

FEBRUARY 2011

dying with dignity_{nsw}



respect for the right to choose

*Over 85% of Australians believe in the right
of the terminally or incurably ill to obtain
medical assistance to end their lives*



Dying with Dignity NSW
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Dying with Dignity NSW promotes legislation which, with the proper safeguards, would entitle any adult person suffering a terminal or incurable illness to a dignified medically-assisted death. In fact, we advocate decriminalising a medical procedure which is already occurring, albeit covertly. We propose that dying with dignity become a legally accepted and protected element in medical practice – an option for patients who want it – and ask for it. And for doctors who are sympathetic and wish to participate.

Over decades our Society has shown itself to be an example of responsible and informed debate on this increasingly important issue for the Australian community.

DWDnsw Board
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V/President Dr Sarah Edelman
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Dr Ian Macindoe
Dr David Leaf
Tom Kelly
John Hogan

Our Patron is Professor Peter Baume AC

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Coordinator: Gabrielle Brown

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President's Message



First of all, I would like to wish all of our members a very happy and healthy New Year!

2010 was an exciting year for DWD supporters, as events moving towards the legalisation of medically assisted dying have started to unfold. **Hopes for law**

reform were ignited following last year's federal election, which changed the political landscape of the Federal Parliament. Not only do we now have three independents holding the **balance of power** in the House of Representatives, but from July this year the Greens will hold the balance of power in the Senate. We expect these developments to significantly improve the likelihood of more progressive legislation being passed in the Federal Parliament, as both the major parties are now forced to negotiate with the Greens and independents.

To date, it has been mainly Greens politicians who have been willing to introduce bills on right to die law reform. Towards the end of last year **Senator Bob Brown** moved a Private Member's bill in Federal parliament to restore the rights of the territories (Northern Territory and ACT) to pass laws on voluntary euthanasia. In November the coalition combined with Senator Steve Fielding to block the debate on this bill, but the large amount of media publicity that this generated has put the issue of VE into the public spotlight. Senator Brown has vowed to reintroduce the bill again this year.

Although Senator Brown's bill does not seek to legalise voluntary euthanasia (this is a State's responsibility), it will nevertheless re-open and draw attention to the debate on medically assisted dying. This is an extremely important step, as the vast majority of the population support law reform on this issue,

and public discussion and debate draws attention to this fact and increases pressure on politicians to act. Our governments are generally conservative and reluctant to risk confrontation with our opponents, unless the pressure to do so is overwhelming. I am optimistic that in 2011 this pressure will grow.

The lead up to the State election is an ideal opportunity for us to drum up further media publicity for our cause. For this reason we are combining our **Annual General Meeting** with a public forum on **Saturday 12 March at the Leichhardt Town Hall from 2-4pm**. The forum will be addressed by Greens MP Cate Faehrmann. Members may recall that Cate is due to introduce a bill on the rights of the terminally ill into the NSW Parliament after the State election. Here is an opportunity for our members to come along and demonstrate our support, as well as be inspired by Cate's message, and to be updated on the latest news. I hope to see you there!

2010 was an eventful year for us at DWDnsw, not least with the departure of Anne-Marie Adams, our stalwart Executive Co-ordinator. Anne-Marie had been a powerhouse of activity in the organisation since 2006. As well as development of a greatly improved newsletter, she managed the office, organised events, dealt with members' enquiries and made valuable contributions to the development of DWDnsw's policies. The Executive Committee is very grateful for her energy, enthusiasm and commitment and wishes her all the best for the future.

The Committee had also sought to broaden its base of support by recruiting a Community Organiser, Diana Covell - initially for a three month period that was extended. Diana kindly agreed to take on extra duties after Anne-Marie departed but having reviewed the office's staffing needs and our less than prosperous financial situation, the Committee felt obliged to bring the arrangement with Diana to an end.

At the same time I would like to welcome our new Office Administrator, Gabrielle Brown, who commenced work on 17 January and will be in the office on Mondays, Tuesdays and Thursdays. Gabrielle is passionate about the Dying with Dignity cause, following her years as the primary carer of her mother during her long, painful and humiliating struggle with cancer. Gabrielle is quickly coming to grips with the administrative side and we look forward very much to working with her.

