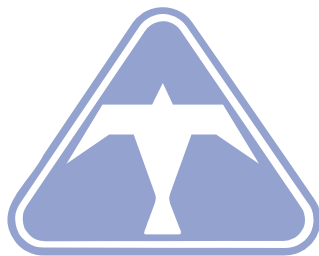


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President's Message

WELL WHAT CAN I SAY? We are all heavily indebted once again to Dr Rodney Syme for his compassion, candour and courage. While Australian doctors stay mum about the assistance they give to dying patients, Dr Syme has placed on the public record that he has provided advice and medication.

His latest challenge to the police to investigate is the cover article in the Nov 6 edition of *The Bulletin*.

So far, no doctor in Australia has been successfully prosecuted for assisting a dying patient, and Dr Syme's actions are sure to stir the murky legal waters that have kept doctors' actions underground, and conversations about options very *subto voce*.

It's time this grey area of the law was tested, and clarity and confidence lent to a wide range of good medical practice and choices in the care of patients with a terminal or advanced incurable illness.

All Victorians, both supportive of and

opposed to physician assisted dying (PAD) should be grateful for Dr Syme's tremendous courage in being the first doctor to attempt to clarify the boundaries of the law in practice.

When it comes to law, we've been beaver-ing away behind the scenes as usual, too. Over the past quarter, a group of keen minds has been completing our draft of the *Medical Treatment (Physician Assisted Dying) Act 2007*, ready for presentation to the Victorian Parliament as a Private Member's Bill. The Bill is modelled on Oregon's approach, and nine years of formal assessments of Oregon's Bill in action clearly demonstrate no abuse and no slippery slope.

Also, last edition we advertised for a new someone special to join our wonderful crew running the DWDV office. I'm pleased to announce that after due process, we have appointed one of our members, Anne, to the post. It's my pleasure to welcome Anne to the team, and no doubt you will get to talk with her on one of your calls to the office.

Neil Francis



Federal Election 2007

The kissing-hands-and-shaking-babies-ometer has gone off the scale again: it's election time once more.

As we did in the Victorian election last year, we are polling Victorian candidates for their position on our Legislative Charter, to help you cast an informed vote.

Candidate positions are now being published on our web site, and we suggest you check in regularly. You can even print off a summary page to take to your polling booth. If you're not sure what electorate you're in, you simply enter your home postcode and the system will tell you.

For current sitting members who have not responded regarding our Charter, you may assess their position from their vote on the 1997 Kevin Andrews anti-choice bill.

Members who don't have access to the

Internet can call the DWDV office for their listing—but don't leave it too late: the DWDV office is closed on polling day.

Casting an informed vote is a good step. An even better step is to also take action to help candidates who plan to help you. As Mahatma Gandhi said, "Be the change you want to see in the world." Only *action* gets results.

So get busy. Find candidates you can support and go support them. Help with letterboxing, help at the campaign office, and especially help with handing out how-to-vote cards on polling day. It's a lot easier than most people think, and candidates need all the help they can get. Many of the candidates who support our position run their campaigns on the smell of an oily rag.

Continued inside...

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Senator Bob Brown's Bill

Senator Bob Brown (Greens, Tasmania) introduced his *Australian Territories Rights of the Terminally Ill Bill 2007* into the Senate this year. The purpose of the Bill is to overturn the effect of the Andrews bill of 1997, which took away end-of-life rights.

Senator Brown's bill got to a second reading before Parliament was dissolved for the election.

AMA Out of Step

The AMA's policy of opposing voluntary euthanasia is completely out of step with the views of modern Australia, says *Doctors for AMA Neutrality on Voluntary Euthanasia*.

Group spokesman Professor Arnold Gillespie says that the current policy does not best represent or protect doctors or patients.

Dr Rosanna Capolingua, president of the AMA and who is opposed to PAD, failed to respond to the group's position.

(Professional surveys show that 96% of doctors believe a patient's request to die can be rational, 59% believe that actively hastening death can be right, and 52% believe that their professional organisation should approve PAD. The AMA's position is not even neutral.)

