

AGM Nov 12

A reminder that the DWDV Annual General Meeting this year is on Saturday November 12th. It is NOT on Sunday as in past years.

Our keynote speaker is media identity Tracey Spicer. See more on Tracey in the Winter edition of *Update*. Tracey speaks about her terminally ill mother...

"At 3.17am on October 25, 1999 I considered suffocating my mother with a pillow. I didn't view it as murder. I considered it an act of mercy. I knew it was the right thing to do. But as I looked down at the woman that gave me life I knew that I could not take hers." Instead Tracey collapsed on the floor and "sobbed like a baby."

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Be seated for a 2pm start at the Unitarian Church, 110 Grey Street, East Melbourne. Melways Ref: Map 2G:D2. Bring a friend.

Thank you Life Members

What a magnificent response we have received from our Life Members after we wrote to you suggesting a donation. You have responded with dedication and generosity.

DWDV is deeply grateful to all of you who were able to donate and we feel honoured, appreciated and encouraged to pursue our mission on behalf of all our members.

Message from our President, Neil Francis

Once again we've been very active in working towards aid-in-dying law reform for the Victorian community.

As we reported in the last edition of *Update*, Colleen Hartland, Greens MLC, brought a motion to the Parliament for referral of the matter to the Victorian Law Reform Commission. The motion was defeated only by a small number of votes.

One of the great supports that this motion received was many, many letters from you, who wrote passionate yet respectful letters to your own upper house representatives to ask them to support the motion.

I myself saw a great many of those letters, and congratulate you on the wonderful contribution you made to impress reform upon your politicians. This is exactly the kind of response and pressure we need

to continue.

I recently met with Health Minister David Davis at his invitation, and we discussed a range of issues including advance care directives. I clearly put the community view of aid-in-dying law reform to him as well. While he declined to be drawn on that particular issue, the meeting was cordial and constructive, and the channels of communication are open.

On another front, I am working on an initiative to bolster support for law reform, and Senator Bob Brown's Bills, within the Federal Parliament. It is very likely that at least the first of the two Bills will succeed.

In early October I spoke at a Palliative Care Queensland public forum, and we had a great deal to agree on. We continue putting the word about!

Close vote on aid-in-dying motion

On Thursday, 1st September Victorian Greens MLC Colleen Hartland presented a motion for review of the *Medical Treatment Act 1988* to the Upper House of the Victorian Parliament, the Legislative Council.

The motion sought to refer the Act and the subject of aid-in-dying to the *Victorian Law Reform Commission* (VLRC) for full community consultation to inform the writing of a new Bill to go before the Parliament. The motion was not asking our Parliament to approve dying with dignity but to direct the VLRC to consider it and make recommendations on all of its implications. The motion was lost on Party lines 16/19, despite our Premier saying he supports dying with dignity. Despite this loss we are encouraged to see this almost getting over the line. Next time...

Philip Davis MLC in speaking against the motion recommended that the issue be referred not to the VLRC but to a Parliamentary Committee instead. Ms Hartland will introduce a new motion at the Government's suggestion.

DWDV will keep you informed of developments and we thank all our members who have already written to their local members on this important issue.

'Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.'

Margaret Mead (1901-1978)

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Dying with dignity legislation in Australia

South Australia — In South Australia the *Medical Defences Bill* tabled by MLA Steph Key was debated on October 20th.

The Bill, which provides a defence for a doctor who helps a patient who makes a request for aid-in-dying, to hasten their death, had already been through Committee. A number of amendments proposed by MLA John Gardner were agreed to by the House.

However, without consultation, the Minister for Health John Hill, suddenly moved that all the amendments be rescinded, and the House agreed!

Politicians move in mysterious ways indeed. Debate will continue in November.

The Commonwealth

Canberra — Two related Bills affecting the power of the Commonwealth to override legislation enacted by the ACT, Northern Territory and Norfolk Island will be considered shortly by the Federal Parliament.

