



**Prof Brian Owler**  
Chair of Advisory Panel

*'Feedback about the proposed voluntary assisted dying legislation was that it should, wherever possible, maintain the therapeutic relationship between a person and their medical practitioner and not create an unnecessary burden for people who are already suffering. The Panel is committed to using the information collected through the consultation process to ensure the development of the best possible compassionate and safe voluntary assisted dying legislative framework for all Victorians.'*



**Dr Rodney Syme**  
Vice President DWDV

*'It is gratifying to see the emphasis in the report on the necessity for a period of training and education for the medical profession in the implementation, and on education for the public in their rights and responsibilities in what they can expect from their doctors.'*

## ENCOURAGING PROGRESS TOWARDS LEGALISING ASSISTED DYING IN VICTORIA

We welcome the release of the Interim Report by the Ministerial Advisory Panel appointed to help develop legislation enabling Voluntary Assisted Dying (VAD) in Victoria. Their work over the past five months has been outstanding. It included statewide consultation forums attended by approximately 300 people, including a number of DWDV Board Members, Ambassadors and members.

The Panel also held a series of roundtable discussions with key stakeholders from medical bodies, consumer and care groups, disability advocacy groups, legal organisations, mental health providers, health administrators and many other appropriate experts.

Of particular significance was the release of a discussion paper which received 176 written submissions, including a substantial document from DWDV, as well as the views of some of our members. We based our submission on three general principles – who should be **eligible**, under what **circumstances**, and under what **conditions**. (You can obtain a copy of our submission by phoning our office on 03 9874 0503)

The Interim Report reflects the extensive consultation the Panel undertook to garner expert insight into some of the more complex aspects of an assisted dying law, as well as the many written submissions.

Among the important aspects considered are **The Eligibility Criteria, The Request Process, Oversight – Review and Reporting, The Safeguards and Implementation of the new laws**.

However, grey areas remain. The report highlights a number of points where feedback from the consultations was lacking in clear consensus. One such area relates to eligibility and how to define the 'end of life' timeframe (final weeks or months of life). The timeframes discussed by forum participants, and raised in submissions, varied considerably and included 'foreseeable future' (with no timeline) as well as 6, 12, 18 and 24-month periods.

Also, concerns were raised that some diseases cause a decline in a person's capacity early in their trajectory, so that such a person would be denied voluntary assisted dying under the eligibility framework (which requires capacity), despite meeting all other criteria.

We are heartened to know that the Panel has considered the need for laws to cover more than just terminal illness. Definitions of 'serious' and 'incurable' illness were discussed. DWDV continues to advocate for laws that apply to people with an advanced, incurable illness, and we are glad to see that this is being considered by the Panel.

Overall, DWDV is pleased with the outline for future development of the laws. We believe the approach the Victorian Government is taking to develop legislation provides a very strong opportunity for success in finally delivering safe and compassionate laws.

We look forward to engaging in further discussion about this landmark piece of legislation in the lead up to the Advisory Panel's Final Report, due at the end of July.

## EUTHANASIA IN DEMENTIA IN THE NETHERLANDS

### Lessons learned

*This unfortunate death should not have occurred in the way that it did, but we should note that it was reported for review, and thence to the prosecution authorities – demonstrating the in-built safety filters of a well-designed system.*

*It also highlights significant issues relating to euthanasia in advanced dementia, particularly the problem of poorly constructed advance directives, and the hazards of taking action when no explicit consent is possible.*

Rodney Syme



### An instructive case

#### Rodney Syme

In 2016, an 80-year-old woman in the Netherlands, suffering from advanced dementia, was euthanised on the basis of a written advance directive.

The woman had completed an advance directive requesting euthanasia after being diagnosed with dementia, but while still considered competent by her GP. She reaffirmed this in a revised document 12 months prior to being admitted to a nursing home. Her request was for euthanasia, 'when I deem that the time is ripe'. She stated 'I do not wish to be placed in an aged care facility for dementia patients'. Unfortunately, this hand-written directive had some ambiguities – she had clearly advanced to the condition she did not want, but had also advanced beyond a time when she could make decisions.

Seven weeks prior to her death she was admitted to a nursing home, and her state declined dramatically. Two specialist doctors, (a psychiatrist and a physician) – while agreeing that she was no longer competent to make decisions – confirmed that the due care criteria in the directive requesting euthanasia were satisfied.