Another keen member helping out in the office is Gideon Cordover. Gideon, 21, recently graduated with an Acting degree from NIDA in Sydney. His interest in DWDnsw came about after his father was the recipient of a physician-assisted death in 2009 after suffering from motor neuron disease.

We have a new committee member - John Hogan - from the **Central Coast**. John plans to continue the great work done by our members in this region of NSW.

Financing the activities of an organisation like ours is always hard, and we rely on the generosity of individuals who give their time and money to a very worthwhile cause. For a number of reasons, 2010 was a bad year for us financially. However, we are recovering and remain optimistic.

I also want to take this opportunity to **thank our members** for their great response to the fund raising letter that we sent out just before Christmas. Following the letter we received donations of about \$15,000 plus \$16,000 worth of membership subscriptions. Special thanks are due to everyone who was able to contribute.

Best wishes to you all in 2011.



Robert Marr
President, DWDnsw



Did you know?

Medically assisted dying for terminally ill patients is now legal in the following countries (or states):

- Switzerland (1941)
- Albania (1999)
- the Netherlands (2002)
- Belgium (2002)
- Luxembourg (2009)

And in the USA:

- Oregon (1997)
- Washington State (2008)
- Montana (2009)

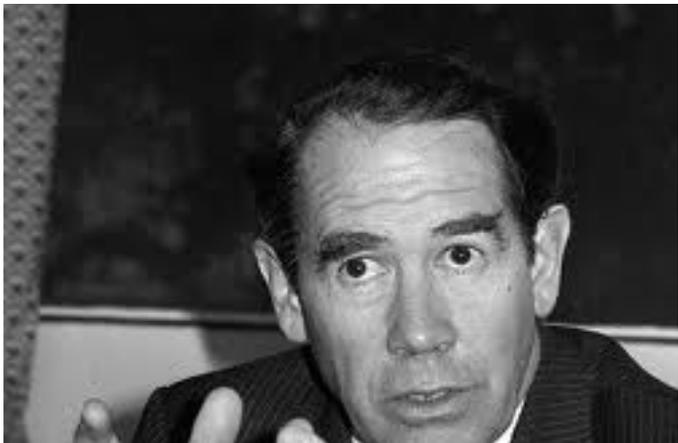
Efforts to introduce legislation are increasing. Judicial guidelines to accommodate the realities of life and death are being expanded. Public figures are endorsing the cause. New medical and religious organisations are being established to oppose their older, parental organisations' conservative positions. The issue of end of life choices is becoming much more frequently debated in the media.

None of this happens by itself, of course. DWD organisations all over the world need to continue the impetus behind these developments by striving to increase their membership, gaining public support from prominent individuals and professional associations, seeking media opportunities to galvanise public support and translate all this into effective political action.



New Champions

It is always good to see an authoritative figure join the DWD movement. One recent addition to the ranks is the British heart transplant surgeon, **Sir Terence English**.



The former president of the UK Royal College of Surgeons who carried out the first heart transplant in 1979 announced his support for voluntary euthanasia. Sir Terence said he would be personally prepared to 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.

Another example of the swelling debate about DWD and the usefulness of modern technology in spreading the message is a video on YouTube. This video features **Sir Terry Pratchett**, a famous British author. He suffers from a rare form of dementia but through an actor (Tony Robinson, best known for playing Baldrick in *Blackadder*) gives a very persuasive and emotional speech



in support of the right to an assisted death. You can see the entire 47 minute video on YouTube if you search for "Shaking hands with death", the Richard Dimbleby lecture.

Since being diagnosed with dementia, Terry Pratchett has frequently said he would be willing to be a test case for assisted suicide "tribunals" in the UK.

Perhaps the most well-known example of celebrity-endorsed voluntary euthanasia concerned Belgian author, poet and film-director **Hugo Claus** (1929-2008).

Claus wrote over a thousand pages of poetry, more than sixty plays, over twenty novels and several film scripts (although little of his work has been translated into English). During his lifetime he was considered to be one of the most important contemporary Flemish literary figures. He was diagnosed with Alzheimers disease in 2006 at age 77.