The *Australian Capital Territory (Self-Government) Amendment (Disallowance and Power of the Commonwealth) Bill 2010* would ensure that only the Federal Parliament rather than a single MP, can override Territory Legislation via an Act of Parliament. This excludes the issue of euthanasia, where a ban on Territory legislation was imposed by the 1997 Kevin Andrews Act. This Bill should not be confused with the *Restoring Territory Rights (Voluntary Euthanasia) Bill 2010* which is also before Parliament.

More alarmist nonsense

Australia — Prolific hysteria overseas and now being voiced in Australia by the likes of HOPE, the Anglican and Catholic Churches, is the fear that the disabled will be subtly leant upon to end their lives, when dying with dignity legislation is passed in Australia. Those who are opposed also claim the elderly will be “victims.” This hysteria is solidly rebutted in research by Battin and colleagues who rigorously demonstrate the falsity of these spurious claims by those opposed to choice for rational adults.

The power of planning ahead

UK — If ever there were a case that confronts us with the need to plan ahead with these matters it is this UK judgement. “M” has been in a “minimally-conscious state” for over 8 years, has no chance of recovery and is receiving artificial food and hydration by tubes. M’s family applied to the High Court to withdraw the artificial feeding and hydration.

The judge, in rejecting the application, said that the factor which carries most substantial weight is the preservation of life. Although not an absolute rule, the law regards the preservation of life as a fundamental principle.

DWDV members are encouraged to plan. If you haven’t already completed and filed your end-of-life documents, you can get them from our website, and to book yourself in for one of our Advance Directives workshops (see p4). Ed: In Victoria, artificial nutrition and hydration are *medical* treatment and can be legally refused.

Better news from the UK

UK — Since 2009, 44 cases of ‘assisted suicide’ have been referred to the Public Prosecutor. No cases have been prosecuted since 2010 when guidelines on Assisted Suicide were issued by the Director of Public Prosecutions (DPP).

“How to Die In Oregon”

Melbourne — Many of the Committee and members of DWDV attended a screening of this film at the Melbourne International Film Festival. The film follows a number of terminally ill people who have chosen to end their lives by taking medication made available through the Oregon *Death With Dignity Act*. In particular the film follows the final two years of terminally ill Cody, her family and her doctor. All were moved by the courage of the participants and the dignity afforded by the Oregon legislation. For those who missed the film it is available for purchase on the internet.

Massachusetts USA

Has now fulfilled all the requirements for a Death With Dignity Law to be put to a ballot of its citizens in 2012.

Canada challenge

British Columbia — The British Columbia Civil Liberties Association (BCCLA) has taken an active and adversarial position in its drive to overturn Canada’s ban on assisted suicide.

In a notice of claim filed in British Columbia Supreme Court, BCCLA along with Lee Carter who helped arrange her elderly mother’s death, argued that Criminal Code provisions against physician-assisted death are unconstitutional because they deny individuals the right to control their physical, emotional and psychological dignity.

Unsurprisingly their Government vigorously opposes the claim and has requested that the Attorney General of British Columbia be listed as a defendant alongside the Attorney General of Canada.

A witness claims to know about an assisted death but wants to provide testimony only with full anonymity.

The Government has decided to play hardball. The Attorney General has requested material evidence of instances of assisted suicides in Canada and require everyone in Canada who has publicly said they know of a case of assisted suicide to provide details including names and addresses.

Aloha from Hawaii

Known internationally as both a greeting and a farewell in Hawaii aloha’s meaning is affection, love, peace, compassion and mercy. What better news, then, could come from Hawaii than this: a panel of legal experts in Hawaii recently concluded there was nothing in pre-existing state law that outlawed terminally ill patients from receiving aid in dying from their physicians? We say Aloha to all those citizens of Hawaii who may achieve death with dignity in this island-state paradise.

I get up every morning determined to both change the world and have one hell of a good time. Sometimes this makes planning my day difficult.

E. B. White (1899 - 1985)

European Court of Human Rights

In a recent judgement the Court has acknowledged the right of an individual to decide how and when to end their life and there is no violation to Article 8 (right to respect for human life) of the European Convention on Human Rights.