At this point she could not communicate effectively, so that no explicit consent could be obtained. An attempt was made to sedate her by oral means before intravenous injection – but the woman woke during the injection attempts, struggled, and was forcibly held down by her relatives while the injection was given. (Her husband has since declared he is pleased her wishes were carried out.)

The case was reported to the Regional Euthanasia Review Committee for assessment. It confirmed that a clear written directive, unequivocally applicable to the situation, could be the basis for euthanasia. It found that in this case there was unbearable suffering, and that the suffering was hopeless. However, it also found that in this case the euthanasia 'was not careful', and that 'the doctor had not acted in accordance with due care criteria as mentioned in ... the Act, but had acted in accordance with other due care criteria ...'. It further stated that the 'procedure was not performed in a medically proper manner', and that 'when performing euthanasia, any coercion or semblance of coercion must be prevented at all cost'.

The case has now been reported to the Prosecutor and the Health Inspector.

## UPDATE YOUR ADVANCE CARE DIRECTIVES



Download the new forms from our website.

Or phone our office on 03 9874 0503 and ask to have them posted.

With new laws that give statutory recognition to Advance Care Directives coming into effect 12th March 2018, DWDV has updated all our Advance Care Directive, Enduring Power of Attorney forms and information to reflect the new laws.

### Do you have an Advance Care Directive or Enduring Power of Attorney (Medical Treatment)?

**No** – Now is the perfect time to join over 80% of DWDV members who have either an Advance Care Directive or Enduring Power of Attorney (Medical Treatment) form.

**Yes** – then now is the perfect time to review, revise and update your documents.

## HUMANIST SOCIETY HONOURS RODNEY SYME

Each year, the Council of Australian Humanist Societies presents its Australian Humanist of the Year award. We're proud that this year's recipient is DWDV Vice-President Dr Rodney Syme, recognised for his 'sustained advocacy and well-informed support for physician-assisted dying'.



## ELSEWHERE IN AUSTRALIA AND THE WORLD . . .

### Tasmania

Alas, the Tasmanian *Voluntary Assisted Dying Bill 2016* was voted down 16 to 8 on 24 May – without even getting to a committee stage for more in-depth review.

DWD Tasmania President Margaret Sing has commented that the response from Tasmania's state politicians was very disappointing. She says: *'I hope you have better luck in Victoria, and that calculated cynicism doesn't win out again.'*

### Italy

Italian prosecutors, in a court case against former politician and right-to-die activist Marco Cappato, stated that assisted suicide does not violate the right to life *'in the case of terminal illness or serious suffering, unbearable for the patient'*. Cappato helped well-known Italian DJ Fabiano Antoniani exercise his right to *'human dignity'*, by accompanying him to Switzerland.

### New South Wales

On 16 May a cross-party working group of MPs unveiled the draft NSW Voluntary Assisted Dying Bill 2017 for public consultation. It's expected the final bill will be introduced for debate in August. Anne Gabrielides, who was diagnosed with motor neurone disease in July last year, is the face of the DWDNSW campaign. Her courageous media appearances have attracted considerable, and positive, attention.

### Portugal

Two bills being discussed in the Portuguese Parliament would legalize euthanasia and assisted suicide. The discussion is most intense between the Catholic conservatives and the left-wingers from the Socialist government. The two main centre parties are likely to allow their members to vote in freedom. The debate started in February.

### Belgium

In Belgium the board of the Belgian Brothers of Charity announced that it will allow euthanasia to take place in their psychiatric hospitals.

The Brothers of Charity is a religious order in the Catholic Church, responsible for a large proportion of places for psychiatric patients in Belgium. The Charity has approximately 5000 places.

They explain the policy shift on their website: *'We take unbearable and hopeless suffering and patients' request for euthanasia seriously. On the other hand, we do want to protect lives and ensure that euthanasia is performed only if there is no more possibility to provide a reasonable perspective to treat the patient'*.



*Thank you to The World Federation of Right to Die Societies for providing our International updates.*

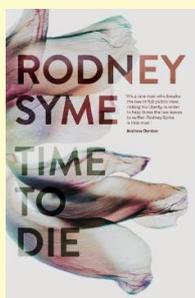
## DO YOU LIVE IN BALLARAT OR NEARBY?