Claus' request for a physician-assisted death drew criticism from some groups including the Roman Catholic Church and even the Belgian Alzheimer League. However, after his death on March 19 2008 the Flemish Minister of Culture stated "I knew him well enough to know that he wanted to depart with pride and dignity."



YourLastRight.com – a New National Body

All of the Australian States and Territories have a Dying with Dignity (or Voluntary Euthanasia) organisation working to influence law reform within the State parliament. A significant new development at the end of 2010 was the formation

of a national alliance representing all of the Australian State and Territory organisations. The alliance is called **YourLastRight.com** and its chief executive is **Neil Francis**, the CEO of DWD Victoria. DWDnsw's President, **Dr Robert Marr**, is one of the directors of the alliance.

The new national alliance provides a national voice on DWD issues, and will make

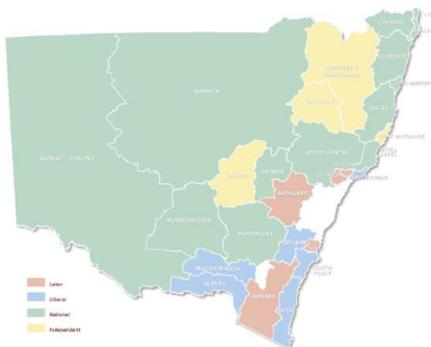
a significant contribution to community debate on right to die issues around Australia. It will also enable the various state organisations to communicate more effectively with each other, and to pool our resources on various campaigns.

We encourage members to **take a look** at the national alliance website at: YourLastRight.com



A call to action!

As part of our ongoing efforts to raise community awareness of Dying with Dignity, DWDnsw is looking to make a serious impact during the forthcoming election campaign.



We need your help to fund public information campaigns, discussion forums, advertising and media releases.

Most of our donations are less than \$40, yet these smaller donations make a big difference in the way people think about voluntary euthanasia. With help from passionate members like yourself, we can effect real social change and help introduce legislation in NSW that will provide compassionate and responsible end-of-life choices for people who are suffering from a terminal or incurable illness.

Are you able to help out with our state election campaign?

Make a donation today by mailing a cheque to DWDnsw PO Box 25 Broadway NSW 2007

or use your credit card over the phone by calling (02) 9212 4782

or use the Donate function on our website dwdnsw.org.au where you can learn more about our bequests and donations program.



News from around Australia

New South Wales

On 29 October last year DWDnsw, together with NSW Greens upper house member Cate Faerhmann organised a **forum in Parliament House**. The forum was addressed by a number of distinguished speakers, including Professor Jan Bernheim from Belgium. Jan pointed out that legalising voluntary euthanasia in Belgium has had little effect on the number of terminally ill patients whose lives are ended by a doctor, but it has reduced the proportion of cases that occur without the person's explicit request. Jan also emphasised that palliative care and voluntary euthanasia are essentially complementary, not competitive with each other.

One of our Committee members, Richard Mills, spoke to **National Seniors Australia** representatives last August and urged them to contribute to the debate on DWD. We hope NSA will endorse our charter, run an article in "50 Something" and publicise our work in the NSA blog.

In January this year our Vice

President, Dr Sarah Edelman, gave a talk to the **NSW Nurses' Association**.

It was very well received and has prompted the Secretary of the Association to write a positive article for their Journal in which she urges nurses and midwives to actively participate in the VE debate. The article points out that "as far as the Slippery Slope argument goes, it has not been supported in countries that have legalised VE. The numbers of people who have accessed VE are in fact small and have not significantly increased over time. Interestingly, countries with legalised VE report that



many patients who receive medication or access to VE do not end up taking it, but feel psychologically reassured by the option."

Election on 26 March!

As the NSW State election draws closer, we urge our members to **contact their local MPs** as well as their opponents to ask for their view on dying with

dignity. Politicians should be made aware that this issue influences votes. As legalisation is a **State responsibility**, it is particularly important that we talk to potential MPs during this time.

What else can you do that is effective? Of course, you can cast your vote for candidates who support DWD and choice: a choice that the overwhelming majority of the population wants.

You can also help increase the issue's presence during the election campaign by **writing letters to newspapers and calling talkback radio**. Ask for reform. Identify yourself as one of the 85% of Australians who want reform. If a candidate's support for or opposition to reform is going to sway your vote, say so!