June Burns Dies

Sadly, June Burns, a prominent Queensland PAD advocate has died. Her death is believed to be the result of consuming Nembutal. June suffered multiple sclerosis and cancer of the bladder for many years.

She will be sadly missed.

Supporters in the Press

DWDV supporters have made a splash in their local media. Peter and Mieke Hammond were in the Warragul and Drouin Gazette. Peter suffers from motor neurone disease, which will slowly paralyse his body. Ella Sharpe was in the Maroondah Leader. Her husband died of cancer last year. To get your story in the media, call our office.

USA

The American Medical Women's Association has published a position paper on PAD, which clearly indicates support and choice, very close to the principles of DWDV's Legislative Charter. This follows the change of position of the American Academy of Hospice and Palliative Medicine from opposition to neutrality earlier this year.

Disabilities groups had a hand in killing off California's *Compassionate Choices Act* recently. However, Dr Paul Speirs, Chairman of Autonomy Inc., points out that surveys indexed for people with disabilities repeatedly show that the great majority of people with disabilities support such a law, so disability organisations are not representing the views of their own constituents. "Persons with Disabilities are better protected in Oregon [where PAD is legal] than they are now in California or any other state in the union," he said.

Columbia

The issue of PAD has come before the Colombian Congress. Armando Benedetti, a pro-government senator led a proposal to regulate the matter with appropriate safeguards. He had the support of the government in the form of the Minister of Social Protection, Diego Betancur. The Catholic Church was, of course, opposed (and Columbia is nominally a Catholic country). Sadly, the Bill was "killed off", but is slated for return next year.

Italy

The Vatican has made two pronouncements. The first forbids the withdrawal of artificial hydration and nutrition under any circumstances, and the Vatican does not class them as medical treatment. (Victorian law does.) The second forbids pharmacists to dispense PAD drugs even where they are legal.

However, doctors in Victoria who continue artificial hydration when it has been refused may be guilty of medical trespass and be prosecuted. Pharmacists must obey Victorian law, too.

Germany

Contrary to the anti-choice views expressed by the Vatican, a formal thesis review of Dignitas' (Switzerland) operations by a Catholic College student from Germany has found that Dignitas provides positive outcomes for sufferers and their families, and that there is no slippery slope of grants of request and use of medication. Only 13% of applicants were eventually issued a prescription, and not all of them used their medication. The great majority of applicants never contact Dignitas again after receiving "approval in principle". Clearly, having access to choices is itself good palliative care.

Dr. Roger Kusch announced that he has developed a new method of offering PAD help to terminally and chronically ill patients. The procedures would be legal in Germany and would remove the need for travel to Switzerland.

International Study

A professional study by several authors published in *The Journal of Medical Ethics* covers nine years of Oregon law and twenty years of Dutch law in practice. The rates of assisted dying in Oregon and in the Netherlands showed no evidence of heightened risk for the elderly, women, the uninsured, people with low educational status, the poor, the physically disabled or chronically ill, minors, people with psychiatric illnesses including depression, or racial or ethnic minorities, compared with background populations. Opponents' "slippery slope" clearly doesn't exist.

More news at www.dwdv.org.au/news

AGM 2008

We have a very important AGM coming up in the New Year and we're giving you plenty of notice so you can diarise it.

As well as a brilliant guest speaker to enlighten and entertain you, we have important matters to attend to regarding the society's constitution and protecting your rights as a member.

The AGM will be held at Ruyton Girl's School, Selbourne Road, Kew, from 2-5pm on Saturday 23rd February 2008.

Make sure you don't miss it — put it in your diary now!

Federal Election 2007...continued

It would be wrong to assume that a candidate's membership of a particular political party defines their view on Physician Assisted Dying (PAD). Back in 1997, Labor, Liberal and Nationals members voted variously *for* and *against* Kevin Andrews' Euthanasia Laws Bill that overturned the Northern Territory's *Rights of the Terminally Ill Act*, an act which the overwhelming majority of Australians supported.

