

Dying *with* Dignity



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COMMITTEE FOR 2011 – 2012

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

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

Patron: Professor Colin Wendell-Smith

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SPECIAL NEWS

- **Legislation timetable on track.** The Premier, Lara Giddings, has again confirmed her commitment to working with Nick McKim to introduce a new dying with dignity Bill early next year after a public consultation process by the end of this year. This was stated in an article in the Advocate on Saturday 10 September. We have written to the Premier, thanking her again for this commitment, and asking to meet as soon as possible to clarify details of the consultation process, to provide input before any decisions are made about a model for the new Bill and to provide information on our campaign supporting the legislation. The letter has been copied to Nick McKim.
- **Request for NW help:** During the next months it is important that we monitor media in the NW and ensure that we challenge false and misleading claims by those opposed to the proposed legislation. We have been able to do this successfully in the South and North. If you can help us in the NW, please contact us by leaving a message on our mobile - 0450 545 167.

- **We now have a Paypal account for donations:** We have been working to make it easier for those who want to pay memberships and make donations electronically. A step in this direction is the option of making donations by Paypal. To do this, go to the “How you can help” section of the website and click on the “Donate” button.
- **Membership:** We would greatly appreciate it if you receive a reminder that you could renew your membership soon. This is a big year for all of us who want dying with dignity legislation. Memberships are important to support our action not only for legislation, but also for end-of-life and advance care planning and palliative care.
- **Remember us when you change your email or other address:** We really want to stay in touch with you! If we communicate with you by email, please let us know if you change your email address. Each month there are a few emails that ‘bounce’.

FORTHCOMING EVENTS

- **22 NOVEMBER 2011 – LAUNCESTON INFORMATION SESSION ON END-OF-LIFE AND ADVANCE CARE PLANNING – Please see details in the section below.**
- **29 OCTOBER 2011 - SALAMANCA MARKET STALL**
- **5 February 2012 – BBQ at the Waterworks:** Advance notice of our annual get together BBQ in February with more details to be included in the December newsletter.
- **DwDTas Committee Meetings:** These are usually held at the Glenorchy Library, on the second **WEDNESDAY** of each month, starting at 2.00pm. The next meetings are scheduled for 9 November and 14 December 2011. 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.

ANNUAL GENERAL MEETING AND PUBLIC ADDRESS

The AGM was held on 13 July and was attended by about 30 members. Office bearers and the new Committee were declared elected unopposed. Noel Woodrow and Hilde Nilsson are now members of the Committee and Kay Scurr and Maureen Aiken decided not to stand again.

Annual reports provided by the President, Treasurer and Auditor were all very positive and showed that DwDTas is in a reasonable financial position and has a good foundation for the very important year ahead, when there is a very good chance that Tasmania will become the first State to have dying with dignity legislation. This includes increased community interest and support reflected in increased membership, collection of resources and the development of good working relationships with key MPs and their staff, journalists and academics. Through the national alliance, YourLastRight.com, we have access to national support, assistance and resources, including funding. The President thanked the hard-working members of the Committee for making this possible through contributions this year and, in many cases, through commitment and persistence over many years. If you couldn't attend the AGM and would like a copy of the reports please contact us.

The AGM was followed by a stimulating and interesting public address by the Public Guardian, Lisa Warner, titled, “New developments and challenges”. The dominant messages of her presentation included the value of Enduring Guardianships, including help

from the Public Guardian if there are difficulties in getting people's wishes carried out, and the extreme care in wording that is necessary especially with Powers of Attorney.

PRESIDENT'S REPORT

I appreciate the opportunity to be President of DwDTas for another busy year and to again work with the hard-working Committee and other active members, including our patron, Professor Wendell-Smith. We have good reasons for being optimistic about a new dying with dignity Bill in the coming year, despite the 'fear and smear' political campaign being waged by the small, very conservative, religious minority opposed to the legislation. What we will be making sure is their tactics do not go unchallenged.