DWDnsw will continue to lobby politicians throughout 2011 and will work towards implementing a survey of NSW members and candidates in order to gauge their support or opposition.

Australian Capital Territory

Richard Mills, a Committee member, addressed the last General Meeting of the ACT branch. He pointed to the momentum behind the DWD movement inter-

nationally and in Australia, and emphasised the need to understand the positions of stakeholders in the DWD debate. He noted that effective opposition to DWD came much more from institutions rather than individuals and that they played on fear and ignorance in arguing that voluntary euthanasia was a "slippery slope". It was important to refute these emotive claims by rational use of evidence. Richard observed that the 85% desire for VE has not translated into votes in the Parliaments. He cautioned against the assumption that a conscience vote on voluntary euthanasia would necessarily suit the DWD movement. Politicians were wary of supporting causes that might lose them votes and **religious influence** was strong on both sides of politics.

On 3 August a number of ACT members attended **Radio National's live broadcast** on right-to-die issues. The program set out to explore some of the sharper questions on voluntary euthanasia arising in the ageing Australian society: Is there a right to choose? Does it extend to those not sick but simply too tired of life? When should doctors withdraw the treatment keeping the dying alive?

One of the speakers was **Dr Phillip Nitschke**. He demonstrated most eloquently the inadequacies in the way in which the

law determines whether a doctor has acted properly in the administration of pain relieving drugs to a terminally ill patient.

Central Coast

The Central Coast DWD had a successful year; membership grew to thirty, with many meetings exceeding forty people as members brought along interested friends and family members.

DWD Central Coast meetings for 2011 will be held in **Erina Library meeting rooms, Erina Fair, the 3rd Friday of the month**. Being: - 18th March; 17th June; 16th September and 18th November. Meetings start at 10 a.m.

On Monday 8th March the Uniting Church – 129 Donnison Street, Gosford is holding a very important forum – 'NSW State Elections Forum' – 'Meet the Candidates' with focus on the values held by each. Members are urged to attend, if possible.

Our membership have been asking for a workshop/training session and following our first meeting for the year March, 18th 2011 Jessie Edney will facilitate a **training session** for 1 hour on "Communicating the benefits of DWD & legalising V.E." We encourage every member to come.

Contacts for DWD on the Central Coast are: - Doris Hart 02 4368 1687 & John Hogan 02 4329 0129.

Tasmania

We have seen very exciting recent developments in Tasmania. In 2009 the Greens leader Nick McKim moved a bill to legalise euthanasia in the Tasmanian state parliament, but it failed to pass. Subsequently, the then Attorney-General, **Lara Giddings** announced that she planned to use the resources of her office and department to draft a Private Members Bill on this issue, and to consult widely.

Since becoming Premier of Tasmania in January this year Lara Giddings has pledged to continue working with Nick McKim in introducing a **DWD bill to State Parliament**. This is the first time in our history that a State Premier has publically declared their support on this issue.

The new power sharing arrangement between the ALP and Greens in Tasmania appears to provide **the best chance yet** of pro-choice legislation being passed by an Australian State Parliament. The passage of pro-choice legislation in Tasmania would be a critical development for the DWD movement, as it would increase the likelihood of similar laws being passed in other states.

We will be following developments closely and helping where we can.

Victoria

In October last year, the **World Federation of Right**

To Die Societies held its 13th biennial conference in Melbourne. There were 83 delegates from 12 countries and 37 Dying with Dignity/Right to Die organisations, including representatives from DWDnsw. About 300 people came to the conference on the public day.

It was an informative and stimulating gathering that prompted much media debate and demonstrated the growing influence of the DWD movement. Particularly significant were presentations that showed that "slippery slope" arguments were not based on the evidence. For example, the experience of the Death with Dignity legislation in Oregon shows a positive effect on palliative care, and demonstrates the lack of abuse and growing acceptance by the population and the medical profession.

Western Australia

In September 2010 Greens MP **Robin Chapple** introduced a Voluntary Euthanasia Bill into the West Australian Parliament. The bill was defeated 24 votes to 11 after two days of intense debate. During the debate Health Minister and Deputy Premier Kim Hames, who opposes voluntary euthanasia, admitted that as a GP he had administered painkillers that had hastened a cancer patient's death. Dr

Hames had obtained an acknowledgement from the patient and the family that this could stop the patient breathing. However, he argued that what he had done was legal because the medication had been intended to ease a patient's suffering rather than end his/her life.

