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## President's message



No doubt we all felt very disappointed at the failure of the NSW *Voluntary Assisted Dying Bill (2017)* in the Upper House on 16 November. The final result was a loss by one vote: 19 in favour, 20 opposed. (See page 4 for the list of how each MP voted).

For those of us who listened from the public gallery, or via the internet, some of the 37 speeches were excruciating for all the misinformation and spin. Many were straight out of the *'Right to Life handbook'*, using the same flawed arguments and emotive terminology. Many MPs, including paradoxically, several from the Liberal Party, cited warnings from Paul Keating regarding the calamitous consequences of passing such a law. Several made references to God and their faith, although many said, that of course that had nothing to do with their opposition to the bill.

Listening to the debate, it was clear that MPs had made up their minds from the outset. There was almost no reference to the specific contents of the bill, in spite of careful drafting over 30 iterations. They opposed a voluntary assisted dying (VAD) bill in principle, and arguments focused on the usual fearmongering – elder abuse, state sanctioned suicide, 'crossing the rubicon', greedy relatives pressuring vulnerable family members, suicide contagion, slippery slope and the like.

We received many emails from our supporters in the days that followed. Some were angry, many were philosophical and most were empathic and encouraging. Our board members also felt angry, dismayed and despondent in the days after our loss.

The passing of the Victorian bill just a few days later lifted our spirits, and boosted our hopes that change will eventually come. We also took heart from Trevor Khan's subsequent email: "I take the loss as a setback, not a defeat. We will start working again in the New Year and look to introduce another bill after the March 2019 election".

Looking back over the last six months, I can honestly say that we could not have done any more. Board members, Shayne Higson and Penny Hackett, spoke to every Upper House MP who was willing to meet with them, and had several meetings with the NSW Parliamentary Working Group on Assisted Dying, the cross-party group responsible for developing the NSW bill. They also met with many Lower House MPs, and helped to organise meetings between supporters, such as Annie and Paul Gabrielides, and MPs. The working group was briefed on our discussions with MPs, and we wrote, printed and distributed information packages to every NSW MP.

Members and supporters of DWD responded enthusiastically to our calls to write to MPs, and to send us copies of any responses received. Apart from the many posted hand-written letters and personal emails, over two thousand emails were sent to Lower House MPs via our special on-line emailing tool. Many Lower House MPs declared their support for the bill based on this correspondence, or from outcomes of their online surveys which many of you completed. Hopefully their support will carry forward to the next VAD bill.

Many of the letters and emails contained compelling and often heart-breaking stories of suffering. Board member, Dr Liz Jacka, reviewed all the correspondence and pulled out many of the particularly poignant stories and contacted the writers to ask them to send a similar personal message to particular undecided Upper House MPs.

Despite our focus on Lower House MPs (who are always more responsive to the constituents who vote for them), hundreds of letters and emails were received by Upper House MPs too. During the parliamentary debate, several Upper House MPs commented on the huge volume of letters and contacts they had received, and some read out personal letters during their speeches.

We will focus on Lower House MPs again in the months before the March 2019 NSW election, to let candidates know that their stance on VAD must reflect the view of their constituents, and will affect the way we vote. This will be particularly important for MPs representing marginal seats.

### Thank you so much!

My heartfelt appreciation goes to all of our members and supporters for your efforts to help

us get this bill through, including the huge volume of letters and emails that were sent to MPs. Thank you to the members of our Central Coast and our Mid North Coast groups, who were very engaged with MPs prior to the debate. Thank you to those who joined our display of support at the gates of Parliament House on the 16 November.

I am particularly grateful for the very generous donations that we received from many members and supporters during 2017, and especially in the period leading up to the parliamentary vote. Some of you actually made donations after the NSW bill was lost, which I found particularly touching. You have been incredibly big-hearted, and I am so sorry that we could not deliver a happier outcome.

My most sincere thanks to Annie and Paul Gabrielides, and their family, who campaigned so strongly for the bill. (See pages 12-13).

My thanks also to the DWD NSW board, who worked tirelessly during the period leading up to the vote. Special thanks to Shayne Higson and Penny Hackett who worked full-time on the campaign (unpaid of course) over many months, and to Dr Liz Jacka for her enormous assistance on the campaign.

Special thanks also to our Executive Officer, Gabrielle Brown. Although employed on a part-time basis, Gabrielle worked seven days a week for many months to maintain our website and social media, respond to emails and provide extensive administrative support for the campaign.

We are also very grateful to Trevor Khan and the working group, who provided ongoing communication and advice during the course of the campaign. Over the last two years they have instructed Parliamentary Counsel on 30 separate drafts of the bill, based on consultations with the public and interested stakeholders.

### **Victoria becomes the first to legalise VAD**

The good news is that on 29 November the Victorian *Voluntary Assisted Dying Bill (2017)* passed both Houses of Parliament, after very lengthy debates. Unlike the NSW bill, which was a private members' bill sponsored by the working group, the Victorian bill was a government bill, driven by Health Minister Jill Hennessy and Premier Daniel Andrews. History has been made, with Victoria being the first state of Australian to legalise VAD. (See pages 8-11.)

In spite of our recent disappointment, let us not forget the progress we have made over the last few years. In the previous parliamentary vote, in the NSW Upper House, *The Rights of the Terminally Ill Bill (2013)* received just 13 votes in favour, 23 opposed and 4 abstained. Not one Liberal or National Party MP voted for the 2013 Bill. Four years later, five of the six National MPs and two Liberal MPs voted in favour of *The Voluntary Assisted Dying Bill (2017)* – not quite enough to get over the line, but almost.