People who are contemplating completing an Advance Directive regarding dementia need to be well informed about the condition, its effects and its progress. There are three books well worth reading to enhance such understanding.

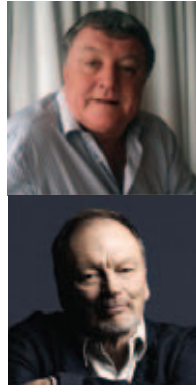
Remember me, Mrs V? This is an outstanding factual account by Tom Valenta, describing his wife's illness with early onset Alzheimer's disease, together with descriptions of the journey of 13 other sufferers of this disease. It is available from the DWDV office at a discount price of

\$10.00.

STILL ALiCE is a novel by Lisa Genova (Gallery Books 2009). It contains a vivid description of the effects of early onset Alzheimer's Disease on a Harvard psychology professor. It is very well written and accurate.

Looking for Lionel is a factual account, by Sharon Snir, of her family's experience with her father as they dealt with his dementia. It has been recommended by a DWDV member who has had palliative care.

The list of prominent and respected Australians acting as Ambassadors for responsible aid-in-dying law reform continues to grow. The latest to sign up are Jim Soorley, former Lord Mayor of Brisbane, and John Bell AO, Director of the Bell Shakespeare Company in Sydney.



Jim Soorley (top) and John Bell.

World Congress 2012

The *World Federation of Right to Die Societies* (WFRTDS) 2012 Congress will be held in Zurich, Switzerland in June. There are more than 55 right-to-die societies in more than 45 countries worldwide.

Every other year, right-to-die society leaders and researchers from around the world gather to discuss the latest end-of-life data and political strategies to ensure respect for the human right of self-determination at the end of life.

Our President, Neil Francis and our Vice-President and Board Member of WFRTDS, Dr Rodney Syme, will attend this critical biennial event. DWDV members are very welcome to attend. Please go to www.wfrrtds-congress.com for further information.

Hinch recovering

Love him or loath him Derryn Hinch is an "in your face" sort of man. We've all shared his public crusades and his brushes with the courts.

He has recently faced a terminal liver illness. In July he had a successful liver transplant and is recovering at home whilst being placed under home detention for breaking the law again in his long-running *Name Them and Shame Them* campaign.

A proponent of aid-in-dying, Hinch has faced his possible end as he has lived his life: head on. He vows that he would end his life if things went wrong and has discussed that with his family. "I'm not scared of death, not one scintilla and yes, I would have it filmed."

Alan Rosendorff

Alan's health continues to deteriorate yet he remains in reasonably good spirits. Whilst he is disappointed that the Legislative Council voted down the Hartland motion he is delighted that Ms Hartland is bringing a new motion.



Alan Rosendorff contemplates his day

A personal perspective - SA Bill

The symptoms started when she was 25, but Terry O'Connell was not diagnosed with MS until her late 30s.

Now 56, Ms O'Connell lives in a Port Broughton aged-care facility and, with her legs immobile, knows exactly how much suffering she is prepared to endure.

"I won't be able to use my (mobile) chair, I won't be able to feed myself any more.

"That's when I realised I wanted to be able to make a choice about my life — and make that choice without a doctor being prosecuted.

"It's not so much that this (aid-in-dying) is what I want to do," she said. "It's that I want the choice to be available so that, if I want to do it, I can."

Like many others, Ms O'Connell cannot afford to fly to European destinations where aid-in-dying is legal. She said she could not understand why the Australian Medical Association and Law Society of South Australia opposed the South Australian Bill.

"I hope that the politicians of South Australia do more than send a message because we need more than a message at the moment," she said.

So... you're a member of DWDV

Or perhaps you have been given this newsletter by a friend. What a good friend you have. Most of us approach membership of DWDV from a very personal perspective. We may have seen a loved one suffer a painful, protracted death bereft of dignity and have suffered along with them.

Those of us who want to have a choice about our end for ourselves or loved ones seek, through DWDV, a change in the law which will allow us a dignified death when our time comes. Collectively we have greater ability to bring about change through DWDV, YourLastRight.com and our sister organisations.

