

# Dying With Dignity

Respect for the right to choose

# UPDATE

Established 1974

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## PAD Bill Now In Parliament!

Some said it couldn't be done—getting a *Physician Assisted Dying* (PAD) bill into the Victorian Parliament. They were wrong.

It's now official. After years of preparation (34 years to be exact as DWDV was established in 1974!), a *Physician Assisted Dying* Bill is before the Parliament of Victoria.

Known as the *Medical Treatment (Physician Assisted Dying) Bill 2008*, it took some two years to prepare. We have Prof. David Kelly, former

who do *not* want to use the provisions of the Bill to avoid having it applied to them, whether deliberately or accidentally.

The Bill was tabled as a Private Member's Bill in the Legislative Council (upper house) by Colleen Hartland, Greens member for Western Metropolitan. It has taken a lot of hard work and commitment, and a great deal of courage, for Hartland to table the Bill, and I am sure you will join

## History-Making Bill in Parliament!



Rowena Moore in Parliament



The Parliament of Victoria, Spring Street



Colleen Hartland, MLC

Chairman of the Law Reform Commission of Victoria to thank for leading the creation of the Bill. Many people worked diligently on the Bill in consultations with medical, legal, ethical, social and other community groups.

The process lead to a Bill that we believe will provide choice for Victorians suffering intolerably and unrelievably from a terminal illness or the advanced stage of an incurable illness. The Bill incorporates a basket of safeguards that provide strong protections for patients, for doctors and nurses, for pharmacists and lawyers, and, not least, for sufferers

DWDV in thanking her (and Hon. Ken Smith who will sponsor the Bill in the lower house), for such dedication and support.

The debate has begun, and as has happened in other jurisdictions where PAD is now legal, opponents are busy spreading misinformation and running a fear campaign.

They shall not succeed. We are vigorous in correcting erroneous information already circulated by Christine Campbell (Labor, lower house), Peter Kavanagh (DLP, upper house), and others. If you have hesitated to lend your support to the cause so far, now is the time to get active. Opponents—only 13% of Victorians—are already very active.



# From & far near

## Doctors split on PAD

A national survey of Australian doctors conducted by the Herald Sun found 45% of doctors supportive of Physician Assisted Dying (PAD), and 44% opposed.

Clearly, opinions differ in the medical fraternity with almost half of doctors supporting the availability of PAD, yet the AMA and Palliative Care Australia both have adopted an official position opposed to PAD.

It's about time the AMA and PCA reflected the true range of opinion amongst their memberships, taking a stand of neutrality towards PAD.

A letter from more than 100 doctors was recently sent to the AMA to request this change of official position.

## Dutch Report

The number of Dutch euthanasia cases fell to 2,325, or 1.7 percent of all deaths in 2005, from 2.6 percent in 2001. The Dutch Health Ministry says the fall in euthanasia cases is partly due to improvements in care for the dying and a rise in the number of terminally ill patients who are given sedatives to render them unconscious until death.

Palliative sedation rose to account for 7.1 percent of deaths in the Netherlands in 2005, up from 6 percent in 2001. A study in the British Medical Journal in

March confirmed the trend towards sedation and away from euthanasia.

Patients who receive palliative sedation are those expected to die within days. To mitigate distressing symptoms they are heavily sedated, life-prolonging treatment and hydration is withheld and they die without regaining consciousness.

Rob Jonquiere, director of the Dutch Right to Die society, said, "We hear anecdotal evidence from families that patients actually wanted euthanasia but the doctor instead gave palliative sedation."

A survey published this year in the Journal of Medical Ethics showed almost half the Dutch doctors questioned tried to avoid euthanasia because it was against their own values or difficult to deal with.

"There was a concern that once doctors started using euthanasia they would do it more and more easily. What we see is the opposite because they need emotional rest," Jonquiere said.

## American Poll

A USA poll has found a majority of Americans would support their own state following Oregon's lead and legalizing assisted dying. Knowledge Networks conducted the survey online and about 66 percent of the 1,100 people

polled said they would favour legalising physician assisted dying.

Other results from the survey showed more than 80 percent of Americans believe neither the government, the church nor a third party should decide when people should have a right to die.