This is an example of the "double effect" whereby even if the compassionate doctor intends to help the patient die he/she must pretend that the increased medication is prescribed only for the purpose of pain relief. **Why should doctors have to risk prosecution by carrying out the patient's wishes?**

South Australia

In the South Australian Parliament last November, Labor and the Greens co-sponsored a Bill to legalise voluntary euthanasia, but the Bill was not voted on as it became clear the legislation would not get the support required to pass.

In a significant development, **Dignity for Disability** member of the Upper House, Kelly Vincent, supported the legislation. Advocates for people with disabilities often oppose DWD as they see it as devaluing the life of someone who is disabled. The point is of course that DWD does not devalue life but **emphasises choice**. We believe that anyone with a disability who is suffering from a terminal or incurable illness, should have

exactly the same right as anyone else in that condition to medical assistance to die at a time and in a manner of their choosing.

Overseas News

A number of recent developments overseas demonstrate the growing momentum on the global stage:

New Zealand

Our DWD colleagues in NZ held a conference in October 2010, organised by Lesley Martin, the head of **Dignity New Zealand Trust**.

Lesley is an advocate of **Dignity Havens**: places where dying people can go to obtain excellent palliative care, but are then able to ask for and receive help to avoid prolonging the dying process.

The conference was also addressed by **Rob Jonquière**, formerly the head of the Netherlands voluntary euthanasia organisation, and now Communications Director for the World Federation of the Right to Die Societies. He pointed out that the courts in the Netherlands had broadened the judicial guidelines on physician assisted dying even before voluntary euthanasia legislation was introduced in 2002.

Montana

In Montana in the USA, Democrats have introduced

legislation into the Montana Senate and House of Representatives that would allow terminally ill patients to choose aid in dying. This follows up a Montana Supreme Court ruling in 2009 that Montana law does not prevent patients from seeking physician-assisted suicide. Similar legislation has also been introduced in Hawaii and New Hampshire.

Oregon

"How to Die in Oregon," a documentary about Oregon's Death with Dignity law, received one of the highest awards at the Sundance Film Festival.

The degree of interest in and approval of the documentary are further indications of the growth in understanding of and support for what it means to die with dignity – to be able to decide when and how to die when faced with a terminal illness.

Vermont

Vermont in the USA has a new governor who is a champion of terminally ill patients' rights to decide to die with dignity. Public opinion polls in Vermont show that 82% of the populace supports DWD, so we can look forward to some positive action and hopefully new legislation.

UK

The Director of Public Prosecutions has declined to bring charges against at least 20 people suspected of helping others to commit suicide. The new rules suggest that prosecutors no longer regard it as a crime to help someone to die out of compassion. Encouragingly, our opponents were outraged, saying that the Director was "making a mockery of the law by making assisted suicide legal for all practical purposes". Our view would be that he is a sensible decision maker who recognises the unwisdom of the strict letter of the law. This should lead to better laws. The same kind of thing happened in the Netherlands before their law was instituted in 2002.

France

The French Senate is preparing for the first time to debate the legalisation of assisted suicide for patients suffering from an advanced stage of a serious illness.

Germany

Germany's Federal Court of Justice has ruled that **terminally ill patients on life support** should have the right to die if they want to, in that those caring for the patient should be allowed to cut off life support measures if the patient has expressed such a wish.

A survey of German doctors showed that about one in three would consider helping a patient to commit suicide and wanted to see a legal regulation introduced. The survey also suggested that more than a third of doctors had been asked for help in committing suicide, a rate which rose to half among general practitioners.



Germany's Federal Court of Justice in Karlsruhe is the highest ordinary court in the German justice system. A ruling made here can only be overturned by the Federal Constitutional Court.



Advance health care directives (AHCDs)

Have you completed an AHCD yet?

An advance health care directive enables you to specify the kinds of medical treatment you do and do not want in various contingencies, if you become ill and unable to advocate for yourself. This takes the burden of decision making away from loved ones, who may not know what your preferences might be. DWDnsw encourages all its members to complete an AHCD. You can download a form from our website. (If you don't have access to the internet you can call our office on 9212 4782).



