation have already started. From what we can see, all such opposition has at its foundation a desire to impose their religious views on everyone else, not one single one of their claims stands up to rational scrutiny and they have no evidence for their claims about the impacts of such legislation overseas. (See all the quotes below.) It is particularly disturbing that they imply that doctors will pose a major threat to the aged and those with disabilities if the legislation is passed. We will be doing everything we can to counter false and misleading claims and pointing out to MPs that there is not a skerrick of evidence for them.

The DwDTas commitment to palliative care and our desire to contribute to improved access to such care has been recognised with the appointment of our nominee, Christine Goodacre, to the Palliative Care Clinical Network Steering Committee. Christine will provide regular reports to the Committee and we will include information in the newsletters. If you want to follow this issue, go to <https://clinicalnetworks.dhhs.tas.gov.au/display/PAL/Home>.

Our speaking engagements will start with a general session for a Clarence U3A group on 28 March about DwDTas and important issues including end-of-life planning and dying with dignity legislation. The Committee welcomes the opportunity to speak to community groups so please let us know if you can arrange one.

Although we don't get much in our State media in favour of VE legislation, there's been plenty online and in national and other State media. Have a look at some recent articles - "[Whose life is it anyway](http://www.quadrant.org.au/blogs/qed/2011/02/whose-life-is-it-anyway)" by John Dawson (<http://www.quadrant.org.au/blogs/qed/2011/02/whose-life-is-it-anyway>), "QED: A Simple Death", by Michael Duffy, (<http://www.quadrant.org.au/blogs/qed/2011/02/simple-death>) and David Swanton's article, "Euthanasia: the clergy and religious politicians are wrong" (<http://www.onlineopinion.com.au/view.asp?article=11628&page=1>).

***QUOTE 1: There's plenty of evidence from the Netherlands, from Oregon and elsewhere that tells us that once the euthanasia and assisted suicide genie is out of the bottle, safeguards become meaningless. There's no doubt that society, in those places, is worse off - not better.***

## NEWS FROM AROUND AUSTRALIA AND OVERSEAS

### AUSTRALIA

#### NATIONAL PARLIAMENT

Senator Brown's Bill to restore powers to the Territories to introduce voluntary euthanasia legislation if they decide to do so is still to be fully debated. Last week a new Greens Bill proposed to remove the ability of a Commonwealth Minister to veto laws passed by a territory government. Instead, both houses of Federal Parliament would still have to agree to a veto. The Bill has been referred to a Senate committee for scrutiny.

#### SOUTH AUSTRALIA - RENEWED EFFORTS FOR LAW REFORM

A renewed attempt to reform laws in SA will be made in Parliament in March 2011. A new Bill, to be introduced on March 10, aims to amend the Criminal Act to give doctors a defence against charges in relation to the death of someone who has requested aid-in-dying or assistance in the suicide of a patient. "It will at least make sure that a patient's wishes are acceded to and that doctors are protected if they accede to those wishes," Ms Steph Key said. See <http://www.adelaidenow.com.au/news/south-australia/new-push-for-euthanasia/story-e6frea83-1226011010075>

Late last year, the Parnell/Key Bill was unsuccessful in the Legislative Council following a vote on the voices. That Bill is still on the House of Assembly notice paper but Steph Key (Labor) has put her support behind the new Bill based on a proposal by John Hill, Minister for Health (Labor). It will be seconded by Liberal member, Duncan McFetridge. Supporters say the new Bill has a stronger chance of being passed than previous proposals. This is probably the case but it may not go as far as previous Bills in SA or here.

***QUOTE 2:- Although we have compassion for those who are dying and who want euthanasia, true compassion means much more than simple acquiescence to any patient demand. Proper medical and compassionate care will help them get past that desire.***

### UNITED KINGDOM

#### COMMISSION ON ASSISTED DYING

The UK Commission on Assisted Dying was launched on Tuesday 30 November 2010, with a speech from the Chair, Lord Falconer, and a public call for evidence. The Commission will run for about 12 months and will culminate in the publication of an independent report based on the evidence that it has collected before the end of 2011. For more details, see <http://commissiononassisteddying.co.uk/>.