## Washington Ballot

On November 9th, Washington state constituents will vote on Initiative 1000, a ballot to allow physician assisted dying as the neighbouring State of Oregon does.

An estimated 320,000 signatures were submitted to the Secretary of State's office to get the initiative on the ballot.

Significant campaign funds have been raised to support the initiative, though opposing funds are steadily marching in from catholic church groups across the nation.

It promises to be a nail-biting contest.

## Canadian Man Dies

84-year-old Samuel Golubchuk, an Orthodox Jew on life support since early November 2007, has died of natural causes.

Golubchuk's children took legal action to prevent doctors from removing life support even though he showed little sign of brain activity and doctors determined he had no realistic chance of recovery.

Three doctors resigned from their duties, saying keeping the old man alive was "tantamount to torture".

## Mamma Mia!



**R**owena Moore (our wonderful Office Manager) and I met with members who attended our recent fundraiser, "Mamma Mia the movie" showing at the Palace Cinema in Balwyn.

The film is one of the most successful for this year and if you needed your spirits lifted, this film was the one for you. It's a complicated but humorous love story where Sophie, the daughter getting married, sends an invitation to three of her mother's ex-boyfriends, hoping she will immediately recognise her real father if he attends her wedding.

The versatile Meryl Streep leads a dream cast including Colin Firth, Pierce Brosnan and Julie Walters. It's such a feel-good film, you can't help laughing and singing along with Abba's music.

The lunch that followed the film gave everyone the opportunity of meeting fellow members and discuss our favourite moments over sandwiches and cake.

I'm sure everyone left the cinema feeling happy!

*Jill Paterson*

Many thanks to Jill and our supportive members for another fundraising success! I hope you can get along to our next fundraiser—Prez.

# President's Message — Getting the Word About

Every quarter we think it can't possibly get busier, but it does! It is really important to keep spreading the word on the *Physician Assisted Dying* (PAD) Bill and the work of Dying With Dignity Victoria.

Rodney Syme and I (and with the assistance of our Communications Director Dr Max Sutherland and others) have been busy talking with the media and also with our sister societies in other states.



Mary Gilmour, SAVES VP, with Sandra Kanck MLC and Frances Coomb, SAVES President

A little while back, I dropped by Adelaide to meet with Frances Coomb, President of SAVES, and Mary Gilmour the Vice President. What a couple of dynamos they are! So busy working



DWDV President Neil Francis (3rd from left) meets with the VESNSW committee (from left): Sarah Edelman, Barry Hill, Giles Yates, Jan Burnswoods, Geoff Taylor, Ian Macindoe and Carl Edmonds

hard for the cause. We met with Sandra Kanck at South Australia's Parliament to discuss our respective Bills and approaches to campaigning.

Then, I visited Sydney to meet the new VESNSW committee, an amazing bunch of enthusiastic and dedicated people. We, too, shared our experiences and plans, and we will be working strongly together to achieve our mutual objectives for PAD law reform. I believe we can look forward to great things from this motivated, experienced and committed team.

Then, last month with DWDV Committee member Dr Max Sutherland, I



Rodney Syme, DWDV VP, and his son Bruce appear on Channel 10's 9am

visited Brisbane, the Sunshine Coast and the Gold Coast to talk with their groups as well. I enjoyed giving an address to the Sunshine Coast group and the President Alastair Henderson organised some media coverage too, resulting in a big newspaper spread (see below).

It was great to meet with John Todd, the Brisbane President, and his group once again, and we also met with Gordon Bell, head of the Gold Coast group, and others, to share notes.

It is amazing how much good will abounds amongst the groups, and we look forward to working in a coordinated way with each State to leverage

our effectiveness at achieving law reform on behalf of all Australians suffering intolerably and unrelievably.

Importantly, while in Brisbane, Max and I had the privilege of an introductory meeting with the executors of the Clem Jones estate. Clem Jones, former Lord Mayor of Brisbane, has left a \$5m legacy to help achieve PAD law reform.

The committee were welcoming, exceptionally generous with their time, and asked many insightful questions. We look forward to working with the executor committee as and when the need arises.

