

MY LIFE MY CHOICE

A newsletter produced for the dominant purpose of educating and raising awareness of the need for voluntary assisted dying law reform in Queensland — No.19 December 2020

LET'S GET IT RIGHT

Drafting a good VAD law is paramount

There is no doubt Queenslanders want workable laws offering voluntary assisted dying (VAD) in our state as soon as possible.

New laws are now in place in Victoria and Western Australia while progress is being made in Tasmania and South Australia.

Many people have worked hard for decades to advocate for VAD laws in Queensland. As we near the end of 2020 we can be satisfied that progress has been made in achieving that goal under very difficult and challenging circumstances.

Of course the delay imposed by the COVID-19 pandemic could never have been foreseen and has impacted the timetable for law reform. Ideally we would have seen a VAD Bill voted on by the previous State Parliament, but that did not happen and we now look forward to having MPs consider a Bill in 2021.

In the election campaign Premier Annastacia Palaszczuk said she wanted a Bill sent to parliament in February next year. Given that the Queensland Law Reform Commission was asked to report back to the government with a VAD Bill by 1 March next year, the Premier's new timetable was always going to be ambitious.

The QLRC has had the benefit of a model VAD Bill drafted by two

Brisbane-based end-of-life legal experts and former QLRC members, Professor Ben White and Professor Lindy Willmott, which the Health Committee Inquiry into VAD recommended as a starting point for a new law.

But while the White/Willmott model Bill is very sound and will



The Premier... the Attorney-General... and the QLRC chair

no doubt assist the QLRC in its work, we must remember it is a starting point and not a final Bill.

It is the QLRC that will draft the state's VAD Bill. The staff of the QLRC under its chair, Justice Peter Applegarth, has done an immense amount of work so far and has much more to do.

Recently Justice Applegarth was reported as saying he was talking to the new Attorney-General Shannon Fentiman about the need for a "realistic" time frame for delivering a draft Bill.

This suggests the QLRC may seek an extension of the original 1 March deadline, despite the Premier's efforts to bring forward

its introduction to the State Parliament. In light of these events we should be prepared for the deadline to be extended. While some may be disappointed if that happens, the overriding aim should be to get the Bill right.

Having a sound and workable VAD Bill is paramount.

Opponents already claim VAD law reform is being rushed – giving some MPs an excuse to vote against a Bill. We should not allow that to happen.

While it may be a difficult and disappointing decision to accept right now, we need to get the new law right or else risk seeing it voted down on the floor of parliament.

A delay now may well be a sound investment in our future VAD laws.



David Muir
Chair
The Clem Jones Trust

TIMELINE

AUGUST 2018: Premier announces a parliamentary inquiry into end-of-life issues including aged care, palliative care, and VAD.

NOVEMBER 2018: Queensland Parliament asks its cross-party Health Committee to conduct the inquiry.

NOVEMBER 2018 – MARCH 2020: The Health Committee Inquiry receives 4,719 written submissions, holds 41 public hearings, listens to evidence from 535 witnesses, and conducts 17 site visits.

MARCH 2020: The Inquiry's report recommends VAD laws for Queensland. Two LNP MPs on the six-member committee do not support the finding.

MAY 2020: Premier refers the inquiry report to the [QLRC](#) and asks it to prepare a VAD Bill by 1 March 2021.

OCTOBER 2020: Premier commits to sending a Bill to parliament by February 2021.

NOVEMBER 2020: QLRC chair Justice Peter Applegarth says the government should be "realistic" about fast-tracking the VAD Bill.



VAD laws gain support of top Libs in Tas

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MPs have a clear choice to make

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Tasmanian Lib leaders back reform

Former opponents give support to Gaffney's Bill

The prospect of VAD laws being enacted in Tasmania has been given a boost by the declaration by the state's Premier Peter Gutwein that he supports them.

Deputy Premier in the Liberal Party government, Jeremy Rockliff, has also [expressed his support](#).

Both men have voted against VAD Bills when they have been presented to the Tasmanian Parliament on previous occasions.

But both have recently said they would back the VAD Bill drafted by upper house Independent MP Mike Gaffney – the fourth time a VAD law has been presented.

Mr Gaffney's Bill is being considered by the lower house following its amendment and approval by the upper house.