Political news: A recent positive sign is the action within the Labor and Liberal Parties in support of dying with dignity legislation. The support of the Greens has been clear since the 2009 Bill.

The Premier's commitment to a new dying with dignity Bill was reinforced by a strong supportive vote at the Labor Party State Conference early in August. The Liberal Party State Conference late in August also considered a motion to support legalisation for voluntary euthanasia. Although that motion was unsuccessful at this time, the fact that it was moved, debated and received good support is an important step forward.

The ALP State Conference early in August voted overwhelmingly in favour of the following motion: "Conference supports the reform of state legislation, including an amendment to section 163 of the Tasmanian Criminal Code 1924, allowing terminally ill people to voluntarily choose to die with dignity, subject to the appropriate safeguards. Conference congratulates Premier Lara Giddings MP for pursuing this issue in the State Parliament, ensuring we have a compassionate system to those suffering with a terminal illness". Unfortunately this vote did not receive any media coverage.

At the Liberal Party State Conference late in August, the motion to support legislation to legalise voluntary euthanasia was defeated on the voices. Congratulations go to those who were involved, including the person who moved the motion, Frank Webb, and our very active and passionately supportive Committee member, Allan Cameron, who spoke in favour of the motion.

The Mercury reported on 29 August that the motion, moved by the party's Devonport City Branch, "called on members to acknowledge public opinion and enact laws to 'allow people with a terminal illness suffering extreme pain to die with dignity'". The article also reported comments from the motion's sponsor, Frank Webb, about the death of his mother and his view that "people deserved the right to plan to end their lives peacefully". The Examiner reported Frank Webb as saying it was about giving people a choice and "I can think of nothing worse than sitting in my bed and seeing my children and my grandchildren see me fade away."

Both articles reported the comments by Lyons MHA Rene Hidding, particularly his claim that due to advances in palliative care "there is no such thing as unmanageable pain" (Mercury article). It also reported that he had said: "It is simply not safe for the weak and vulnerable to be under pressure that comes about under such legislation such as this not to be a burden". We know of course that his claims are not accurate as was pointed out in a

number of letters to both the Examiner and the Mercury, including ones from Marshall Perron and Neil Francis.

Increasing our visibility and credibility: We are continuing with our strategy to increase our visibility and credibility and to get information to a broad cross-section of the community, including letters to the editor and presentations. Increasingly we will be adding more information to the website; please give us feedback, provide us with information you think is important and make requests for particular information you would like to see.

Helen Cutts and I made a presentation to the Kingborough U3A on 23 June and I spoke to the Prospect Probus Club on 5 October in Launceston. Both were attended by over 50 people. Another presentation will be made to the Moonah Probus Club on 16 November. 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 networking: There are changes taking place in palliative care coordination and networking as a result of State budget cuts. The Palliative Care Clinical Network Steering Committee, on which DwDTas has a nominee, has lost its funding but its valuable role is likely to be taken on by the Tasmanian Association for Hospice and Palliative Care (TAHPC). We will have more to report on this matter in the next newsletter. 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>.

YourLastRight.com and the national alliance: YLR.com continues to be a great support for us and our fellow State and Territory organisations and a growing force for law reform. As a Director of the body, I attended a weekend planning workshop of the alliance in Melbourne on 15 and 16 July. Since then major work has been done to upgrade and redevelop the website, Neil Francis has been very actively involved in many speaking engagements, building important working relationships and achieving a major media presence through articles, letters and interviews. If you have internet access, have a look at Neil's excellent interviews about how well legislation works in Oregon and Belgium - <http://www.youtube.com/watch?v=l25hjgcaZ2Q&feature=related> and <http://www.youtube.com/watch?v=VBJYoJz-XEo>.

INFORMATION SESSIONS END-OF-LIFE AND ADVANCE CARE PLANNING

There will be an information session on end-of-life and advance care planning in Launceston on Tuesday, 22 November, from 2.00 – 4.00 pm, at 51 York Street (former Adult Education building).