Over the last two years, VAD has received a huge amount of attention in print media, radio, television and social media. It has been boosted by public support from high-profile individuals – most notably Andrew Denton, but others as well. The issue is now firmly embedded in the national consciousness, and is likely to be more so as growing numbers of baby boomers start to face their own mortality.

At the same time, DWD NSW has become a much more professionally run organisation. We are very lucky to have some amazing members on our board, with skills in many areas, including research, networking, strategic planning and social media. They have developed relationships with journalists, celebrities and politicians, and have been using these contacts to advantage. So when a new bill comes up in 2019, we will be more experienced and better prepared for the next campaign.

Finally, I wish to say that after ten years on the board, I will be stepping down at our AGM on 17 March, 2018. The difficulty for me has been balancing DWD commitments with my work as a clinical psychologist. It's been challenging to do both, especially as our board became much more active. I look forward to going back to clinical work, and writing another book - this one will be about anxiety. I feel totally comfortable stepping down at this point because we have such an experienced, competent and dedicated team that will continue to run the show. You can be 100% confident that the board will do a fantastic job, with your support.

I wish all of our members and supporters a very happy and peaceful festive season. Good health and good spirits for us all, now and always.

*Sarah Edelman*

President, DWD NSW

## How did NSW MPs vote?

PARTY	YES – 19 Members	NO – 20 Members
<b>LIBERAL</b>	Shayne Mallard Peter Phelps  <b>Total: 2</b>	David Clarke Lou Amato Scott Farlow Don Harwin Matthew Mason-Cox Catherine Cusack Taylor Martin Scot MacDonald Natasha Maclarens-Jones <b>Total: 9</b>
<b>LABOR</b>	Lynda Voltz Peter Primrose Adam Searle John Graham Penny Sharpe Mick Veitch <b>Total: 6</b>	Shaoquett Moselmane Walt Secord Courtney Houssos Daniel Mookhey Ernest Wong Greg Donnelly <b>Total: 6</b>
<b>NATIONAL</b>	Trevor Khan Niall Blair Ben Franklin Bronnie Taylor Wes Fang <b>Total: 5</b>	Richard Colless  <b>Total: 1</b>
<b>GREENS</b>	Mehreen Faruqi Jeremy Buckingham David Shoebridge Justin Field Dawn Walker <b>Total: 5</b>	
<b>SHOOTERS, FISHERS &amp; FARMERS</b>		Robert Brown Robert Borsak <b>Total: 2</b>
<b>CHRISTIAN DEMOCRATS</b>		Fred Nile Paul Green <b>Total: 2</b>
<b>ANIMAL JUSTICE</b>	Mark Pearson <b>Total: 1</b>	

No MPs abstained from voting on the 2017 VAD Bill.

## Why they voted NO

Those who voted NO in the NSW Upper House for the NSW *Voluntary Assisted Dying Bill (2017)* fall into two main groups:

- Those motivated by religion
- Those motivated by self-interest.

The religious group includes 'hard-line' Christians, such as Christian Democrats, as well as some within the Labor and Liberal Party. It also includes others who are not 'hard-line', but whose Christian faith trumps all other factors when voting on the issue of voluntary assisted dying (VAD).

More than half of the 20 MPs who opposed the NSW Bill made reference to their religious faith, 'sanctity of life' and teachings of Christ.

The self-interest group are those who see political advantage for themselves in voting no. They know that party elders are opposed to the passage of the legislation, and they toe the line for fear of jeopardising their preselection for the 2019 election. (The election of Upper House MPs is dependent upon their position on the ballot paper, which is based on the party's preselection process). This group includes the more junior MPs who need the patronage and support of the 'no camp' to get preselected again in 2019.

With the Liberal Party Leader, Premier Gladys Berejiklian, and the Labor Party Leader, Luke Foley, both personally opposed to the NSW bill, self-interest is likely to be an important factor influencing the vote of some MPs on this bill. As public support becomes louder, and if key figures in Liberal and/or Labor parties change, some of these individuals might not feel the need to vote no the next time the bill is presented.

In his speech to the Upper House, Mark Pearson of the Animal Justice Party, summed up the two key reasons for the no vote when he said: "I ask members to put aside their religious and cultural influences, family conditioning or fear of death and the unknown. I ask them to put aside their fear of losing a ministry, their desire to attain one, or their fear of jeopardising possible preselection."

There may possibly be a third group who had genuine concerns about a bill to legalise VAD. These MPs may be open to persuasion by reason and good argument. Of those who voted no for this bill, we believe there may be only one or two who fell into this category.

## Fred Nile's contribution: "God prompted me"

Christian Democrat Leader, Rev Fred Nile, admitted making a significant error in the horror story he told during the NSW Upper House debate.

On 16 November Rev Nile told the House: *I did some research on this issue and read case studies from Oregon in the United States. That state has adopted a bill similar to this. In a*

*published and certified incident a patient signed a consent form that she wanted a lethal injection from her doctor to terminate her life. The relatives came in to watch her die and the patient then said to her doctor, "No, I have changed my mind. I do not want to die." The doctor said, "But you have signed a consent form." She said, "No." The doctor said to her relatives, "Would you hold her down while I give her the lethal injection?"*

In Trevor Khan's final speech to the House, which included rebuttals of some of the claims made by opponents during the debate, he pointed out that under Oregon law a doctor cannot help to end a patient's life – the patient must do it themselves. Under Oregon's *Death with Dignity Act 1997* there is no provision for injection of a life ending drug, only oral ingestion. Mr Khan concluded that "If what Reverend Nile describes as having happened in Oregon did happen, it was not an assisted dying case but a murder!"

