

MY LIFE MY CHOICE

A newsletter for supporters of voluntary assisted dying law reform in Queensland — No.11 April 2020

Inquiry backs VAD option

Action needed sooner not later

The chair of the State Parliament's cross-party Health Committee, Aaron Harper, is right in calling its report on voluntary assisted dying historic.

Mr Harper helmed the inquiry that examined this issue on behalf of all of our 93 MPs for the very first time. He and the other MPs on the Committee gave all Queenslanders a chance to have their say on VAD and graciously listened to some very emotional witness statements.

But despite the emotions involved, the Committee has by majority decision released a [report](#) that makes recommendations for VAD laws based on the evidence put before it.

The failure of the two LNP MPs on the Committee to



Aaron Harper
Inquiry Chair

"This report is historic. No Bill for voluntary assisted dying has ever been introduced in the Queensland Parliament nor has any parliamentary committee inquired into its desirability. Our parliament can now consider and debate whether to legislate for a voluntary assisted dying scheme in Queensland based upon the recommendations in this report."

support recommended VAD laws is disappointing. To be frank, I find their reasons barely logical.

I hope their approach and opposition to the inquiry's outcome does not trigger a partisan political campaign by either major party on VAD. We cannot afford that if we are to be true to the terminally ill people who seek law reform now and who will benefit from it in the future.

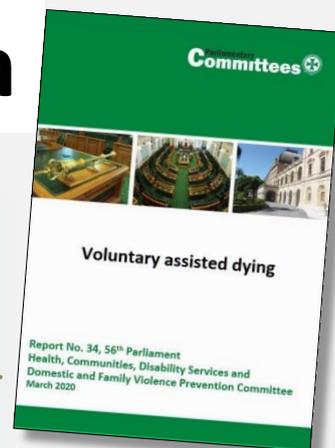
If possible we must have

VAD laws debated sooner not later, even if changes to how our parliament sits have been caused by the covid-19 crisis.

It may be feasible for the government to pause the work of State Parliament because of the virus, but terminally ill people who may benefit from VAD laws cannot pause their suffering.



David Muir
Chair
The Clem Jones Trust



Greens want reform now

Committee member and the Greens Member for Maiwar, Michael Berkman (pictured), has called for urgent action to implement VAD laws.

In the final report of the inquiry Mr Berkman lodged a statement of reservations supporting its recommendations but giving more detail of his issues.

He said new laws should be passed before the end of the current term of the Queensland Parliament.

Mr Berkman said with the benefit of experience of VAD laws elsewhere and the availability of a model Bill (See story page 2) it was possible to pass VAD laws in this term. This could make it possible to shorten the usual 18-month implementation phase seen in other states.



Mark McArdle



Marty Hunt

LNP MPs oppose offering choice

Two LNP MPs on the Health Committee, Deputy Committee chair and Member for Caloundra, Mark McArdle, and Member for Nicklin, Marty Hunt, did not back recommendations for VAD laws.

They argued that the inquiry had not paid sufficient attention to how VAD and palliative care would work together and the priority should be improving palliative care.

The pair questioned the "lack of

vigour" by the inquiry in examining the reliability of polls showing high public support for VAD laws.

They said the Committee had not made any assessment of the ethics of the pro-VAD "my life, my choice" argument in relation to the interests of an individual versus the wider society.

They also said new laws should wait until it was seen how those in Victoria and WA operated.



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Model Bill offers a head start

The first recommendation in the report of the Health Committee inquiry is to use the model VAD Bill drafted by two Brisbane-based experts as the basis for new state laws.



Lindy Willmott



Ben White

RECOMMENDATION 1:

The committee recommends the Queensland Government use the well-considered draft legislation submitted to the inquiry by Professors Lindy Willmott and Ben White as the basis for a legislative scheme for voluntary assisted dying.



The [model Bill](#) was included in a submission made to the inquiry by Professor Ben White and Professor Lindy Willmott of the [Australian Centre for Health Law Research](#) at QUT.

Both are experts in end-of-life law and have served as commissioners on the Queensland Law Reform Commission, the body often

engaged by the government to develop new laws.

The recommendation by the inquiry backing the model Bill as a starting point shows the Committee recognised the expertise of the two QUT academics as well as the practicality and suitability of the Bill they have proposed.

Some recommendations by the inquiry may not be reflected in the model Bill.

But its mere existence means the time taken to arrive at new VAD laws can be shortened while still giving all MPs and members of the community a chance to express their views. It may also mean that it is

possible to have VAD laws considered by parliament before the state election on 31 October.

With the State Budget being postponed to an as yet unknown date, there are now previously scheduled sittings that could be used to consider a Bill while not breaching social distancing rules.