Attendance is free, but we will need to charge a maximum of \$10 a copy for the booklet to cover printing costs. Priority will be given to DwDTas members and friends and registration is essential so we are sure there is sufficient interest.

You can register by letting us know **by Friday 11 November** if you can come and if you would like to bring friends with you. You can do this by contacting Bill Godfrey (preferred contact email at awwgodf@gmail.com, or by telephone at 6234 2080) or by leaving your name and phone number by a call or SMS to our mobile number - 0450 545 167.

The session will enable participants to get information and copies of forms to help with a range of matters (listed below) and provide the chance to ask questions.

As you know from previous reports, Vice-President, Bill Godfrey, has been working hard on the sessions to improve everyone's chance of a better end of life in accordance with their own wishes. Whatever stage of life we are in, one of the most useful things we can do is to make sensible plans for what we would want to happen if we are no longer able to speak for ourselves and to discuss these with those nearest to us. Quite apart from avoiding the risk of receiving treatment we would not want, good plans will minimise the inconvenience, trauma and plain muddle that can too easily result for those that we love if the worst does occur.

With assistance from a number of people, Bill has developed for DwDTas a guide to end of life planning to provide guidance on all the aspects that need to be thought about including the Will, storage of key financial and personal documents, Enduring Power of Attorney (covering financial and business matters), appointing an Enduring Guardian or preparing an Advance Care Directive (covering healthcare matters), organ donation and funeral arrangements. This information has been prepared as a booklet designed to be presented and discussed in the course of an interactive two hour workshop. One session has been run for members in Hobart in order to test and check the content of the booklet and a final version has now been developed. The feedback from this and a second test session run with the final version is that the workshop was very useful to those attending.

We plan to offer other sessions around Tasmania, both to DwDTas members and to the general public. 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.

UNIVERSITY OF TASMANIA: DEBATE ON 4 AUGUST AND PROFESSOR SOMERVILLE LECTURE ON 30 JUNE

Two very different events in relation to voluntary euthanasia legislation have been held at the University of Tasmania:

- A debate in Launceston on 4 August enabled both sides to put their points of view, included plenty of opportunity for audience comment and concluded with a vote strongly in support of the motion: *The house moves that euthanasia should be legalised.*
- A public lecture on 30 June by Professor Margaret Somerville argued against legislation for 'euthanasia' (she never used the term 'voluntary euthanasia'), using the same repeated false and misleading claims and tactics of the religious opposition to such legislation.

It is possible to view both the debate and the lecture online. Currently, UTAS provides a video of the debate on the internet at: www.utas.edu.au/channel-utas (in the General Interest category). It is an hour and 45 minutes long but is well worth viewing if you have time. A co-sponsor of the Somerville lecture was the Ambrose Centre for Religious Liberty and the video can be viewed courtesy of that organisation at <http://vimeo.com/29943442>, or through Anglican Bishop John Harrower's website at <http://imaginarydiocese.org/bishopjohn/2011/10/13/euthanasia-talk-by-margaret-somerville/>.

The 4 August debate was an initiative of the UTAS Alumni, and very well supported by the work of University staff. It attracted a capacity audience of about 140 people, with quite a few more turned away. Speakers on the "for" side of the motion, '*The house moves that euthanasia should be legalised*', were: Neil Francis (CEO and Chair of YourLastRight.com), Nica Cordover and Dr Philip Nitschke. Those on the "against" side were: Paul Russell (from anti-euthanasia organisation HOPE and also Executive Officer of Right to Life NSW), Dr Frank Madill (Launceston GP and former MHA) and Betty Roberts (Catholic Women's League, etc). There were many moving and interesting contributions from the audience, mostly in favour, before the positive vote was taken.