The following day Rev Nile told Sean Nicholls of Fairfax Media that he had "made a mistake" and that the case he referred to occurred in the Netherlands, where the laws are far more liberal than those of Oregon [on which the NSW bill is based]. Rev Nile told Nicholls that he had not intended to use the story in the debate - "Whether God prompted me ... I got a full blown visual of that report so I just started quoting from memory". Rev Nile said he would approach the Clerk of the Upper House for permission to correct the Hansard, but we understand that this will not be permitted.

## Christians Supporting VE

There was a deplorable lack of Christian compassion for the suffering terminally ill shown by the Upper House MPs who opposed the NSW bill. Indeed, many of the Victorian MPs opposing the Victorian bill showed a similar lack of compassion and empathy, but thankfully they were outnumbered when it came to the final vote. Victoria saw an historic and humane victory for common sense!

Thank you to all our members who visited or wrote to MPs and those who attended various regional forums arranged by MPs who wanted to hear from their constituents. On behalf of our group, I sent a package of information and videos to every MP, outlining the reasons to support VAD, particularly from the Christian angle.

New members are very welcome to join and help us publicise the fact that most Christians in Australia do support compassionate choice for VAD. Membership is free. Simply let me know your name and address by emailing [ian.wood@christiansforve.org.au](mailto:ian.wood@christiansforve.org.au) or writing to my address below.

Kind regards,

*Ian Wood*

National Co-ordinator, Christians for VE Choice  
Villa 1/4 Wills Place, Mittagong NSW 2575.

## An ex-PM's pronouncements

In the days leading up to the parliamentary debates in NSW and Victoria, four ex-Prime Ministers expressed strong opposition to voluntary assisted dying (VAD).

John Howard, Kevin Rudd, Tony Abbott and Paul Keating (all practising Christians), spoke out strongly against the bills. In addition, Malcolm Turnbull told Radio 3AW that he had reservations about the model, and said "If I was sitting there in the Victorian Parliament I wouldn't be voting for it."



The most strident critic was Paul Keating (pictured), whose opinion pieces in Fairfax press received extensive media coverage. Like his fellow ex-Prime Ministers, Keating's view appears to be shaped by his religious beliefs, and his arguments were almost identical to those championed by Christian lobby groups.

Many people were taken by surprise at the fundamentalist tenor of Keating's arguments, with comments like "I thought he was better than that" frequently made by hitherto Keating admirers.

Whether or not Keating's pronouncements actually influenced the stance of any NSW MPs, many opponents of the bill enthusiastically quoted Keating in their parliamentary speech, explaining their reasons for rejecting the bill. Paradoxically, many of these were Liberal conservatives, citing an iconic Labor ex-Prime Minister as their source.

Keating provided a number of arguments on why he opposed VAD. Each of these can, and have been, easily repudiated (see the 'Key Questions' section and our *Assisted Dying: Setting the record straight* document on the DWD NSW website).

**ASSISTED DYING:  
SETTING  
THE  
RECORD  
STRAIGHT.**

Dying with Dignity  
New South Wales

In addition, Keating's claim that "The experience of overseas jurisdictions suggests the pressures for further liberalisation are irresistible" was investigated by Royal Melbourne Institute of Technology (RMIT) for *ABC Fact Check*. Their verdict, reported on the ABC News website, was that Keating's claim does not stack up. In most jurisdictions where VAD has been legalised, little has changed over time regarding what practices are allowed or who can access assisted dying.

The bills proposed for Victoria and NSW are based on an 'assisted suicide model' (where the doctor writes the prescription and the patient self-administers). This is similar to the legislative model adopted in jurisdictions in the USA. It is quite different from the European 'Benelux model' in which euthanasia (the ending of a life directly by the doctor) is permitted for a patient whose 'suffering is unbearable, with no prospect of improvement'. Under the 'Benelux model', there has never been a requirement that the patient has a terminal illness.

*ABC Fact Check* found that there has been no liberalisation of the laws in any of the US states that have legalised VAD. This includes Oregon, where the system has been operating, without change, since 1997. There have been some changes to the class of patients who can apply for euthanasia in countries which have adopted the 'Benelux model'. This is not the model adopted by the Victorian and NSW bills, where terminal illness is one of the stipulated requirements.

## Suicide contagion

The 'suicide contagion' argument was used by Keating and was repeatedly used by Upper House MPs who opposed VAD. It is the notion that legalising VAD will encourage others, including teenagers and the mentally ill to end their lives, by sending a message that suicide is socially acceptable. The argument goes that once you allow state sanctioned suicide, other types of suicide will also increase. The 'contagion' effect means that a wider group of people will be ending their lives.

During the NSW debate, several MPs cited crude correlations and cherry-picked data to argue that since VAD was introduced in some American states, the suicide rate in those states has subsequently increased. For example, Liberal MP Taylor Martin said: "Oregon for example, has seen a suicide rate that has steadily increased from the year 2000.... Normalising any form of suicide changes our view of death. It makes it an acceptable alternative to physical and possibly even mental pain."



As Trevor Khan (pictured) pointed out in his concluding address to the House, several other American states that do not have VAD have much higher rates of suicide. For instance, Alaska had 27 suicides and Wyoming had 28 suicides, compared to Oregon with 19 suicides per 100,000 deaths in 2016.