Rodney and I have been busy talking

with journalists and appearing on radio and in print, with appearances that are almost too numerous to mention here. In addition, Rodney appeared with his son Bruce on Channel 10's 9am with *David and Kim*, a wonderful opportunity to talk about end-of-life choices on national TV.

We have been very active, too, with our regular bulletins to Members of the Victorian Parliament as well as private member briefing at Parliament House, giving Members the strong opportunity to get to grips with the issue.



Gordon Bell, leader of VESQ Gold Coast group, and Dr Max Sutherland, DWDV Committee member

Make no mistake, these are not just opportunities to "disgorge one's views", but for genuine two-way interaction.

Next time you're talking with someone about end-of-life issues, be sure to listen respectfully to what they say. Otherwise, what right do we have to expect to be listened to ourselves?

Neil Francis



A big splash in the Sunshine Coast Daily organised by VESQ Sunshine branch

# Oregon USA — 10+ Years of PAD

The Hon. Ken Smith (Liberal, Bass) is sponsoring the *Physician Assisted Dying* (PAD) Bill in the lower house of the Victorian Parliament. Early this year, Smith decided that it would be wise to visit the state of Oregon in the USA, where PAD has been legal for more than ten years, to gain insights into how well or otherwise their *Death With Dignity Act* (DWDA) has been operating.

As President of DWDV and with the approval of the DWDV Committee, it was my privilege to accompany Smith on this important fact-finding mission. We spent five days in Portland and environs, interviewing many different people on both sides of the fence.

We met with Dr Peter Reagan, the first doctor ever to prescribe a lethal dose of barbiturates under the Oregon DWDA, around five months after the law came into effect. Reagan is a delightful and compassionate man, and has assisted a small number of patients despite the significant discomfort he experiences in doing so. His approach to requests for assistance is careful, thoughtful and considered.

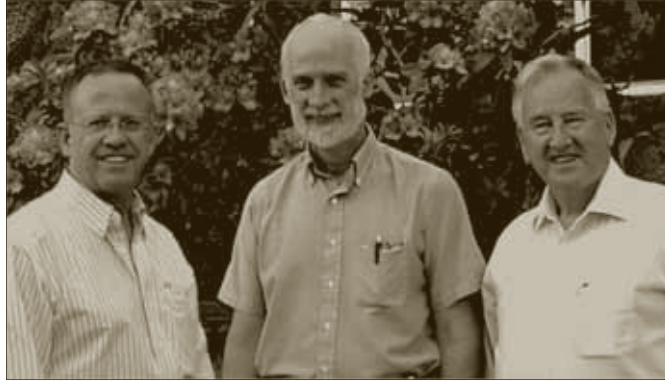
We also met with three doctors at a Catholic hospital, Dr Chuck Bentz, Dr Bill Toffler and Dr Ken Stevens, who are utterly opposed to PAD. Sadly, they equated spontaneous requests from the terminally ill who have intolerable and

proved fascinating in regard to the legislative issues.

A number of people at Oregon Health and Science University (OHSU, the State's largest health facility that employs over 12,000 people on one campus!) were exceptionally generous with their time and information, including Barbara Glidewell, Dr Nick Gideonse, Dr Robert Hugo Richardson (a board-certified Palliative Care specialist) and many others.

We met with George Eighmey, Executive Director of our sister society, Compassion and Choices, as well as board member Julie McMurchie whose mother used the legislation some years ago. Officers Katrina Hedberg and Vicki Buelow at the Department of Human Services provided important insights regarding the collected statistics.

Meetings with others such as Anne Jackson, the President of the Oregon Hospice Association, and folks from the Death



From left: Neil Francis, Dr Peter Reagan and Ken Smith

With Dignity National Centre, proved invaluable.

From five intensive days of talking with Oregonians, we found that PAD:

- opens up rather than closes down honest conversations between a doctor and patient, and family
- is used sparingly even by those suffering badly at the end of life, but is an extraordinary relief even if unused



Ken Smith & Derek Humphry



Senator Ginny Burdick



Julie McMurchie



Vicki Buelow, Ken Smith and Dr Katrina Hedberg

unrelievable suffering, with involuntary executions in the Nazi death camps, yet at the same time they favoured a doctor dosing up a patient into a coma until death.