Keith Anderson, from the DwDTas Committee, has provided the following observations about the debate:

- Generally, the speakers in favour were wonderful, and the opposition speakers mostly dug holes for themselves, but of course, that is a biased opinion. I think that the opposition would have consolidated the support of people already strongly opposed to euthanasia rather well, but would have prompted people yet to make up their minds to think rather often, "Hang on. That can't be right."
- Nica Cordover's presentation was brilliant. She described the end of her husband's life with just the right compromise between objectivity and "I was there" humanity, to confirm for all but the most unfeeling extremist that voluntary euthanasia is an act of kindness, compassion and love, and totally unlike the harsh, "how dare you attempt to avoid unwanted suffering" attitude that anti voluntary euthanasia extremists espouse. Her son, Gideon was in the audience, and during the audience feedback sessions, calmly and thoughtfully presented his view that a peaceful death and a dignified death should be a right for those who want it. A "must see the replay" reason to watch the video.
- Dr Frank Madill was, if possible, even more authoritarian than Paul Russell. He started by invoking Aristotle and the Hippocratic Oath. I guess a few of us might want to revive 2000 year old treatments for our ailments, but considering the enthusiasm of the ancient practitioners for arsenic, mercury and hemlock, I think we are mostly better off with modern medical ideas. This unfortunate invocation of antiquity provided fruitful material for obvious rebuke by Neil and/or Philip, who delighted in reminding us that if we were to agree with Dr Madill, we'd outlaw almost all forms of what we now recognise as surgery and the opportunity for women to be doctors.

(The President, Margaret Sing, who attended the Somerville lecture has provided the following notes.) Professor Somerville is originally an Australian and currently holds professorships in both the Faculty of Law and the Faculty of Medicine at McGill University, and was the founding director of the McGill Centre for Medicine, Ethics and Law. Her work regularly appears on the websites of conservative Catholic and other religious groups and is frequently quoted by those opposed to voluntary euthanasia legislation and she was invited

to Australia by the Ambrose Centre for Religious Liberty, which co-sponsored the University of Tasmania lecture.

The Ambrose Centre was founded in April 2009 and is chaired by Rocky Mimmo, whose Tasmanian connection includes a period as President of the National Civic Council here. The Board of Advisers for the Centre includes Catholic Archbishop Pell and Anglican Archbishop Peter Jensen. Professor Somerville's other presentations in Australia on this visit were organised by the Centre and were to Catholic sponsored events. I know that a speech in Melbourne to such an event was almost exactly the same as UTAS one.

Although the University of Tasmania lecture was co-sponsored by the University Schools of Philosophy and Medicine, it was very difficult to see how it meets the academic standards that, on past experience, I have every expectation will be met by such a lecture. While she did make some acceptable points, her lecture included so many of the standard false and misleading claims of the very conservative Catholic opposition to dying with dignity legislation. She repeated claims she's made over many years and I could not see any indication of updating based on rigorous analysis of reputable evidence from the actual operation of legislation in the Netherlands, Belgium and Oregon. I interjected about one inaccurate claim that the Minister who brought in the Dutch euthanasia law now regrets her actions. The former Minister, Els Borst, has publicly and clearly refuted that claim. There were many other claims that I did not find were in keeping with the results of reputable academic and professional research (eg her claim that the major reasons people request 'euthanasia' are that they are dying alone and unloved and being a burden to their family and friends). She mis-cited statistics, misrepresented the arguments for VE legislation and made a number of questionable assertions (eg "legalising euthanasia causes death and dying to lose its moral context"). We were mercifully spared some of the stranger claims she has made in the past (eg Pro-euthanasia advocates support an 'extrinsic dignity' approach and with this approach "dying people are no longer human doings -- that is, they are seen as having lost their dignity -- and eliminating them through euthanasia is perceived as remedying their undignified state".(Source: Mercatornet website))

MEDIA OVERVIEW – June to October

The majority of letters to the Mercury and the Examiner about voluntary euthanasia and legislation have been in favour. They have included letters from those who are not members of DwDTas but also several by the President and other DwDTas members, Neil Francis, YourLastRight.com and Marshall Perron. (There has been very little about the issue in the Advocate - see note in the Special Messages asking for NW help.) The Mercury's 'Street talk' column on 30 August featured the question "What's your view on euthanasia?". Six of the seven comments were in favour and the only one against stated that "God is the only giver and taker of life".

