



## VICTORIA'S VOLUNTARY ASSISTED DYING ACT TO BE IMPLEMENTED



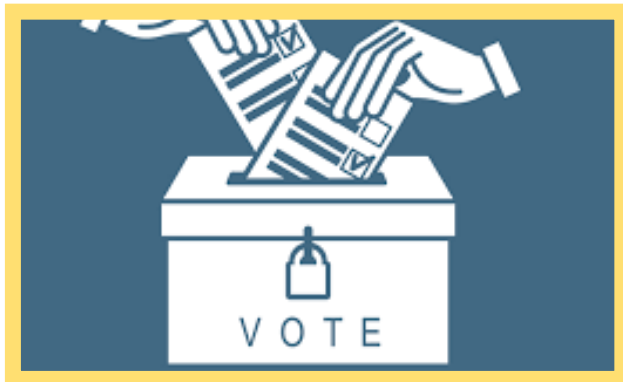
The securing by the ALP of a majority in the Victorian Legislative Assembly surely removes any doubt about the implementation of the *Voluntary Assisted Dying Act 2017* on 19 June this year. Members will be aware we had concerns that a Coalition victory could have resulted in the Act being repealed or being impeded by making the governing regulations practically unworkable. We campaigned accordingly before the election, in support of those who had supported the Bill in 2017.

The government secured 55 lower-house seats in a parliament of 88. There is no such upper-house majority, with 18 seats secured of a total of 40. However, as it would take a vote of both houses to repeal the *Voluntary Assisted Dying Act*, and as there is one Green representative plus Reason's Fiona Patten, repeal of the Act was unlikely.

The press statements on reasons for the ALP success did not place any emphasis on the effect of support for voluntary assisted dying. However, it is interesting to note that of the seven MPs who spoke most vehemently against VAD in last year's parliamentary debate, it appears all but one have failed to retain their seats. Opponents to voluntary assisted dying wanted to stir up strong feelings, and perhaps make the election in some sense a referendum on VAD. In any such endeavours they have plainly been unsuccessful.

The implementation of voluntary assisted dying in Victoria will have implications for the whole of Australia. To have a secured regime in our State should at least provide encouragement and moral support to the Western Australians, Queenslanders and other states and territories; and assist in raising awareness and gathering support throughout Australia.

## THE 2018 ELECTION CAMPAIGN



As mentioned in our last Newsletter, we decided to campaign in the recent State election. This decision was prompted by the response from Matthew Guy to a letter from our then president Lesley Vick, which raised sufficient doubt as to what the Coalition might do, or permit, if it gained a majority.

Our interpretation of Guy's response was that a Coalition government might seek to

delay implementation of the VAD Act, introduce a regime that would make administration difficult, or facilitate a private members' bill for repeal. While it was felt that the Coalition leadership turmoil at the Federal level might assist the state ALP, we decided to act, despite the costs involved.

The title for our campaign was '*No More Debate*'. This summarised the feelings of the huge majority of Victorians who had argued the case for VAD for decades. The debate has been had and now is the time for implementation. We are very grateful to Go Gentle Australia and Andrew Denton, for their continuing support of our efforts.

## What's next for DWDV?

Dying With Dignity Victoria contributed to securing an astonishing achievement in 2017, one for which we have worked hard over many years.

Victoria would never have been able to enact an assisted-dying legislation if not for the many voices speaking in support of a safe and compassionate law. DWDV members and supporters have been the at the epicentre of that conversation.

In 2019 and beyond, Dying With Dignity

Victoria will continue our advocacy for people to have simple and effective access to end-of-life choices, and to ensure the public and the health sector are aware of the legal requirements of the *Voluntary Assisted Dying Act*.

We will continue our efforts to promote end-of-life discussions, as well as provide information and resources to support patients and health professionals to have discussions about end-of-life medical treatment preferences, and the use of

## Advance Care Directives.

The law covering Advance Care Directives (ACDs) came into effect on 12 March 2018, and we are now providing website information and education presentations to help people complete the relevant forms.