#### PROMINENT SURGEON SUPPORTS BRITAIN'S RIGHT-TO-DIE CAMPAIGN

Pioneering heart transplant surgeon, Sir Terence English, has announced his support for Britain's right-to-die campaign. Sir Terence performed Britain's first successful heart transplant in 1979 and is a former president of the Royal College of Surgeons. His support adds weight to demands for doctors to be allowed to help terminally ill patients to die at a time of their own choosing. Sir Terence has said he would be prepared to personally assist a patient to take their own life provided that he knew the patient was terminally ill, of sound mind and had not been "got at" by friends or relatives. (See <http://insidesurgery.com/2011/01/prominent-uk-surgeon-sir-terence-english-backs-die-measure> )

**QUOTE 3:** *As a Catholic health care group, we oppose euthanasia because it is contrary to our Catholic mission and values. However, irrespective of this, the legislation is also simply bad medicine. It will undermine patient trust in their doctors - as in the Netherlands and Belgium where voluntary euthanasia is legal - and it has been shown to have damaging effects on doctors who provide it.*

## **UNITED STATES OF AMERICA**

### **VERMONT**

A bill has been introduced into the legislature to allow death with dignity or doctor-associated suicide. The bill, modelled on the current Oregon law, is not new to the legislature as it has been around for a decade. It has the strong support of Vermont's Governor. (See [org.opn.lists.right-to-die Digest](#), Vol 17, Issue 23, 21 February 2011.)

### **MONTANA**

In February, the Montana legislature voted 7-5 against the Bill that would have removed citizens' rights to choose aid-in-dying. Compassion and Choices worked extremely hard to get good information to legislators, and they've succeeded. Montana remains the third state in the USA to formally recognise a right to aid-in-dying for those suffering intolerably near the end of life.

## **US CITIZENS FAVOUR PHYSICIAN ASSISTED SUICIDE FOR TERMINALLY ILL PATIENTS IN GREAT PAIN**

A new Harris/BBC World News America poll finds that a large majority of Americans now favour physician assisted suicide and euthanasia for terminally ill patients in great pain who wish to end their lives. It also finds that a majority of people over 65 now have written directives regarding the type of care they would like to receive, or not to receive, at the end stages of their lives.

Key findings in this new poll include:

- \* Almost two-thirds (63%) of adults over 65 have executed written directives;
- \* More than two-thirds (70%) agree that people who are terminally ill, in great pain and who have no chance of recovery should have the right to choose to end their lives. Only 17% of the public indicated they disagreed;
- \* Two-thirds of all adults (67%) think that doctors should be allowed to advise terminally ill patients who request the information on alternatives to medical treatment and/or ways to end their lives; and,
- \* More than half (58%) think that "the law should allow doctors to comply with the wishes of a dying patient in severe distress who asks to have his or her life ended." In other words, a majority of adults say they support physician-assisted suicide for such patients.

(See <http://www.prnewswire.com/news-releases/large-majorities-support-doctor-assisted-suicide-for-terminally-ill-patients-in-great-pain-114540239.html>)

## **MORE CANDOUR URGED IN CARE OF DYING CANCER PATIENTS**

The American Society of Clinical Oncology (ASCO) has urged more candour in care of patients dying of cancer to improve the quality of life in those final days. Too often, says the ASCO, patients aren't told about options like comfort care or even that their chemo has become futile until the bitter end. Communication on these issues needs to commence as soon as possible – preferably before illness. Recognition of the difficulty faced by most of us in dealing with such issues, the ASCO has produced a booklet to assist (available at <http://www.cancer.net> ).

The ASCO stresses: "This is a clarion call for oncologists to take the lead in curtailing the use of ineffective therapy and ensuring a focus on palliative care and relief of symptoms throughout the course of illness."