Khan explained that whilst rates of suicide have increased in Oregon since VAD was legalised in 1997, when it had only 15 suicides per 100,000 deaths, the same rise in suicides has occurred in most American states during that time. Institutional factors, such as the aftermath of US military engagement in Iraq and Afghanistan, the global financial crisis, increased unemployment and the 'ice epidemic', contributed to this increase across the US during that time. So, although there is a correlational increase, there is no evidence for causation.

An excellent detailed article debunking the myths of the suicide contagion argument can be found on Neil Francis' website – [www.DyingforChoice.com](http://www.DyingforChoice.com)

# Prominent palliative care doctor opposes VAD



In the days leading up to the NSW debate on VAD, Associate Professor Richard Chye (pictured), Director of Sacred Heart Supportive and Palliative Care at St Vincent's Private Hospital, received extensive media coverage of his views on VAD. Amongst other

misleading assertions, Dr Chye claimed that if VAD were legalised, people would be afraid to go into palliative care for fear they might be killed. "We have seen in the Northern Territory that patients are afraid to go to hospital for fear they may be put to death" he said. (This is an outrageous distortion of what occurred in the Northern Territory during the months when VAD was legal there in 1996-97).

In a piece for the *Sydney Morning Herald (SMH)* on 14 November 2017 titled 'We do not like to talk about death – but that doesn't make euthanasia the answer', Prof Chye insisted that palliative care can ease all suffering at the end of life.

This drew a powerful written response from DWD NSW Vice President, Shayne Higson. In her *SMH* opinion piece, entitled 'Assisted dying: My mother had the best palliative care – and even that was not enough' published on 16 November, Shayne described her mother's suffering following diagnosis of an aggressive brain tumour in 2012.

Ironically, Shayne's mother, Jan Ryder, had been admitted to a top private hospital under the care of Prof Chye. It was there that Shayne endured the traumatic experience of helplessly witnessing her mother's suffering: "... none of the medication could help ease her distress ...She felt that she was being tortured and repeatedly asked us to help her die but there was nothing we could do. We had expected palliative care's last resort option, 'terminal sedation', but it soon became clear that the drugs used in end-of-life care are not administered to a level that prevents suffering, due to the fear of hastening death. It took days before Mum was eventually drugged into unconsciousness, her sunken face testimony to what she had been through. I still cannot understand why it was necessary for her to have endured those last five terrible days."

For a palliative care specialist who proclaims that "no one needs to suffer with good palliative care", it is hard to reconcile Prof Chye's position with Jan Ryder's experience. Shayne had previously asked Prof Chye to explain why her mother had to suffer as she did, but she has never been given an explanation.

In 2016 Andrew Denton spent a week with the team at the Sacred Heart palliative care unit. Denton replayed an interview he had with Prof Chye at that time in his *Better Off Death* podcast episode 11:

"Denton: And when a competent adult makes a rational and persistent and sincere request for a hastened death, how do you respond?"

Chye: I would say to them that from my own morals I would help them with their symptoms and their fears, to the best of my ability, but I would not see it as, my moral role and my ethical role, to end that patient's life; because I don't believe in that. Law doesn't guide me. It is my ethics and my morals that guides me more."

*The Palliative Care Outcomes Collaboration Report 2016* confirms that Jan Ryder's experience is not extraordinary. The percentage of patients experiencing severe pain can be as high as 10.3% in the unstable phase of their illness. Even for patients in the terminal phase of their terminal illness (usually the last two days of life), 3.6% have severe pain, 3% have severe psychological distress and 6.5% have other severe physical symptoms.

Shayne Higson stated in her *SMH* opinion piece: "Professor Chye is well aware of the limitations of palliative care, yet he is lobbying hard against assisted dying laws in NSW and Victoria. He has written to every member of NSW Parliament claiming that better funding for palliative care is the solution."



Jan Ryder and her daughter, Shayne Higson, in 2010 - two years before Jan was diagnosed with brain cancer

# Do palliative care workers oppose VAD?

During debates in NSW and Victoria, opponents repeatedly argued that nurses and doctors who work in palliative care oppose the legalisation of assisted dying. One of the reasons for this is that the majority of palliative care facilities are owned by the Catholic Church, and palliative care medical staff work within a culture that utterly rejects VAD.

It is of concern that more than 60% of Australian palliative care services are owned by the Catholic Church, and the numbers are increasing.

One of our DWD NSW members wrote to us to say: “It concerns me that most of the hospital or at-home services in my health area of northern Sydney are operated by HammondCare, a Christian organisation, though this is not apparent in their name, or the way services are named (or listed on NSW Health website or in the National Palliative Care Association directory).”

HammondCare posted their views against assisted dying on their website on 9 October 2017, including an interview with medical professors Rod MacLeod and Melanie Lovell. But nowhere do they mention their religious affiliation.”

Institutional opposition to VAD in this sector contrasts with overwhelming support amongst nurses outside of the palliative care sector. Both the NSW Nurses and Midwives Association and their Victorian sister organisation, the Australian Nursing and Midwifery Federation (Victorian branch) came out publically in support of their respective state VAD bills, with the latter declaring: “It’s not an either/or scenario. [We] want a system that leads the world in hospital and community palliative care and provides a robust, safe and compassionate assisted dying choice.”

Dr Rodney Syme explained in *The Saturday Paper* on 25 November 2017 (see page 10-11 for a large extract of this opinion piece):

“Much has been made of the opposition of doctors to this legislation, a myth propagated by the Australian Medical Association. The AMA represents less than 30 per cent of Australian doctors, and is a ‘peak body’ only in the sense that there is apparently no larger organisation. The AMA’s poll of its own members revealed that a bare

majority supported its position, and a bitter debate is taking place behind the scenes regarding the pronouncements of its current president.