Next was a meeting with the inimitable Derek Humphry, who shared his extensive experience with PAD in both Oregon and other jurisdictions.

A meeting with Senator Ginny Burdick (Dem, Oregon)

- allows more sufferers to die quietly at home in the presence of loved ones, rather than in an institution surrounded by bleeping machines and strangers
- is a peaceful and reliable method of dying
- did *not* cause the sky to fall in!

*Neil Francis*

## Rodney Syme's Book — Only a Few Left

Dr Rodney Syme's book, *A Good Death: An Argument for Voluntary Euthanasia*, has been walking out the door! We had to place *two* further replenishment orders for this ground-breaking book with the publishers. We have only a small number of the third shipment left, so if you want a copy, call the office now on 9877 7677 before it's too late.

## AGM

Those of you who attended the last AGM will recall that DWDV's financial year-end was changed from September to June 30, and that means our AGMs are now in November.

Please mark 2pm on Sunday 30th November in your diary now as this will be our next AGM.

We will be back at the Northcote town hall where we were last year, but with an important change: we are hiring an extra super-duper sound system so that all will be clear right down to the back of the hall.

Please mark the date—2pm Nov 30th—in your diary now!

## Palliative Care

*"Palliative Care Australia is officially neutral on the matter of voluntary euthanasia because we do not believe it is part of palliative care."*

Dr Donna Daniell, CEO of Palliative Care Australia, 6th June 2007.

Despite this, Palliative Care Australia spoke *against* the PAD Bill in a Parliamentary private members' briefing.

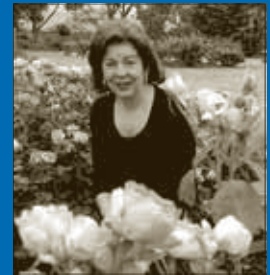
Nor does DWDV agree that physician assisted dying is alien to palliative care (see Integrated Care in Belgium, by Rodney Syme, below).

## Open Garden!

Olga Hilton once again cordially invites you to her wonderful Melton garden. Experience spring in splendour, including a sausage sizzle, a classic cars display and back copies of gardening magazines.

Entry \$5 per person (under 15 free)  
Proceeds go to The Rotary Foundation and DWDV.

Photo courtesy of Newspix / Travis McCue



10am–4pm, Sunday 9 November 2008  
10 Greenstead Amble, Kurunjang.  
Melways map 337 B4

## Integrated Care in Belgium

Palliative Care Australia (PCA) is opposed to the deliberate hastening of death, and opposed to the legalization of physician assisted dying (PAD). This opposition is morally based, being derived from its Christian health-care origins. PCA also views PAD as a threat to its development.

This is a great pity, as it does not have to be so. In Belgium, palliative care and the idea of physician assisted dying grew side by side and developed together, with the same people in both groups. There was recognition of the concept of 'palliative futility' in some end of life circumstances. As a result, a complementary role for PAD in palliative care was accepted, with assisted dying seen as a natural option at the end of palliative care, depending on the choice of the patient.

This development has been described recently by Jan Bernheim and colleagues in the *British Medical Journal* (2008: vol 336, p864).

The Belgium law of 2002 legalising PAD stipulates that patients requesting PAD must be informed of the possibilities of palliative care. This principle has been incorporated into the Bill currently before the Victorian parliament.

The recognition of the concept of 'palliative futility', and the common principles of necessity to relieve suffering and respect for autonomy led to the development of 'integral palliative care'. Thus, in Belgium, the process of legalization of PAD was "ethically, professionally, politically and financially linked to the development of palliative care" [Bernheim].

It is a pity this has not been mirrored in Australia so far, because, in my opinion, the integration of PAD into PC would greatly enhance the acceptance of PC in the community and expand its role rather than impeding it.

Rodney Syme

## On "Killing"

The Webster's and Oxford Dictionaries have large entries on "kill" and "killing". According to these definitions, its primary meaning is to "deprive of life, put to death, to slay, implying deliberate violence and intention to destroy life"; "to murder". The entire sense of its use is in relation to an arbitrary ending of life without consent.