In Pittsburgh, a movement named Closure, aims to teach families how to talk with each other and their doctors about what they want and what they want to avoid in their final days (see <http://www.closure.org>). Everybody wants a good death but not a moment too soon and they need the language to ask for it. A doctor advising on this program forecasts: "There is going to be, over the next few years, a groundswell of people telling physicians, 'I don't want to go out in excruciating pain, short of breath, alone, surrounded by lights and sirens and people pounding on my chest'.

Sadly, says, the ASCO, less than half of advanced cancer patients have what it calls a "realistic conversation" with their doctors about what to expect and their choices of care. The consequences: Patients increasingly are receiving aggressive chemotherapy in the last two weeks of life. They're spending more of their last months hospitalized. They're not told that a lot of expensive, side effect-prone therapies buy at best a few more months.

**QUOTE 4: The consequences of the passage of this bill (PAD Bill (Vic)) that we can foresee include generally diminishing the value of human life not only by the state but also by individuals ... .**

**For example, a home burglar who is confronted by an elderly resident would know, if this bill is passed, that there are innocent people, especially elderly people, who the law allows to be killed...**

and

**For example, a man going to see his mother-in-law. He has not seen her for quite a while but he drops in unexpectedly and they have a cup of tea together. He says, 'You know, Mother, you have had this problem, this diabetes, for a while now, you are a good age, you are over 60 years old and you are getting on. There is that arthritis you get every year, and life is not very good these days. Don't you think you ought to tell them that you have had enough and that you cannot take it any more? Your daughter comes to see you every week and it is taking her away from the kids. We have got our own lives to lead. We are very concerned about you, but don't you think you owe it to the kids to volunteer?' There are many scenarios along those lines that we could imagine.**

## THE NETHERLANDS

The Dutch voluntary euthanasia society NVVE is planning to open an eight-person clinic in 2012 where people can go to end their lives, provided such a clinic can be funded. The NVVE estimates that about a thousand people a year would likely use its facilities, which would cater for people previously refused aid in dying by their physicians. Although euthanasia is legal in the Netherlands, doubts have been expressed about the proposed clinic, including by the Dutch medical association.

Every year about 10,000 real requests for voluntary euthanasia are made. Of these, about one-third are accepted. Some of those refused have chosen an awful suicide, some for a less gruesome suicide, but their death was in bitter loneliness. Others are forced to wait for a natural course. There are 1500 persons a year who commit suicide, among those are four hundred older than 65 year. The proposed clinic could provide for some of those refused voluntary euthanasia. (See [org.opn.lists.right-to-die](http://org.opn.lists.right-to-die) Digest, Vol 17, Issue 28 24 Feb 2011.)

### ANSWERS TO THE QUIZ

**QUOTE 1** *Jerome Appleby, South Australian state officer of the National Civic Council and Australian Family Association.*  
<http://www.family.org.au/care>

**QUOTE 2** *Dr Lachlan Dunjey, Medicine with Morality, unsuccessful Candidate for Christian Democratic Party in WA – see*  
<http://www.australiandoctor.com.au/news/c8/0c06bdc8.asp>

**QUOTE 3** *Dr Lachlan Henderson, St John of God Health Care Services - see*  
[http://www.sjog.org.au/about\\_us/media/latest\\_news/euthanasia.aspx](http://www.sjog.org.au/about_us/media/latest_news/euthanasia.aspx)

**QUOTE 4** *Peter KAVANAGH, MP, DLP member of Victorian Parliament.*  
<http://peterkavanagh.blogspot.com/2008/08/media-2008-07-31-dlp-leads-anti.html> and  
<http://peterkavanagh.blogspot.com/2008/08/media-2008-07-31-dlp-leads-anti.html>

### DONATIONS AND BEQUESTS

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.

#### Have a contribution for the Newsletter?

Submissions welcomed by email or post:

Email: [dwdtas@dwdtas.org.au](mailto:dwdtas@dwdtas.org.au). Post: DwDTas, PO Box 1022, Sandy Bay, Tas 7006.