John Fitzgerald Kennedy famously said "Ask not what your country can do for you — ask what you can do for your country." DWDV sincerely appreciates your continued support through your membership. Some of you may have resources, skills, time, and abilities to do more. Have you perhaps thought that you would like to do more? Even seeking additional copies of *Update* and passing them on for others to read.

In life we are challenged to do our best. Your best is for you alone to judge. If you feel that you can do more, do please contact us. Our strength is in our numbers and our commitment.

ANNIE fundraiser

At last a show for the whole family to enjoy, no violence, no bad language - just Entertainment with a capital E, that's "Annie"! The timeless tale of Little Orphan Annie is back, giving a whole new generation the chance to experience this classic musical about never giving up hope. Our favourite leading man, Anthony Warlow (star of 'The Phantom') reprises his role of Daddy



Warbucks. Todd McKenney (Dancing with the Stars) is also in the cast. Nancy Hayes plays the perfectly villainous Miss Hanningham. There is also that little "mutt" Sandy who will win your heart!

Tickets are for Wednesday 11/7/2012 at 1.00pm (matinee) and are priced at \$80.00 for seniors/pensioners/students and \$95 for non-concession. Whoever books the most tickets gets a 'goodie bag.' Be quick booking withCarolynne at the office!

ANNIE FUNDRAISER TICKET ORDER FORM

Please detach and post to DWDV, 3/9 b Salisbury Ave, Blackburn, Vic 3130

No. of tickets @ \$80 each:

No. of tickets @ \$95 each:

Total order price: \$

Your name and address for mailing:

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Please make cheque or money order payable to Dying With Dignity Victoria.

OR pay by credit card as follows:

MasterCard Visa AMEX

Card : / / /

Expiry date: /

Signature

Please charge my card the total order price shown on this form.

(Proof of concession eligibility may be required at the theatre.)

Thanks to Jill Paterson for organising another exciting fundraising event.

New members very welcome

You can join online with secure credit card payment at www.dwdv.org.au (click *Membership Application* at bottom right of the start page). Alternatively, phone our office on 9877 7677 and ask Carolynne to send you a form. Annual memberships are \$20 (single pensioner), \$40 (single non-pensioner), or \$60 (family).

Please pass on your copy of Update to anyone you know who may be interested.

Meetings & Workshops

Members Information Session

Our last Members Information Session was held on Saturday 22nd of October. It was well attended by both new and prospective members. Those attending had the opportunity to meet the committee and ask questions, with an enthusiastic exchange of ideas.

Advance Directives Workshop

Led by Dr Rodney Syme, this friendly and comprehensive workshop will teach you all you need to know about completing and storing DWDV documents aimed at ensuring your end-of-life choices are respected.

Next workshop will be held on 19th March 2012.

Dignity in Dementia Workshop

Based on Dr Rodney Syme's experiences of many people's fear of developing dementia, attendees will (1) learn about dementia and its effects; (2) understand how it is diagnosed and managed; (3) have the chance to undertake a simple test as a baseline for future diagnosis of dementia; and (4) complete DWDV's new Advance Directive for Dementia to document your treatment or refusal wishes.

Next workshop will be held on 13th February 2012.

Workshop Bookings

Please call the office on 9877 7677 to register your attendance, and pay by credit card, cheque or money order.

- Member pensioner \$25
- Member non-Pensioner \$50
- Non-member pensioner \$50
- Non-member non-pensioner \$100

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E: dwdv@dwdv.org.au ■ W: www.dwdv.org.au ■ T: (03) 9877 7677 ■ F: (03) 9877 5077

P: 3 / 9 b Salisbury Avenue, Blackburn, Victoria 3130, Australia

Patrons: Mr Julian Burnside QC ■ Hon. Rod Mackenzie OAM

President and CEO: Mr Neil Francis ■ Vice-President: Dr Rodney Syme ■ Secretary: Mr Mark Newstead ■ Treasurer: Mr Mike Tinsley

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