Recommendations based on evidence

The Health Committee took an evidence-based approach to its deliberations which led it to recommend VAD laws for Queensland.

Its report states that it had heard “many emotional and deeply personal pleas” for VAD laws plus expert evidence, academic opinions and research results both for and against VAD.

“After considering the evidence presented in submissions to the inquiry, the testimony of expert witnesses and others with opinions, and the expert advice provided by legal, medical and other stakeholder groups, and considering the experiences of governments and citizens with voluntary assisted dying schemes operating in other jurisdictions, the Committee considers that, on balance, the Queensland community and health practitioners are supportive of voluntary assisted dying and for it to be legislated in Queensland,” the Committee’s report said.

Coronial data played significant role

The inquiry’s support for VAD laws was framed against the background of data from the [National Coronial Information System](#) showing seven terminally ill Queenslanders with irreversible physical decline take their own life each month.

In its report the Health Committee said the suicide deaths were “extremely tragic and shocking for the victims, the loved ones left behind, and for the first responders”.

Committee chair Aaron Harper went further in his foreword to the report.

“As a former paramedic, I know first-hand the difficulties faced by first responders when attending suicides,” he wrote.

“I understand the effects of suicide on families and loved ones. These are tragic and deeply upsetting situations.”

In relation to the trend identified by the NCIS figures Mr Harper was blunt.

“This must stop. In my view, suicide should never be the only option for Queenslanders suffering at end of life.”

Report puts dementia on the agenda

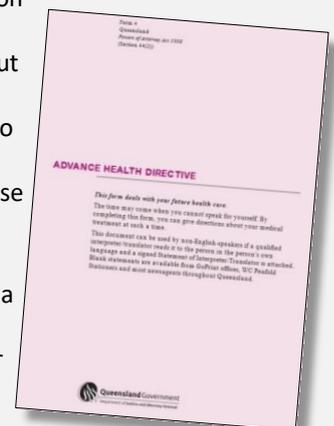
The inquiry signalled a need to address the issue of how and if those with dementia could seek access to VAD in the future.

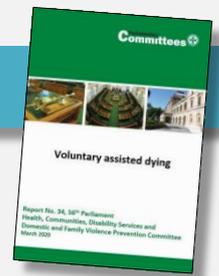
It recommended limiting VAD requests to people with decision-making capacity but noted submissions seeking to include dementia patients through the use of advance health directives.

It recommended that any Queensland VAD scheme

require further investigation into improving end-of-life options for people without decision-making capacity, “particularly in relation to ensuring advance health directives are fit for purpose and effective.”

It said there needed to be a balance between people’s wishes and protections for vulnerable individuals and medical practitioners providing VAD services.





A major campaign lies ahead

The release of the report by the cross-party Health Committee is a welcome milestone in the long campaign to see voluntary assisted dying laws enacted in Queensland.

Despite the inevitable claims to the contrary by opponents of VAD, the Committee took an evidence-based approach to determine its decision to recommend VAD laws in our state.

Evidence supporting VAD is overwhelming and it is pleasing that the Health Committee has based its majority decision on the hard evidence.

While the recommendations are a positive step, they are only the latest step in a long journey. We still have a long campaign ahead of us before we can hope to see VAD laws operating here.

The Bill we hope will be debated

‘Under voluntary assisted dying laws there will not be one single extra death, but there will be a lot less suffering.’

by our 93 state MPs has not yet been written even though the inquiry has said the model Bill submitted by Professor Ben White and Lindy Willmott is a good place to start.

We will need to undertake further active involvement in the process at the stage a Bill is drafted and released for comment. Issues such as the ability of a patient’s doctor to raise the option of VAD with them is a case in point.

Such an action is banned under Victoria’s VAD law but allowed in WA’s.

That option, I believe, is essential if we want terminally ill patients to be aware of their full range of options at end of life. It is just one issue we will need to prosecute as we go forward.

In the meantime we should be thankful that after so many years we have seen a major, positive step towards VAD laws in Queensland.

As our opponents also prepare for the battle ahead, let us remember that the majority of Queenslanders are on our side. And let’s never forget the simple truth — under voluntary assisted dying laws there will not be one single extra death, but there will be a lot less suffering.



Dr Sid Finnigan MBBS, FRANZCO
Queensland Convenor
[Doctors For Assisted Dying Choice](#)

Criteria reflect laws elsewhere

The eligibility criteria proposed by the inquiry for people seeking to access VAD in Queensland are in line with laws in other jurisdictions including Victoria and West Australia.