Advance Health Care Directive



Completing this form gives you the best chance of ensuring that you will not be given unwanted medical treatment at the end of life. It can also make it easier for your family and health care providers to understand and respect your wishes

Bequests



Many people would like to help in the fight for legalised assistance in dying but feel – because of advanced age, infirmity, distance or time constraints – that they cannot contribute as much as they would like.

Or perhaps feel that they cannot afford to make a gift to the Society today. A bequest is one way you can provide a legacy for others in the future.

A bequest may take several forms. It can be a specific sum, a percentage of your estate, or the remainder of your estate after expenses and gifts to loved ones.

If you plan to make a gift by Will, please think it through carefully. Then, meet with your solicitor to discuss and update your will. Tell him or her exactly what you want to do. Be as clear as possible in describing what you want to give.

We hope you'll tell us if you have named Dying with Dignity NSW in your will.

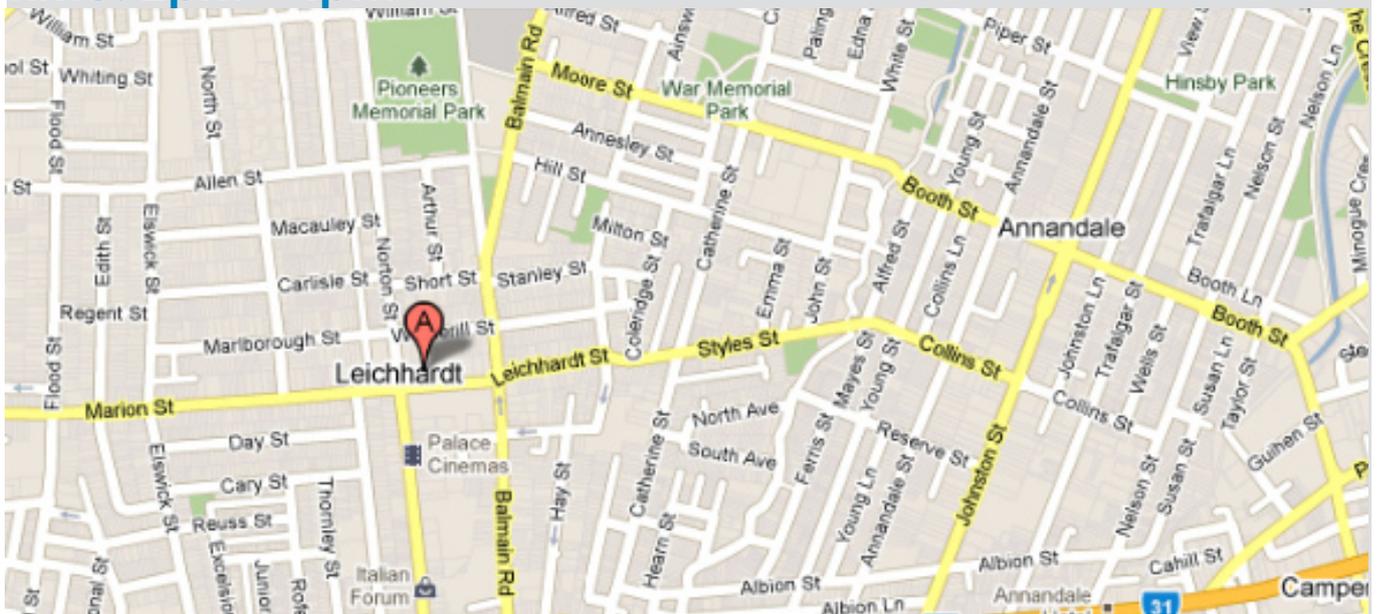
AGM 12th March



Dear Members,
DWDnsw is holding their Annual General Meeting on Saturday March 12

Where: Leichhardt Town Hall,
107 Norton Street Leichhardt 2040 (Cnr Marion & Norton St)

Time: 2pm - 4pm



After the DWDnsw AGM **Greens NSW MP** Cate Faehrmann will be giving an address to the assembly, starting at 3pm.

We look forward to seeing you there!