Some of our key initiatives moving forward include:

- [Continue our advocacy for people to have good access to end-of-life choices.](#) The conversations surrounding how to achieve a good death are a continuing responsibility for the community to ensure good end-of-life practices are achieved. DWDV will continue to promote better conversations around death, dying and bereavement into the future.
  - [Develop our resources and information regarding Advance Care Directives and documenting end-of-life medical treatment preferences.](#) Conversations about advance-care planning and the use
- of Advance Care Directives have been a big part of DWDV over the years. Our members come to us for resources and help with documenting their medical treatment wishes, and we will continue to make sure we provide information that is helpful and easy to understand for our members and the public.
  - [Develop our education tools for the public to be able to achieve end-of-life care they want.](#) In jurisdictions where a Voluntary Assisted Dying (VAD) law has been implemented, conversations between doctors and patients are reported to have benefited. Now that VAD will be available in Victoria (from 19 June 2019), DWDV will provide information and education on how to deal with the stringent qualification requirements and processes of that new law.



## GOVERNMENT AND INDUSTRY INITIATIVES

From what we can gather, the process to implement the VAD Act is proceeding well. Initiatives include:

- Alfred Hospital has been identified as the sole dispenser of VAD medication
- Detailed documentation and lectures are now available from the Office of the Public Advocate on appointing a Medical Treatment Decision Maker, making an Advance Care Directive, and making an Enduring Power of Attorney
- The Peter MacCallum Cancer Centre ("Peter Mac") has appointed two VAD Care Navigators. These will have a state-wide role acting as points of contact for members of the public, health practitioners and health services from across Victoria for information about voluntary assisted dying.

## Do our elected representatives represent us?



Former MLA Louise Asher says, "The people expect us to represent them. I actually think the major parties need to act on this."

"This week long-serving Liberal MP Louise Asher was among several departing parliamentarians who used their final speeches to urge both sides to treat Parliament with more respect by putting more energy into representing voters and

less on politicking.

"The people expect us to represent them", she said. "I actually think the major parties need to act on this." (Ben Priess, *The Age*, 22/09/2018)

That Asher needed to make such remarks is extraordinary. A common understanding in the Victorian community would be that parliamentarians, having been elected by the people, should therefore represent the interests of those people. Perhaps the poor results obtained by the Coalition in the recent Victorian state election are an indication that the Coalition, as a group, is either out of touch or not genuinely seeking to act on the will of the people.

The voting by the two major parties on the *Voluntary Assisted Dying* bill in

November 2017 provides data against which to test the hypothesis: Do our two major parliamentary groups represent the electorate? In this case, there seems to be adequate data to establish (i) the wishes of the electorate, and (ii) the representation of these wishes in response.

For the former, we have many surveys, including polls by Omnipoll for the 2017 VAD debate, which showed the desire for VAD in various electorates in excess of 80%. The ABC Vote Compass survey of 2014 showed 70% to 90% of respondents in every electorate supported VAD.

Against that overwhelming degree of community support for VAD, of the 109 ALP or Coalition politicians who did vote *yes* or *no* on the VAD Bill, the results were:

- 60 voted in favour of VAD (55%)
- 49 voted against (45%).

ABC News reported on 20 October 2017 “The Voluntary Assisted Dying Bill passed ... after a conscience vote”. The ALP figures fall closely in line with community values shown in the surveys. By contrast, the Coalition results are very different. These results must prompt the question: how

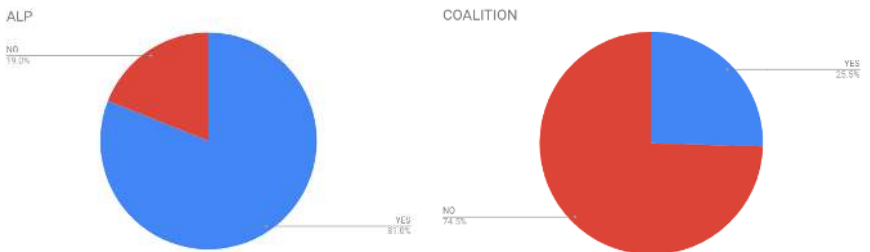
likely was the voting by Coalition members really a conscience vote, when it is so different from community values?

Interestingly, of those MLAs who recontested their seats, 97% who voted for the VAD bill were successful, compared with 82% success for those who did not.

These figures indicate that voting in favour of VAD may enhance rather than reduce a member’s chance of re-election.

In response to their very poor showing in the Victorian election on 24 November 2018, the Liberals have chosen Robert Clark as their new state president. Clark was one of the most vigorous opponents of the VAD Bill. It will be interesting to see how the Coalition seeks to improve its election results.

Vote	ALP	Coalition
Yes	47	13
No	11	38
Total	58	51
<b>% Yes</b>	<b>81%</b>	<b>25%</b>



## A NEW ERA

Following the passing of the *Voluntary Assisted Dying Act* in 2017 and removal of the threat of its possible repeal in the November 2018 election (see above), DWDV will have now focus on providing end-of-life-related information and education services to members and the wider community.