The Premier has signalled he will establish a specialist panel through the University of Tasmania to examine the Bill before debate resumes next year.

Mr Gutwein said he had based his support for the Gaffney law on his personal experience of losing his father to aggressive pancreatic cancer in 2011 and the 2012 death of his sister from an aggressive ovarian cancer.

The Premier said he believed individuals "should take personal responsibility for their actions during their life".

"I believe in freedom of choice and that's why I support this Bill," he said.

Mr Rockliff said he had opposed previous VAD Bills but he was satisfied with the "high levels of oversight and security" in the Gaffney Bill.

Premier's VAD support

DAVID BELLIC
TASMANIA is set to become the first Australian state to give the right to die to those who are terminally ill and suffering unbearably. The Premier, Peter Gutwein, has signalled he will establish a specialist panel through the University of Tasmania to examine the Bill before debate resumes next year.



Clockwise from top right: Gutwein, Rockliff, Courtney, and White



Another senior Liberal Party MP, Health Minister Sarah Courtney, said she also supported the Bill.

"It is about empowering a person, an individual, a Tasmanian, at a time of great need," she said.

"It is about being compassionate and providing the best professional advice and support."

Opposition Labor Party leader Rebecca White said the Bill would support those who wanted to make a conscious choice to die with dignity.

"I want our society to be one that is kind and compassionate and one where we do give people the choice about their death," she said.

Oversight chief explodes the coercion myth

There has been no evidence of the often-alleged abuse of VAD laws by children seeking to hasten the end of a parent's life with the aim of accessing their estate sooner.

Betty King (*pictured*), the chair of the Voluntary Assisted Dying Review Board established as an oversight body under Victoria's VAD Act, said such concerns were baseless.

"All those concerns about children trying to kill their parents to gain an inheritance, it just hasn't been an issue," Ms King said in an interview with *The Australian*.

"First of all it simply can't be done under this legislation, the safeguards are too rigorous and there are criminal penalties for any coercion.

"And secondly, we consistently see that the children are initially pushing more the other way, keen to talk their parent out of going down the path allowed by these laws.

Absence of malice in assisted dying

STEPHEN LUNN
SOCIAL AFFAIRS EDITOR

Has Victoria's voluntary assisted dying regime led to middle-aged children nudging frail parents towards a quicker death to speed up an inheritance?
Not even close — and indeed quite the opposite — according to Betty King, chairwoman of the state's Voluntary Assisted Dying Review Board.
"All those concerns about children trying to kill their parents to gain an inheritance, it just hasn't been an issue," Ms King told *The Australian*.
"First of all, it simply can't be done under this legislation, the safeguards are too rigorous and there are criminal penalties for any coercion."
"And secondly, we consistently see that the children are in-

itially pushing more the other way, keen to talk their parent out of going down the path allowed by these laws.

"But the parent is saying to them, 'I love you, and I hear what you are saying, but it's my life and I want to control it,'" she said.

"And by the end of the process so many of the children have been turned around in their thinking."

Victoria's VAD scheme began operating on 19 June 2019. The [most recent report](#) by the VAD Review Board showed 231 permits issued in Victoria between June last year and the end of June 2020. Of those, there have been 124 confirmed VAD deaths — 104 by self-administration of a VAD substance and 20 administered by a medical practitioner.



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A Biblical response

In the current VAD debate in Tasmania Ian Wood, national coordinator of VAD advocacy group [Christians Supporting Choice for Voluntary Euthanasia](#), wrote a letter to the editor of *The Examiner* that tackled arguments using the often-quoted Biblical commandment "thou shalt not kill" as a basis to oppose law reform.

In his letter Ian Wood wrote that the Commandment "Thou shalt not kill" has nothing to do with VAD, where a person facing death with unbearable suffering requests and is given assistance to end that suffering as a final act of love and compassion.

"First, that Commandment correctly translated is 'Thou shalt not murder', ie: kill with malice," he wrote.

"Second, the same Bible (Old Testament) describes numerous mass killings.

"Third, the same Bible (OT) prescribes the death penalty (ie: kill by stoning) for many offences including for gathering sticks on the Sabbath, for children who overeat or answer back their parents, and for those who have sex with their mother-in-law."