“Meanwhile, the Royal Australian College of General Practitioners, a larger numerical body than the AMA, has come out in support of the legislation, stating that “the voluntary assisted dying bill is about meeting the needs of terminally ill patients with incurable medical conditions who do not find answers in palliative care. These patients are dying and we should allow them to die with dignity and respect.” Almost simultaneously, the Australian Medical Students’ Association announced its support, accompanied by a detailed analysis of the facts upon which their conclusion was reached.

“Many ethical and confidential polls of Australian doctors have shown majority support for a change to the law.”



NB: The Royal Australian College of General Practitioners has 35,000 members and represents 90% of GPs. The Australian Medical Students’ Association has 17,000 members and a strong mandate, with just under 80% of members supporting VAD. This support by doctors-in-training bodes well for the next generation of Australian doctors.

## Victorian bill passed

In November Victoria became the first Australian jurisdiction to legalise VAD since the Northern Territory’s short-lived *Rights of the Terminally Ill Act* was made illegal by the Federal Parliament in 1997. The *Voluntary Assisted Dying Bill*, launched by Daniel Andrew’s Labor Government, passed in the Lower House on 20 October, was slightly amended and then passed in the Upper House on 22 November. The amended bill was then ratified in the Lower House on 29 November.

Under the legislation, Victorians with a terminal illness who have less than six months to live will be able to obtain a lethal drug within ten days of

asking to die, after completing a three-step process involving two independent medical assessments. They must be over the age of 18, of sound mind, have lived in Victoria for at least 12 months and be suffering in a way that ‘cannot be relieved in a manner the person deems tolerable’. The person must administer the drug themselves, but a doctor can deliver the lethal dose in rare cases where someone is physically unable to end their own life.

Debate commenced in the Lower House, where opponents tried to stifle the bill by repeatedly putting forward amendments. Deputy Premier James Merlino, who led the opposition to the proposed law, put forward an unsuccessful motion that debate on the bill be deferred indefinitely. After an all-night session where 141 amendments were proposed and voted down, the bill passed 47-37 on October 20.

The subsequent session in the Upper House ran for more than 28 hours. It was forced to adjourn on Friday 17 November after an Upper House MP collapsed in his office and was rushed to hospital after another all-night sitting. The House was recalled for a special sitting the following week.

### The long filibuster

The Special Minister of State, Gavin Jennings, who led the carriage of the bill in the Upper House, accused opponents of filibustering, asking the same questions repeatedly, and seeking clarifications that had been given multiple times. The Upper House debate was noticeably tense at times, with MPs saying they heard an interjection of “Nazi” at one point, and opponents referring to the drugs to be prescribed to patients as “poison”. Christian conservative MP, Bernie Finn, spoke of his fear that the bill would mean an emerging “death industry in Victoria”.

In an amusing piece in *The Age* on 22 November, entitled ‘The MP, the Serial Killer-Whisperer and the All-Night Filibuster’, journalist Noel Towell wrote: “Deborah Schurman-Kauflin talks to dead people and she reckons they talk back. Maybe that’s why Victorian upper-house Liberal MP Bernie Finn thought it was a good idea to read a 1900-word article from the self-styled psychic and medium onto the state parliamentary record last Thursday morning, deep into the marathon debate on the proposed voluntary assisted dying legislation. It was 5 am. Don’t laugh, you paid Finn to do it.

“The Liberal’s effort was one of the more extreme filibusters – deliberate delaying tactics – tried by a small group of, mostly religiously motivated, MPs during the tortured passage of the VAD bill through the Upper House. Reform is tough, they say, and Australia has found out the hard way recently just how easy it is for a determined minority to thwart, delay, twist and pervert the will of the people.....”

At 4.10 pm on 22 November, the final amended bill passed in the Upper House, 22 votes to 18. Some of the supportive MPs cried after it became clear the bill would pass.



Health Minister Jill Hennessy and Gavin Jennings, Special Minister of State, after a long session of filibustering.

### Amendments to bill

As the original bill had been amended, the bill then had to return to the Lower House to be ratified. Premier Daniel Andrews had insisted there would be no amendments to the Victorian *Voluntary Assisted Dying Bill (2017)*, but the government was forced to negotiate with wavering Upper House MPs to ensure its passage. Agreed amendments to the original bill included reducing the qualifying patient’s life expectancy from 12 to six months (except for neurodegenerative conditions), and a requirement that a patient must have been an ordinary Victorian resident for at least a year to be eligible.

‘Voluntary assisted dying’ is to be recorded on the person’s death certificate as the ‘manner’ of death, but the cause of death will still be recorded as the underlying illness.

### Return to Lower House for ratification

Back in the Lower House, opponents, led by Liberal MP Robert Clark, made a last-minute bid to block the bill by proposing to defer debate indefinitely. This proposal was put to a vote, and the motion was lost 46 votes to 37. This was the second unsuccessful Lower House attempt to defer debate indefinitely. After more than 100 hours of debate across both

Houses of Parliament, including two demanding all-night sittings, Lower House MPs ratified the Andrews Government's amended *Voluntary Assisted Dying Bill* on 29 November 2017. Premier Daniel Andrews, a practising Christian, who came to support VAD after the death of his father last year, said it was a historic day. "This is a day of reform, a day of compassion, a day of giving control to those who are terminally ill," he told media outside Parliament.