There have been a number of polls run by newspapers, particularly the Adelaide Advertiser related to the debate in the SA Parliament. The Advertiser polls have been very vulnerable to multiple voting and organised anti-campaigns (eg by people like Paul Russell of the anti-euthanasia organisation, HOPE). Such polls cannot be relied on because they do not meet the sampling standards of reputable polling organisations such as Morgan and Newspoll, but two seem to have had more controls against multiple voting. The Age had a poll on 1 July 2011, coinciding with the front page story about Alan Rosendorff (see below). 95% said 'yes' in response to the question, "Should terminally-ill patients have the right to die?".

The Weekend Australian of 1-2/10/11 had poll, asking the question "Do you think voluntary euthanasia should be legalised in Australia?" with responses 77% support, 18% opposed.

An important national media story of the last months was the 1 July front page story of the Age about Alan Rosendorff with the heading: "A painless, comfortable death was an option for Alan Rosendorff's dog Jimmy 45 years ago, why not for him?". It reports that Alan is facing an ever increasing amount of physical and existential pain stemming from cancer in his stomach and lungs, has very distressing physical symptoms but they pale in comparison to the loss of control, enjoyment and purpose in life that he feels. It also reports him as saying: "I can't think of a better way to go than to be surrounded by the right people in a loving, safe and warm environment where I'm exercising the choice at the right time for the right reasons."

In September there were media reports that Dr Phillip Nitschke had gained approval from the Therapeutic Goods Administration (TGA) to import Nembutal. However, the TGA denied this was the case so it is not clear what the situation is.

While there is a great deal of the positive and supportive media, there is some that is less so. For example, do we have "Death Police" in NSW? In Coffs Harbour Arthur made the mistake of expressing his wish for his terminally ill wife of 57 years to be given help to die and end her suffering. As a result he experienced how New South Wales hospitals use security guards to stop family members helping to euthanise terminally ill patients. (<http://www.coffscostadvocate.com.au/story/2011/10/05/guards-on-alert-as-wife-dies-euthanasia-talk/>)

In SA, much of the media has been related to the current Medical Defences Bill being debated in the House of Assembly, including one item in the Adelaide Advertiser, "Big-money bid to stop euthanasia laws" (<http://www.adelaidenow.com.au/big-money-bid-to-stop-euthanasia-laws/story-e6frea6u-1226134239773>). It reported: "Ord Minnett executive chairman Karl Morris has hired his friend, former Queensland Liberal senator Santo Santoro, to lobby MPs against the euthanasia Bills now before the South Australian Parliament" and that his father's death in 2010 "sparked his interest in the euthanasia debate". The article does not mention Mr Morris's impeccable Catholic credentials, including being a Board Member of the Sydney Catholic Archdiocese Finance and Development Fund Committees (see <http://www.ords.com.au>).

BRIEF NEWS FROM AROUND AUSTRALIA AND OVERSEAS

SOUTH AUSTRALIA: There were early indications that the AMA would not oppose the Medical Defences Bill and may even support it, with appropriate amendments. However, this hope was dashed when the new SA President of the AMA joined with the President of the Law Society of SA to oppose the Bill. Debate on the Bill will resume on 10 November.

US: Hawaii has joined Oregon, Washington and Montana in allowing aid-in-dying through doctor prescribed medication for self-administration by terminally ill patients. "A panel of legal experts in Hawaii recently concluded there was nothing in pre-existing state law that outlawed terminally ill patients from receiving aid in dying from their physicians. ... In addition, Vermont has just introduced a bill that, if passed, could add it to the same list." (Source : <http://www.cavalierdaily.com/2011/10/13/the-grateful-dead/>).