Indeed, candidate answers to our polling continue to show that support is largely not defined by party lines. You can check individual candidate positions on our web site. However, several candidates are worthy of special mention, and of your strong support.

Senator Lyn Allison

Senator Allison is national head of the Democrats and has worked tirelessly in support of human rights, including PAD. The Democrats are the



only political party to have adopted DWDV's Legislative Charter as *official party policy*, so there's no ambiguity at all in regard to their position or what actions they will take if re-elected. To help the Democrats, call (03) 9416 1880.

Richard di Natale



Richard di Natale is an experienced doctor and highly supportive of Australians having PAD choices. He is the lead Victorian Greens Senate candidate. We have yet to meet a Greens candidate who wasn't supportive of our Legislative Charter. Colleen Hartland, Greens member for Western Metropolitan is co-sponsoring our Private Member's Bill in Victoria. To help, call (03) 9602 1141.

Philip Nitschke

Well-known to all and Director of Exit International is Philip Nitschke. He has been a tireless campaigner for PAD rights across Australia for over a decade. Nitschke is standing as an Independent in the seat of Menzies, currently held by the highly anti-choice Kevin Andrews. With your assistance, he stands a good chance of getting Andrews unseated. To help, call (03) 9850 8192.



Others

The Christian Democratic Party and Family First are by policy *opposed* to PAD. Check our web site for who supports our Legislative Charter. To help Labor's: call (03) 9933 8500. To help Liberals call (03) 9654 2255. To help Nationals call (03) 9654 6588.

Election material authorised by Neil Francis, 3 / 9 b Salisbury Avenue, Blackburn South 3130

Physician Assisted Dying—Book Review

Physician Assisted Dying – The Case for Palliative Care and Patient Choice, Edited by Timothy E Quill and Margaret P Battin, The Johns Hopkins University Press, 2004.

This book, edited by a doctor and a bio-ethicist — both giants in their field — is a smorgasbord of argument and information. The contributors are all experts with extensive practical experience from the fields of medicine, philosophy and the law. A refreshing religious view is provided by Bishop John Shelby Spong.

The volume was put together in response to *The Case against Assisted Suicide: For the Right to end-of-Life Care* (edited by Kathleen Foley and Herbert Hendin).

The book is in four parts. The first is titled *Perspectives on Mercy, Non-abandonment, Autonomy, and Choice*. The second deals with *Clinical, Philosophical and Religious Issues about the Ending of Life*. The third discusses *Open Practice in a Legally Tolerant Environment*; and the last, *Political and Legal Ferment*. There is an introduction and conclusion by the editors.

As a doctor, I particularly enjoyed those chapters written by the medical practitioners. Two were outstanding. Marcia Angell was for many years the editor of the *New England Journal of Medicine*, America's best medical journal, and she ran a persistent debate about this issue. Her short chapter deals with the importance of treating pain and discusses existential suffering and the importance of trusting patients. It is full of wisdom. Equally brilliant is Eric Cassell's chapter on suffering, making it clear that suffering is not simply physical pain and other physical symptoms, but includes the emo-

tional impact of dying and the importance of loss of control. These are things that many doctors are not taught, but I fear that not many doctors will read this book.

Philosophy and bioethics can sometimes seem a little dense to the average person, but the explanation by Tom Beauchamp of the absence of any clear ethical distinction between killing and letting die, in relation to severely suffering terminal patients, is exemplary. Bishop Spong, in his inimitable style, explains how he sees no contradiction between his Christian faith and having some choice and control over how we die.

Part three discusses in detail the experience in Oregon and the Netherlands. It confirms the careful nature of such practice, and clarifies some of the distortions of fact that have occurred in the hands of opponents.

The section on political and legal ferment is very interesting, but largely relates to American law and the American situation. However, Law Professor Charles Barron succinctly analyses "the seven deadly sins of the status quo", and they are very significant — inhumanity, paternalism, utilitarianism, hypocrisy, lawlessness, injustice, and a deadly risk of error and abuse.

The Editors' conclusion rightly argues for medically assisted dying to be part of palliative care. This book is highly recommended.