Those proposed to be eligible to request access to VAD:

- adults aged 18 years or older
- Australian citizens or permanent residents ordinarily resident in Queensland
- limited to people with decision-making capacity
- must be diagnosed by a medical practitioner as having an advanced and progressive terminal, chronic or neurodegenerative medical condition that cannot be alleviated in a manner acceptable to the person, and that the condition will cause death
- terminally ill patients with a mental illness should not be excluded solely on the basis of their mental illness if they meet other criteria and have decision-making capacity.

On the issue of mental illness, the Health Committee noted that VAD laws passed in both Victoria and WA made it clear that having a disability or mental illness was not sufficient reason alone to grant access to a VAD scheme.

But under both laws having a disability or mental illness would not automatically preclude a person from seeking accessing. The person seeking access must meet the criteria set out in the law including being terminally ill, and having the ability to make a decision about VAD.



TIME DIFFERENCE

The VAD scheme proposed for Queensland by the Committee would not detail precise timeframes for a person’s anticipated date of death within which voluntary assisted dying may be accessed.

In Victoria and WA a patient must be assessed by a medical practitioner as likely to die in the following six to 12 months.

For most conditions the limit is six months. In the

case of motor neurone disease and some other similar neurodegenerative conditions, this is extended to 12 months

The Committee report said the decision was based on the “complex, subjective and unpredictable nature of the prognosis of terminal illness”.

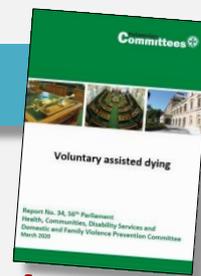
The lack of such a hard time frame is in line with the White/Willmott model Bill.

LINKS FOR FURTHER READING:

The inquiry’s [full report on voluntary assisted dying](#) is available online at the [Health Committee’s website](#).

It also contains a [summary document](#) and a volume of [additional information](#).

The Committee’s page also contains links to its report on the [aged care and palliative care](#) components of its inquiry and associated documents.



Inquiry MPs deserve thanks

Committee completes difficult and historic task

The delivery of recommendations for voluntary assisted dying laws in Queensland follows a lengthy and thorough inquiry by the Queensland Parliament's cross-party Health Committee.

The Committee, comprising six MPs and chaired by the Member for Thuringowa, Aaron Harper, undertook a big task at the direction of our State Parliament

KEY INQUIRY NUMBERS:

- 4,719 written submissions
- 41 public hearings
- 535 invited witnesses
- 17 site visits

From November 2018 they travelled the state to listen to the views and concerns of Queenslanders on aged care, palliative care, and of course voluntary assisted dying.

It was a landmark inquiry because Queenslanders have never previously been offered any formal avenue through which they could tell their state MPs how they feel about VAD.

The issue of palliative care — included in a separate report by the Committee — quite rightly comprised a big part of the Committee's workload. We have always maintained that palliative care deserves

extra funds and resources, especially in a geographically large and diverse state like ours.

We support the [recommendations on palliative care](#) made by the inquiry which, like VAD laws, need to be addressed as swiftly as possible.

Improvements to palliative care do not mean Queensland does not need VAD laws as some opponents suggest. The two systems can work together.

While the Health Committee MPs have completed their task, we must continue to pressure the state government and our local state MPs to make sure they support VAD laws whenever they reach the floor of our State Parliament.

Meanwhile we should recognise the hard work of all Health Committee MPs who served on the inquiry, even those who ended up not backing VAD laws.

Theirs was not an easy task, but we should be grateful for the unequivocal and evidence-based support for VAD laws given by the inquiry.



Jos Hall
President
Dying With Dignity Queensland
www.dwdg.org.au

COMMITTEE MEMBERS



Chair
Aaron Harper
Member for Thuringowa (ALP)



Deputy Chair
Mark McArdle
Member for Caloundra (LNP)



Joan Pease
Member for Lytton (ALP)



Michael Berkman
Member for Maiwar (Greens)



Barry O'Rourke
Member for Rockhampton (ALP)



Marty Hunt
Member for Nicklin (LNP)

Rally changes format in response to virus crisis

The rally supporting voluntary assisted dying originally planned for Thursday 19 March was postponed due to the coronavirus crisis.

The event was to be held at Speaker's Corner outside the State Parliament in Brisbane.

At that stage hard-line rules on the holding of public events involving the crowd size we anticipated had not been decreed by



Clem Jones Group CEO Peter Johnstone hosts the virtual rally

either the state or federal governments. However, it was decided to err on the

side of caution and call off the public event. In any case, the main target for

our message — the 93 MPs who usually attend State Parliament — were not present because that day's sitting was suspended.

In the place of the physical rally, Dying With Dignity Queensland arranged a "virtual rally" and showed it [live on Facebook](#).

Thanks go to all who had planned to be at the rally and all those who showed their support online.

JOS HALL