This requires a change in our Purpose, as set in the Association's Rules. The principal change, approved by members at a Special General Meeting on 23 February, sets out our updated Purpose as "**To relieve distress, helplessness and suffering for Victorians with untreatable, painful or terminal illnesses** (beneficiaries)." In achieving this purpose, the Association will:

(i) support end-of-life choices for beneficiaries, and provide support to their families and carers;

(ii) provide information, education and advice related to end-of-life choices to support those referred to above and the broader Victorian community;

(iii) monitor and report on outcomes and effects of end-of-life legislation and the quality of services provided for end-of-life care.

In line with such a major change in outlook, we are seeking member input as to what members see as the most important actions for us to take in the

future. Options include:

- Monitor implementation of the VAD legislation (what's working, what's not)
- Continue presentations in Melbourne on end-of-life issues
- Extend these presentations to regional Victoria
- Provide telephone assistance to fill in Advance Care Directives (and other related forms)
- Hold workshops to help people fill in Advance Care Directives and other related forms
- Gather personal stories about barriers to accessing VAD
- Build the case for extending VAD legislation
- Build the capability to support individuals (and their families) who are struggling with philosophical, religious or ethical issues around end-of-life decisions
- Assist DWD organisations in other states and territories to achieve VAD legislation.

Members should receive a survey seeking views about these and other options, but do feel free to write to us at any time: email [dwdv@dwdv.org.au](mailto:dwdv@dwdv.org.au).



## STAFF CHANGES

The victory of the ALP last year prompted a basic review of where we are at and where we are going. The VAD legislation seemed secure, and therefore we would no longer be campaigning.

In the past, we have had significant bequests from time to time, which have enabled us to support an office and permanent staff - the only DWD group in Australia to have had such resources. Equivalent bodies elsewhere in Australia operate by committees with contact by phone and the internet.

However, bequests are sporadic and unpredictable, and cannot be relied upon for continuing operations.

The expenses of our recent campaigns, together with a rapid rate of decline in our financial reserves, led the Board to the reluctant conclusion that costs had to be

reduced. Our largest expense by far has been wages and salaries. The board felt compelled to reduce these costs, even if it would result in some reduction in service to Members.

Our executive officer Paula Payne, who gave us over three years of valuable service, left our employment on 12 February, with part time administrative assistant Louise Wilkie departing a week later.

It is of course a matter of regret that we have had to lose long-time, knowledgeable and valued employees. We thank them for their enthusiastic service and wish them every success in their future employment.



## Telling DWDV's Story

DWDV's history starts in 1974, though records from that time are sparse. We are fortunate that member Belinda Ramsay has offered to store files of our past endeavours, with a view to documenting progress to date. Belinda's work may become the substance of a doctoral thesis, or a book, or both.

## DWDV AT WORLD FEDERATION CONFERENCE

Long time board member John Hont represented Dying With Dignity Victoria at the World Federation of Right to Die Societies Conference, held in Cape Town in September 2018.

Over 100 delegates from around the world attended when he gave his presentation, "The Road to Victoria's Voluntary Assisted Dying Act 2017".

Attending this conference gave John the opportunity to make some important contacts with members of other Societies who have been through the implementation of VAD laws, particularly the delegation from Canada, who were happy to share their experience and knowledge.

## Arrest of the World Federation President



The President of World Federation of Right to Die Societies (WFRtDS), Professor Sean Davison of Dignity SA (South Africa), was arrested in September 2018 on the charge of murdering 43-year-old Anrich Burger, who was left a quadriplegic after an accident in 2005. Anrich Burger's death occurred in 2013. A second charge of premeditated murder was added in November 2018, and a third is expected in January 2019.

If found guilty, the minimum sentence is life in prison. While awaiting trial, Sean is free on bail.

The World Federation has issued the following statement:

"The WFRtDS strongly condemns governments that continue to deny human beings ownership of their own bodies and control over their deaths by maintaining law that criminalizes those who assist others to die peacefully.

The WFRtDS wishes to express its admiration for Professor Davison's courage and sincere engagement with those who are suffering at the end of life."

The Federation has initiated a crowd funding scheme to help fund Prof Davison's legal defence. If you would like to support this courageous doctor, please go to [Gofundme.com](https://www.gofundme.com) and search for "Sean Davison Legal Defence".