We need to focus on the key 93

State MPs will now decide fate of Queensland VAD laws

I want to take this opportunity to thank all members and supports of Dying With Dignity Queensland for their efforts throughout this year to assist in our campaign for VAD law reform.

As I have said on numerous occasions, we are right now closer than we have ever been to achieving voluntary assisted dying laws in Queensland.

But we have not yet reached our goal. This year has delivered all of us many challenges we never imagined we would need to face.

The COVID-19 pandemic and consequent lockdowns, changes to work arrangements, and social isolation and distancing measures dramatically changed our VAD campaign.

We had hoped that VAD laws



Queensland Parliament ... focus for 2021

would by now have been drafted, debated, and hopefully passed by our State Parliament.

But the pandemic dashed those hopes as the state government shifted almost all of its efforts to fighting the impacts of the coronavirus and to keeping Queenslanders safe.

This meant recommendations made by the Health Committee Inquiry into VAD made in March

were not given a government response until May and then the Premier referred the matter to the Queensland Law Reform Commission to draft a VAD Bill by March 2021.

This put off any legislative action until after the October 2020 state election.

It also meant our My Life My Choice coalition and others had to do all we could to ensure

candidates standing at the election were held to account for their views on VAD.

We did not endorse any candidates or parties, but the election outcome was the best possible option for VAD law reform. We now have a government that is intent on sending a government-backed VAD Bill to our Parliament.

But that means our focus must continue to be the 93 MPs who will consider and vote on that Bill once the QLRC's draft is accepted by the government.

I look forward to your ongoing support in our endeavours to see a VAD law become a reality next year.



Jos Hall
President
Dying With Dignity
Queensland

www.dwdq.org.au

Budget delivers palliative care boost

The 2020-21 State Budget delivered by Treasurer Cameron Dick has outlined the commitment to extra funds for palliative care made by Premier Anastacia Palaszczuk in the election campaign.

The Premier promised extra funds totalling \$171 million over six years for the palliative care sector.

Advocates of voluntary assisted dying have always supported extra funds and resources for palliative care. We do not view VAD and palliative care as being mutually exclusive.

It is not a matter of having one or the other.

Both sectors can, and in jurisdictions elsewhere with VAD in place, do work together to offer better end-of-life options.

While welcoming the funding boost, the sector's peak body Palliative Care Queensland said more was needed to adequately meet demand.

CEO of PCQ, Shyla Mills said at the time of the Premier's campaign announcement that the extra funds equated to around an extra \$28.5 million a year over six years but more was needed "to provide universal access to care for all Queenslanders".

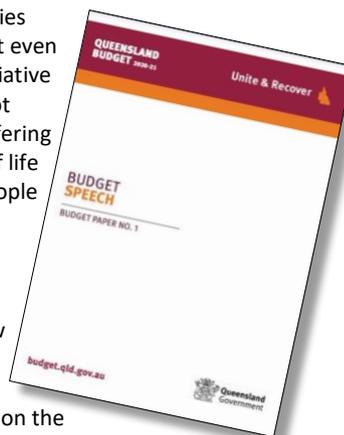
PCQ has adopted a neutral stand on VAD law reform.

However, many opponents of VAD claim a well-funded system of palliative care is all that is needed.

This ignores evidence presented to numerous public inquiries showing that even the best palliative care does not relieve all suffering at the end of life for some people who would benefit from VAD laws.

The two now defeated or retired LNP MPs serving on the Health Committee Inquiry that recommended VAD laws claimed not enough emphasis was given to palliative care.

However, the Inquiry did spend considerable time examining palliative care across the state. The two former LNP MPs also ignored the fact that a full public inquiry by the Health Committee operating in the 2012-15 parliament under the former LNP government held a full inquiry into palliative care but its recommendations were not acted upon.



WHERE THE MONEY GOES

The Palaszczuk Government' says its promised six-year boost to palliative care funding will:

- develop a palliative and end-of-life care strategy to improve access and choice for Queenslanders
- invest \$102.5 million to employ more front-line palliative care staff
- invest \$54.8 million for community-based service providers to deliver home-based hospice care for adults and children and after-hours services delivered through Hospital and Health Services
- enhance palliative care digital services and telehealth support for patient and for staff
- launch a 24/7 hotline to provide support to palliative care practitioners
- deliver additional palliative care public education and advocacy, including advice on advanced care directives, wills and enduring powers of attorney.