Rodney Syme, DWDV Vice-President



Be Prepared...Before It's Too Late

The idea of being admitted to hospital is not a pleasant one. The thought that we might be admitted as an emergency patient with little or no realization of what is happening is even more disturbing. What if this is for a potentially terminal condition or as the result of a very severe accident? How will the hospital know our views on dying with dignity? Might we find ourselves in the very situation we had campaigned so hard to avoid: without control over decisions that might need to be made?

So how can we prevent, or minimise, our chances of this happening? This fearful scenario initially faced Anna recently. Ambulance officers brought her to hospital when she suffered a medical collapse. Following surgery she developed a severe infection. Throughout this time she certainly was not well enough to speak out about her wishes. Her sole effort to do so had elicited an alarming response from one hospital doctor. He advised her that staff would resuscitate her regardless of her wishes!

However, Anna, a member of our Society, had all her paperwork in place. Thus her friend, Jenny, who also held her

Medical Enduring Power of Attorney, was able to speak confidently on her behalf. Jenny spoke with the hospital's Patient Manager who made it clear that Anna's wishes, as evidenced by her Advance Health Care Directive (AHCD) would be followed.

The Patient Manager showed how Anna's file was stamped with an "Alert" sign to indicate the presence of this AHCD. The presence of this AHCD is highlighted every time there is a changeover of nursing staff. Further, hospital doctors are briefed on the Medical Treatment Act 1988 as part of their induction and every six months thereafter.

So Anna is assured that staff know her wishes. That has helped increase the rate of her recovery from the post-operative infection.

The moral of this tale? Make sure you have your documents (MEPA and AHCD) in place and that your agent and those close to you have copies and are kept informed of your situation. The documents are available free of charge from DWDV's web site at www.dwdv.org.au/forms.html.

(Names have been changed in this story.)

New Petition—Keep 'Em Coming

We've received a terrific number of petitions forms to the Legislative Council. Keep in mind that this is a *different* petition from the one we ran earlier this year. We will continue to collect signatures until the AGM in February next year, so keep 'em coming in! (Perhaps bring your last ones along to the AGM.)

For a signature to be valid, it must:

- Include name, address & signature.
- Be on a form including the full statement to the Council at the top of the page (as per DWDV copy).
- Have no extraneous material printed on either side of the sheet.

Please post originals to us at the office.

Bequests

DWDV has received two generous bequests, one for \$2,000 and another for \$20,000. Bequests are an important source of funds to help finance our ongoing good work.

If you haven't remembered us in your will yet, maybe now is the time to do so. Call the office for information on how to word your bequest.

Workshop

Receive a set of documents to help specify your own end-of-life wishes. Experience two and a half hours of expert tuition in a friendly atmosphere; how the current law applies to you, as well as how to complete, witness and store the DWDV documents to maximise your protection. "Very helpful, lucid and clear explanations of a difficult theme."—Attendee

Eastern suburbs workshop
Monday 4th February, 10am-12:30pm

Member Pensioner: \$20
Member Non-Pensioner: \$40
Non-member Pensioner: \$40
Non-member Non-Pensioner: \$80

Reserve your place on 9877 7677 now.
This workshop is already half full!

Christmas Stocking!

There's a special treat to stuff in your Christmas stocking this year... we've managed to obtain tickets to next year's biggest musical hit, the exhilarating *Guys and Dolls*!



Packed with a start-studded cast including Lisa McCune, Marina Prior, Ian Stenlake, Garry McDonald, Shane Jacobson and Magda Szubanski, *Guys and Dolls* features breath-taking dance routines, fabulous costumes and classic hits including "Luck be a Lady", "Sit Down, You're Rockin' the Boat", "If I Were A Bell", "Sue Me" and "Guys and Dolls". Our tix are for the 1pm matinee at

the Princess Theatre, Wednesday 9th April 2008. Tickets are \$79.90, a saving of \$10 on the regular A Reserve for this stunning, fabulous show.

So do yourself a favour and reserve a couple of tickets as a Christmas treat, before they walk out the door! Numbers are strictly limited.



(Photo is of original London & UK tour cast.)