DWDV has contributed \$1,000.



## THE 2018 ANNUAL GENERAL MEETING

DWDV's 2008 Annual General Meeting was an historically significant one, marking as it did the retirement of Dr Rodney Syme. Rodney's long and distinguished service to the cause of voluntary assisted dying is unparalleled and it was suitably recognised at the AGM.

Rodney joined the Board in 1991, and served for 12 years as President before taking on the role of Vice President. Besides being an engaged and scrupulous board member, Rodney worked tirelessly to respond to countless print and social media requests for information or support. He wrote and published books, appeared on numerous television events, and in many radio broadcasts. Thousands benefitted from the workshops he ran, and from the compassionate and caring counselling he provided to many in distress. Having achieved what he set out to achieve over 40 years ago, Rodney deserves every accolade. We wish him a peaceful and satisfying retirement in Castlemaine.

Also retiring after six years at the helm of DWDV as President was Lesley Vick. Lesley's expertise in legal matters and her wide political network were invaluable in achieving VAD in particular. She remains on the board but has handed over the presidential reins to Hugh Sarjeant.

Long-serving board member Dorothy Reading retired from the board in the first half of 2008. As convenor of our Strategy Group, her political experience was invaluable in the lead-up to the VAD vote.

Helge Kuhse, one of the original ethicists to support assisted dying and a previous board member, also stepped down during 2018.

Also at the AGM, Max Sutherland was awarded the 2018

### **Rodney Syme Medal.**

Max is a marketing, psychology and communications expert who joined the DWDV board in the early 2000s, providing it with valuable strategy and marketing advice for many years until he retired in 2012. Since 2011, Max has single-handedly curated a weekly report on media activity concerned with voluntary assisted dying, gratefully received by many DWD committee members. More recently he has been ably assisted by Liz Jacka and Jane Morris.



Since the AGM, VP John Hont has unfortunately had to resign from his position as Vice President for reasons of ill health; he has been granted several months' leave of absence from the board. After a decade of extraordinary service, he deserves a break!

Long term member Judith Hoy and relative newcomer to the board, Warren Smith, have also stepped down. We thank them both for their dedicated contributions.

## AROUND AUSTRALIA

**Western Australia:** Health Minister Roger Cook is planning to introduce a VAD bill in the second half of 2019. Unlike the Victorian Act, under which a person is eligible only if their illness will lead to death within six months, under the proposed WA model, a person would be eligible if death were "reasonably foreseeable".

**Queensland:** parliament has set up an inquiry into aged care, end-of-life, palliative care and voluntary assisted dying. Members are strongly encouraged to submit a submissions by mid April. You don't have to be a Queenslander to make a submission.

**New South Wales:** the VAD bill of 2017 failed to pass in the Upper House by just *one vote!* A private bill introduced by National MP Trevor Khan, it's likely to be tried again after the March 2019 state election.

**Tasmania:** Tasmania could enact VAD legislation by the end of 2019, with Liberal Premier Will Hodgman flagging a potential shift in his position and all sides open to reform.

## MEMBER SERVICES

With the advent of our 'new era', members may experience some change to the level of service DWDV can offer.

The board is actively looking to how best to utilise the resources of the organisation in pursuit of its new mission - viz, to relieve distress, helplessness and suffering for Victorians with untreatable, painful or terminal illnesses.

Many members were comforted by the thought that Dr Rodney Syme would be able to call back and provide advice and support. As you will have read on page 9, Rodney has retired from the DWDV board and moved to Castlemaine. His availability now will be limited.

If you call the office and there is no-one there to answer, please *do* leave a message and we *will* get back to you.

If you need an ambulance, call 000.

## 2019 BOARD MEMBERS



NICK CARR



MEREDITH  
DOIG,  
Secretary



JOHN HONT



CARMEL  
MCNAUGHT



MARK  
NEWSTEAD,  
Treasurer



HUGH  
SARJEANT,  
President



LESLEY VICK

**Patrons:** Mr Julian Burnside QC, Hon. Rod Mackenzie OAM, Hon. Ian Macphie AO

**Special Adviser:** Lyn Allison

Published by Dying With Dignity Victoria Inc. ABN: 80 591 186 892 Reg. No: A00006974B

E: [dwdv@dwdv.org.au](mailto:dwdv@dwdv.org.au) W: [www.dwdv.org.au](http://www.dwdv.org.au) T: (03) 9874 0503

P: 5a/602 Whitehorse Road, Mitcham, Victoria 3132, Australia