Health Minister, Jill Hennessy, said experts would start work the very next day on finalising the VAD scheme. She explained: "We will be establishing an implementation panel, that will have the necessary expertise to start to develop what this model will look like, the clinical training issues, engagement with the medical workforce, as well as implementing all of the other issues that were contained in the Ministerial Advisory Panel report ....I know this is a disappointment to some people who have terminal illnesses, but the bill does require an 18-month implementation period. We have been very dedicated to the task of developing this bill and we're going to be as equally dedicated to the task of getting a safe, sensible and robust system in place."

One of the issues that will need to be resolved is the type of lethal drug to be prescribed to patients. Under current Commonwealth law, the life-ending drug, Nembutal, cannot be imported into Australia for any purpose other than veterinary use, and federal government ministers have already signalled their opposition to changing this law.

### Tony Abbott responds

Ex-Prime Minister Tony Abbott tweeted: "respect and compassion doesn't mean treating people like animals, to be put down when they're sick or vulnerable".

In a separate tweet Abbott wrote: "a future Victorian Parliament should have the moral decency to repeal this euthanasia law. No one should be told that their lives are not worth living or that they're a burden".

## Response from Dr Syme

Dr Rodney Syme, Dying with Dignity Victoria Vice President, wrote an excellent opinion piece for *The Saturday Paper* titled 'The state and the right to die', published on 25 November. Following is an extract:

"Wednesday was a momentous day for Victoria. It was a momentous day for Australia. November 22, 2017, will be remembered as the day the Voluntary Assisted Dying Bill passed through the Legislative Council....This is a victory of the people over the church, of secular views over dogma, of human rights over religious constraint, and of empirical evidence over fear and doubt ...

"There is no question that the fierce opposition to this law came from the Catholic Church and those in their hierarchy who support it, despite the views of ordinary Catholics and other Christians. ....

"The direct choice of the Australian people in the marriage equality survey very accurately mirrored the earlier results of many opinion polls. These polls can be trusted, and there would be no social issue more strongly supported by Australians than voluntary assisted dying. The reason for this is simple – the fundamental basis of the legislation is the right to relief from intolerable and unrelievable suffering, and the right to make decisions about our own lives and deaths ...



Dr Syme comforts terminally-ill Victorian, Steve Guest, in 2005.

"Doctors have hitherto been seriously inhibited in having open conversations with terminally ill people because there was no truly satisfactory direction in which that dialogue could go, if a request for help was compelling. The door to these valuable conversations is now open, and in many instances, that conversation is all that is necessary to provide profound palliation ...

"I have been labouring in this area for 25 years, counselling many people and providing control over the end of life to some. I have done this because my conscience required me to do so, and because the law was inadequate. This meant challenging the status quo in the process, but the status quo will not change unless it is given a shove. It was a lonely task since the law made discussion with other doctors dangerous for them, and I was not prepared to put them at risk.

“This law will now allow doctors to communicate freely, support one another to the benefit of themselves, but, more importantly, the benefit of their patients.”



Dr Rodney Syme with Upper House MP, Fiona Patten, after Victorian bill is passed.

Dying with Dignity NSW would like to sincerely thank Dr Rodney Syme for his strong commitment to advocating for voluntary assisted dying law reform in Australia for more than two decades. The successful passage of the Victorian *Voluntary Assisted Dying Bill* is a hard-earned victory, which will ultimately benefit all DWD organisation across Australia.

- At last we have a law that takes the power in end of life decisions out of the hands of doctors and puts it squarely in the hands of the person who truly matters - the person who is suffering and dying.
- At last we are saying that in 2017 we can do better than have doctors guided in their end of life decisions by the medieval *Doctrine of Double Effect*.
- At last, the terminally ill of Victoria who have been suiciding at the rate of one a week now have a place they can turn, legally, where they can be heard and they can be helped.

“For this law to be passed many stars had to align. I would like to acknowledge the work of the Andrews Government, and in particular the Health Minister, Jill Hennessy, and the Department of Health and Human Services.

“The expert panel led by Professor Brian Owler devised a workable framework, building on the crucial work done by the cross-parliamentary committee.

“Victorian parliamentarians of all political persuasions, who argued for and supported this law (sometimes against their own political interests), also deserve our deepest thanks.

“One man, in particular, has earned the loudest praise. For 20 years he has put his liberty at risk by openly and compassionately assisting desperate Victorians to die, challenging the law to take him to court. Dr Rodney Syme’s principled bravery is of the highest order. In a just world he would be Australian of the Year. Unfortunately, his test batting average is just too low! ...

“... And last but not least, thank you. May you never need this law as much as we’ve needed you.

Go well, go gently,  
Andrew Denton”

## Thank you Andrew Denton

One of the heroes of the Australian campaign is Andrew Denton himself. We owe him a huge vote of thanks for lifting the profile of voluntary assisted dying amongst the public, media and politicians, and for his significant contribution to the successful passage of the Victorian bill. *(continued overleaf)*

## Message from Denton



Andrew Denton sent out the following group email to many supporters on 7 December 2017:

“After almost three years of research and consultation, a cross-parliamentary inquiry, an expert ministerial advisory panel, countless public debates, and

more than 100 hours of forensic argument in both Houses of Parliament, Victoria has become the first state in Australia to pass a voluntary assisted dying law.

“The magnitude of this achievement is not to be under-estimated. Within hours it was news around the world - stories appearing everywhere from *BBC News* and the *New York Times* to *Pulse Nigeria* - and there are now renewed calls in every state of Australia for similar laws to be passed.