Since forming in 1998, our Ballarat sub-group has worked tirelessly at a local level to promote support for voluntary assisted dying laws and compassionate end of life choices. Its next meeting will be held on Tuesday 8 August.

If you live in Ballarat or nearby, and would like to join this enthusiastic, hard-working group, please contact Jacki (0403 035 932) or Roy (5341 3177) for more information.

## REVIEW OF RODNEY SYME'S NEW BOOK: *TIME TO DIE*



*Copies available from our Office.*

*\$27 + \$6 postage = \$33*

*Complete and post the enclosed order form.*

*Or Phone the Office on 03 9874 0503*

### Belinda Ramsay

Rodney Syme has worked for everybody in Australia to have the right to choose when they die, and in this book he goes to great lengths to differentiate between the numerous positive and also negative beliefs regarding the right to die with dignity.

He covers palliative care, religious negatives, the 'slippery slope' and the confinement to only people with pain and terminal illness. He describes the stages in which he learnt about all the arguments. His epiphany in 1974 was learnt when hearing Betty's *'screams of anguish as nurses tried to place her on a bed-pan ... This level of pain could only be relieved by anesthesia, by terminal sedation (not developed in palliative care until 1988) or by death'*.

Dr Syme emphasises the tremendous benefit to patients when they are given choice over the timing of their death. The relief in knowing they have control enables them to prolong their life and, in many cases, die peacefully in palliative care. He is positive about good palliative care but states *'that some suffering will only end with death'*.

I would like this book to be compulsory reading material for all trainee doctors.

## MEMBERSHIP RENEWALS 2017-18

Complete the enclosed form to renew today or by phoning our office on (03) 9874 0503.

And maybe add a donation if you can.



### Now is the time to renew your membership for the 2017-2018 year.

2017 is the year the Victorian Government will introduce draft Voluntary Assisted Dying legislation into Parliament. Recently one MP stated that based on the strength of the Governments process to develop Voluntary Assisted Dying legislation this year, it is a 'once in a generation opportunity'.

By renewing your membership now, you will be supporting DWDV to increase our advocacy campaign to ensure all Victorian MPs are aware of the level of support within their community and therefore persuade them to vote **YES** to Voluntary Assisted Dying laws.

**ACT NOW** renew your membership and help bring in laws that give real end of life choices to those who are suffering at the end of their lives.

## REMAINING WORKSHOP AND MEETING DATES IN 2017

Event	Dates & Times	Venue
<b>How the Law Applies to Dying with Dignity</b> Find out about Victoria's legislation and how you can document your treatment wishes.	<b>Monday 31 July</b> <i>Morning: 10.00am – 12.30pm</i> <b>Monday 9 October</b> <i>Morning: 10.00am – 12.30pm</i>	Kew Library (Phyllis Hore Room) Corner Cotham Road and Civic Drive, Kew
<b>Death with Dignity in Dementia</b> Learn about dementia, and how our Advance Care Directive for Dementia can document your treatment or refusal wishes.	<b>Monday 5 June</b> <i>Morning: 10.00am – 12.30pm</i> <b>Monday 28 August</b> <i>Evening: 6.30pm – 9.00pm</i>	
<b>Meet &amp; Greet – Members Information Session</b>	<b>Saturday 9 September</b> 2.00pm – 4.00pm	Balwyn Evergreen Centre 45 Talbot Avenue, Balwyn
<b>2017 Annual General Meeting</b>	<b>Saturday 4 November</b> 2pm	Unitarian Church, 110 Grey Street East Melbourne

## HELGA KUHSE, RETURNING BOARD MEMBER

As a philosophy student, I first became aware of the so-called 'sanctity of human life' view and its manifestations in the practice of medicine and the law. It entailed the denial of reproductive rights, and the denial of a dignified death. Most absurd was the belief that doctors could 'allow' patients to die by withdrawing life-sustaining treatment or providing life-shortening palliation, but could not legally 'help' them die. It was time for a change. I joined the Board of the then Voluntary Euthanasia Society of Victoria, became its President and also the President of the World Federation of Right to Die Societies. I have recently re-joined the Board of DWDV.



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