JOS HALL

All MPs have a choice to make

Opponents should not stand in the way of reform

When a VAD Bill reaches the floor of our Queensland Parliament, every single one of our 93 state MPs need to know the views of their constituents on this important issue.

That is why Queenslanders who want a better choice at the end of life need to let their MP know that they expect them to support a VAD Bill.

At the 31 October state election the member groups of the My Life My Choice coalition canvassed all candidates on their in-principle views on VAD.

We believed voters needed to know where their local MP and candidates seeking to be their MP stood.

Queenslanders then had the opportunity to choose which candidate would receive their vote.

Now, with the election over and a new State Parliament formed, the tables are turned. Now it is MPs who must vote for their constituents. They will soon be asked to vote for a VAD Bill.

A vote on a VAD Bill will be a conscience vote, giving MPs the right to exercise their



vote even if it contradicts their political party's official policy.

For instance, the Labor Party's platform supports voluntary assisted dying while the LNP's opposes it.

But under a conscience vote arrangement, a Labor MP would be free to express their opposition to a VAD Bill just as an LNP MP would be free to express their support.

Some MPs of all parties may find the idea of voluntary assisted dying conflicts with their personal religious beliefs and, as an individual, they may never choose to seek access to a VAD system.

But all 93 MPs need to recognise that a

VAD law will be supported by a majority of their constituents. Lawmakers elsewhere whose personal or religious beliefs conflict with the principles of VAD have supported law reform on the basis that they recognise a VAD law offers their constituents a choice that should not be denied to them.

Alternatively, if an MP has a genuine conscientious objection to VAD that leads them not to support it, then they have the option of not voting against it but abstaining from any vote. That means they will not stand in the way of reform that is backed by others.

All MPs will soon face this choice. Their constituents can help them make their mind up by telling them loud and clear that they expect them to either support a VAD Bill in 2021 or at the very least, not stand in the way of others wanting to deliver a better end-of-life choice to all Queenslanders.



Dr Sid Finnigan MBBS, FRANZCO
Queensland Convenor
[Doctors For Assisted Dying Choice](http://DoctorsForAssistedDyingChoice.org)

Legislators back new laws despite personal views

MPs from various parties in the WA Parliament cited their constituents' support for VAD when deciding their vote during [debate](#) on the state's new law in September 2019.

Bill Marmion (Liberal) – Deputy WA Opposition Leader: "This Bill is about providing those people who have a terminal disease or illness the choice to decide whether they wish to access VAD. It is clear that the people of the Nedlands electorate overwhelmingly support this Bill. It is also clear that they expect me to represent their wishes in this house."



In October 2015 then Governor of California, Jerry Brown — a lifelong Catholic and former Jesuit seminarian — signed a VAD Bill into law saying: "I do not know what I would do if I were dying in prolonged and excruciating pain. I am certain, however, that it would be a comfort to be able to consider the options afforded by this Bill. And I wouldn't deny that right to others."



Mia Davies, Nationals WA Leader: "I am pleased to offer my support for the *Voluntary Assisted Dying Bill 2019*. I do so knowing that I have been on the public record opposing VAD in the past... However, I believe that my decision today reflects the wishes of the majority of my electorate and it is by their good grace and support that I stand here today."

In March 2019 New Jersey passed a VAD law. When Governor Phil Murphy, a Catholic, signed it into law, he said: "I have concluded that, while my faith may lead me to a particular decision for myself, cannot deny this alternative to those who may reach a different conclusion. Allowing terminally ill and dying residents the dignity to make end-of-life decisions according to their own consciences is the right thing to do."



Roger Cook (Labor) – WA Health Minister: "When suffering cannot be relieved this Bill will provide a safe and compassionate way to access VAD, and it will do so in a way that provides a choice — a choice based on enduring consent, and a choice that, if faced with such suffering at the end of their life, the vast majority of Western Australians have indicated they want such patients to be able to consider."



To all our readers



Have a happy and safe Christmas and New Year.



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Doctors for Assisted Dying Choice

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The My Life My Choice monthly newsletter is produced by the Clem Jones Group, Dying With Dignity Queensland, and Doctors For Assisted Dying Choice (Qld) for the dominant purpose of educating and raising awareness of voluntary assisted dying.