“Our opponents warned that passing this law would be ‘crossing a Rubicon’ that would change Victoria forever. We agree - and we say “at last”.

- At last we have a law that provides a more compassionate choice at the end of life than the barbaric ritual of starving and dehydrating yourself to death.

During the last 12 months Denton focused his energies on the Victorian campaign because he believed that Victoria, having gone through the rigorous steps of establishing a government Committee of Inquiry, a panel of medical experts, and the development of a government sponsored bill, would have the greatest chance of legislative success. In his view, if one state achieved legislative change, it would be easier for other states to follow. We believe this is true.

Denton first entered the discourse on VAD in October 2015 when he presented the annual '*Di Gribble Argument*' in Melbourne. In this groundbreaking speech, Denton reported on his findings from eight months of travelling and researching overseas countries where assisted dying (in various forms) was already legalised. His presentation attracted a huge amount of media interest, including interviews on TV, radio, digital and print media.

He went on to produce a series of 17 detailed podcast episodes entitled *Better Off Dead*, based on his research in Australia and overseas. They covered personal stories, arguments made by opponents and supporters of VAD, and details of how the law works in countries where VAD is legal. Denton set up the organisation, Go Gentle Australia, which, amongst many other things, produced *The Damage Done*, a book of personal stories of suffering. It was distributed widely to politicians, media and people of influence.



Denton argued the case for legalising VAD on countless public forums, including ABC's Q&A and at the National Press Club in Canberra. His ability to articulate arguments cogently, persuasively and respectfully, as well as his personal standing in the community, enabled him to engage the public and influence the course of the debate.

His ability to engage interpersonally and connect with people from all walks of life also enabled him to open doors and meet with influential individuals, including politicians, medical experts, media and business leaders.

Indeed, Denton's most important work was done behind the scenes in Victoria and South Australia.

After three years of focusing his energies on VAD, Denton will now step down from active involvement, although he will remain on the board of Go Gentle Australia.

DWD NSW wish him good health, personal satisfaction for his contribution to the legalisation of VAD in an Australian state, and great enjoyment of his future pursuits.

## Thank you Annie & Paul

We also owe a huge debt of thanks to Annie Gabrielides and her family, for all the time, energy and resolve they dedicated to the campaign to get the NSW *Voluntary Assisted Dying Bill (2017)* over the line. Annie has motor neurone disease, and in late 2016, she approached us with an offer to support our campaign. Annie generously agreed to be the public face of the NSW bill.

In early May, Annie launched a Change.org petition which raised public awareness of voluntary assisted dying (VAD), and served as a platform for viewing the two powerful videos that documented her plight. The first video was made in January, whilst Annie was still able to walk and talk. It has been widely shared via social media and has been viewed by more than 250,000 people.

The Gabrielides family (Annie, her husband Paul, and their adult children, Michael, Christopher and Eleni), featured at the NSW Parliament House press conference in May 2017, when the NSW Parliamentary Working Group on Assisted Dying launched the exposure draft of the bill. The family received a huge amount of media attention, and have since been the focus of many media stories.



Annie and Paul, with some of the 'team' before the *City to Surf* marathon on 13 August 2017.

The second video was made in August, during Sydney's *City to Surf* marathon, when Annie was no longer able to speak and barely able to walk. She participated in the event by being pushed in her wheelchair by Paul and some of her 'team', consisting of about 30 friends, family members and DWD NSW members.

A key message of this video, which has been watched by more than 37,000 people, is that Annie wants to enjoy the life that she has left and having end-of-life choice would help her to focus on the current moment, without needing to worry about the final stage of her life.

On 7 November, Annie sent a message via her Change.org petition: "My MND [motor neurone disease] has progressed rapidly ...even in the most dire of circumstances, I intend to suck every drop of life, every drop of wine and every kiss. I want politicians to realise that this *Voluntary Assisted Dying Bill* is about LIFE not DEATH."

DWD NSW is extremely grateful to Annie and Paul Gabrielides for their enormous contribution, including extensive lobbying of politicians. They wrote numerous letters to NSW MPs, and met with several, including Premier Gladys Berejiklian and Leader of the Opposition, Luke Foley (who both, frustratingly, declared they would not support the bill). Many of these appointments were initiated by Annie and Paul, and as late as two days before the debate, they were still meeting with undecided Labor MLCs and pleading for their support.



Annie and Paul, with their first grandchild, Harriet Gabrielides

We are delighted that Annie and Paul's first grandchild, Harriet, came into the world on 17 November, the day after the NSW Upper House debate. We wish Annie and her family all the very best as they face the challenges of Annie's illness.

## Greens push for national VAD laws

Following passage of the Victorian Bill, National Greens Leader, Dr Richard Di Natale announced that he will pursue a federal voluntary assisted dying bill in 2018, using Victoria's legislation as its base. The bill will become a framework for each state to launch its own legislation. In a recent press release Di Natale said "... it's as clear as day to me that which side of the Murray someone lives on should not be the factor that dictates whether or not they have access to compassionate end of life care."

The Greens also want to streamline Australia's rules on the importation of drugs that could be used for VAD. Although Victoria has passed a VAD bill, under current federal law medical authorities are unable to access Nembutal for this purpose (it is only legal for veterinary use). The Labor Party has indicated that it would examine any new proposals. Federal Health Minister, Greg Hunt, has said that he will not support any change to this law.