Despite this sense, those opposed to voluntary euthanasia delight in using the words "kill" or "killing" in this debate at every opportunity. At the time of the debate over the Andrews legislation, a Catholic professor of medicine wrote a 1000 word article in a medical magazine opposing voluntary euthanasia. He managed to use "kill" and "killing" eighteen times in his diatribe. This pejorative and emotional repetition is, of course, deliberately intended to convey the idea that medically assisted dying is brutal, violent and unrequested.

Nothing could be further from the truth. The emphasis in physician assisted dying is on consent and relief of suffering, both of which are the antithesis of the normal sense implied by "kill". Furthermore, there is no violence in physician assisted dying, the emphasis being on a peaceful and secure death at a time of choice of the suffering person. In "killing" there is always a victim, but in physician assisted dying there is only a beneficiary.

It is quite clear in physician assisted dying that it is not the doctor's intention to kill anyone. His or her primary intention is to relieve intolerable suffering. Certainly someone may die as a result, but that is simply because some kinds of suffering can only be relieved by death.

Using the word "killing" is like saying a surgeon "stabs" or "slashes" his patients on the operating table: a gross distortion if ever there was one.

Rodney Syme

# Inaugural Member Information Session

Like to keep up to date? Like to mix with like-minded people? The DWDV Committee is pleased to announce the inaugural DWDV Member Information Session.

Come along to be informed about the *Physician Assisted Dying Bill*, its progress in Parliament, and have your questions answered in a friendly and supportive atmosphere.

**When:** 10am, Saturday 4th October 2008

**Where:** Evergreen Community Centre, 45 Talbot Avenue, Balwyn (Melways 46 E8)

**Entry:** Gold coin donation to cover tea & coffee costs

**Getting there:** Street parking available; tram route 109 (Box Hill/Port Melbourne), stop #49 at corner of Whitehorse Road and Northcote Ave, walk south down Northcote Ave and veer right into Conway Cr and through to Talbot Ave.

**Bookings:** Essential, call the office on 9877 7677 or email [dwdv@dwdv.org.au](mailto:dwdv@dwdv.org.au) to reserve your place.



The inaugural Member Information Session is your chance to hear the latest end-of-life news and to ask questions

## Vibrant Valuable Volunteer Vanguard

DWDV as you know runs on the smell of an oily rag. Yet we keep getting busier and busier and our staff are clamouring for some extra volunteers.

Don't worry if you're not an expert at office tasks—the sweeties in the office will provide any necessary training, and we won't be asking you to do the most difficult things!

You might be interested in making a difference by attending the office during agreed hours that are comfortable to you and on a regular basis. Please consider any of the following contributions:

- Type information into Microsoft Word documents and/or Excel spreadsheets
- Maintain information in our databases
- Make phone calls to obtain information

Even if you are not an expert on the computer, as long as you are open-minded and willing to learn how to show a computer who's boss, your contribution could help restore sanity to our heavily worked staffers.

Call Rowena right now on 9877 7677.

### Workshops

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

Workshops are held in Kew  
Monday 8th Sep, 10am-12:30pm  
Easy access by public transport

Member Pensioner: \$20  
Member Non-Pensioner: \$40  
Non-member Pensioner: \$40  
Non-member Non-Pensioner: \$80  
Reserve your place on 9877 7677 now.

I went to the undertakers,  
lay out across the  
counter and  
shouted, 'Shop!'

Spike Milligan

## Remember DWDV

DWDV relies on membership subscriptions, donations and bequests to fund its operations. We receive no funds from government.

Over recent times, we have received some wonderful bequests that have helped us achieve more than ever before.

Now that the Catholic Church is establishing a well-funded committee to fight *Physician Assisted Dying* law reform, funding is more important for success than ever.

Please do remember DWDV in your will. You can do so with the following statement:

"I GIVE AND BEQUEATH the sum of \_\_\_\_\_ [in words] (\$ \_\_\_\_\_) to DYING WITH DIGNITY VICTORIA INC of 3/9b Salisbury Avenue, Blackburn, Victoria 3130, for its general purposes."