Senator Di Natale also plans to introduce a bill that would overturn federal legislation that prevents the ACT and the Northern Territory from legalising VAD. Lawmakers in both territories want these rights restored. ACT Chief Minister, Andrew Barr, plans to call for a select committee to investigate how Victoria's VAD scheme could apply to the ACT. Chief Minister of the Northern Territory, Michael Gunner, recently wrote to Prime Minister, Malcolm Turnbull, demanding power to introduce laws be reinstated.

The push to return the right to legislate on VAD to the territories could succeed in the Senate, where Labor Party, Greens and crossbench Senators may use their numbers to bring on debate and vote. But it is likely to face strong opposition in the Lower House, where conservative coalition and Labor MPs are likely to mount strong opposition.

Greens Leader, Richard Di Natale, with NSW Greens Upper House MP and member of the NSW Parliamentary Working Group on Assisted Dying, Dr Mehreen Faruqi.





## Dates for 2018

### Mid North Coast Group

The 2018 quarterly meetings are planned for:

- Tuesday 27 February
- Tuesday 29 May
- Tuesday 28 August
- Tuesday 27 November

Our meetings are held from 10am till noon in the Rushcutter Room in Port Panthers Club, 1 Bay St, Port Macquarie (kindly provided at no cost). \$5 entry includes morning tea. Everyone is welcome.

Annie Quadroy  
Mid North Coast NSW Group Convenor  
email: pmq@dwdnsw.org.au  
Mob 0432 048 414

### Central Coast Group

The 2018 quarterly meetings are planned for:

- Friday 16 February - Greens MLC and member of the NSW Parliamentary Working Group on Assisted Dying, Dr Mehreen Faruqi, will discuss why the VAD bill was defeated and the best ways forward to achieve assisted dying in NSW.
- Friday 18 May
- Friday 17 August
- Friday 23 November

All our meetings are in Meeting Room No. 3, The Hive, Erina Fair (opposite the Erina Library desk). Everyone is most welcome.

Beverley Symons  
Central Coast NSW Group Co-ordinator  
Email: centralcoast@dwdnsw.org.au  
Phone: 0413 376 343

### Our Annual General Meeting will be held on Saturday 17 March at 1 pm

### Notice of ordinary resolution

Under the Dying with Dignity NSW constitution we have been required to appoint an auditor to conduct an audit of our financial accounts every year, regardless of the level of activity. The preparation of audited annual accounts has resulted in significant costs and management time over many years.

Under the current requirements of the *Corporations Act 2001*, Dying with Dignity NSW is not legally required to have our annual financial accounts audited, due to our small size and limited annual revenue.

At the 2018 AGM the Dying with Dignity NSW board would like the members to pass an ordinary resolution that it is not necessary for Dying with Dignity NSW to have an auditor, and the requirement for audit or external review of the company's annual financial statements will be determined annually by resolution of the board. Passing this resolution would give the board the discretion to decide whether to conduct an audit each year.

The resolution is an ordinary resolution. This means that it will only be passed if at least 50% of the total votes cast by financial members (whether in person or by proxy) are cast in favour of the resolution.

Please see the separate Notice of Annual General Meeting dated 12 December 2017 for more details.

We will provide audited financial statements for the 2017 year at the AGM. It is the board's intention to have the accounts for the 2018 year independently reviewed by a suitably qualified accountant.

### Election of the board

At the AGM we will elect the members of the board for the year beginning on that day. If you have some relevant skills, time to devote to our campaign and are a regular user of email, you might like to nominate for a position on the board.

To discuss this with a member of the current board and to obtain a nomination form, please email [dwd@dwdnsw.org.au](mailto:dwd@dwdnsw.org.au) or leave a message on 02 9212 4782 or and let us know a good time and the best number to phone you back on.

# DYING WITH DIGNITY NSW 2018 Annual General Meeting

**Saturday 17 March 2018**

**from 1.00 pm to 3.30 pm**

Mitchell Theatre in Sydney Mechanics' School of Arts

**Level 1, 280 Pitt Street Sydney**  
(accessible access)

*(located on the Eastern side of Pitt Street  
between Park and Bathurst Streets)*

This event is FREE. Please come along and bring your friends and family too.

Afternoon tea is provided.

**PLEASE RSVP via phone 02 9212 4782  
or email [dwd@dwdnsw.org.au](mailto:dwd@dwdnsw.org.au)**



## Latest poll shows strong Australian support for VAD



A Roy Morgan snap poll was conducted on 2 November, 2017 with a representative cross-section of 1,386 adult Australians. Respondents were asked a question that has been asked in previous polls over many decades: "If a hopelessly ill patient with no chance of recovering asks for a lethal dose, should a doctor be allowed to give a lethal dose, or not?"

The survey found that 85% of Australians are in favour, with only 15% saying a doctor should 'not be allowed to give a lethal dose'. This is one of the highest 'Yes' responses since surveys on VAD first began.

In 1962 when Roy Morgan first asked this question, 47% favoured allowing a doctor to give a lethal dose, 39% did not, and 14% were undecided. Support has increased consistently over the years, with more recent polls showing support of between 73% and 80%. See our DWD NSW website for details.

Dying with Dignity NSW (DWD NSW) is an advocacy organisation pursuing a change in the law that will enhance choice at the end of life. Our activities include lobbying politicians; liaising with media, building alliances; running pre-election campaigns; creating and promoting videos of personal stories; increasing public awareness through workshops and forums; sharing news of Australian and global developments; encouraging discussion of end-of-life preferences and provision of advance care planning forms to members.

**JOIN US NOW.**

**website [www.dwdnsw.org.au](http://www.dwdnsw.org.au)**

**DONATE NOW.**