

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.20 January 2021

TELL YOUR STATE MP: IT'S MY LAW

This time they must vote for you

As the Queensland Law Reform Commission continues its work drafting a voluntary assisted dying Bill, advocates of VAD need to continue pressing their local state MPs to support law reform.

In October we all voted in a state election that resulted in the re-election of Premier Anastacia Palaszczuk's government.

While VAD advocates would have voted for different parties the end result is that MPs of all political colours now face the prospect of voting on a VAD Bill this year.

In December I attended a news conference with then Acting Premier Steven Miles and Attorney-General Shannon Fentiman (*pictured*) to support the government's amended timetable for VAD law reform.

The Queensland Law Reform Commission will now provide the government with a progress report in February on its work drafting a VAD Bill.



A final report on a VAD Bill will be delivered in May which will then be subjected to the normal public scrutiny process applied by the new Health Committee of the 57th Queensland Parliament.

That means debate on the VAD Bill will likely not occur until the sittings from August and September onwards.

A vote on a VAD Bill is not about them, which is why our 93 MPs must know

IT'S **MY LIFE**
IT'S **MY CHOICE**
AND I WANT **MY LAW**

In the meantime it is up to all advocates of voluntary assisted dying law reform to give the unmistakable message to all 93 state MPs that we want to see VAD laws passed.

In October you voted for the person you wanted as your local state MP.

Now it is their turn to vote for you – to vote for a law you and the vast majority of Queenslanders want that gives us all the choice of whether or not we seek access to VAD if and when

we may need it. We know – and the evidence from three extensive parliamentary inquiries in Victoria, WA, and Queensland confirms – that a VAD law will give us all better options at the end of life.

That's why our 93 state MPs should support a VAD Bill in a conscience vote even if their personal view may mean they

would not seek to access VAD for themselves.

The coming vote on a VAD Bill is not about them. It's about you and all Queenslanders wanting to see a VAD law enacted.

Which is why all MPs must get the simple message: It's my life, my choice, and I want my law.



David Muir
Chair
The Clem Jones

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NSW voters want VAD

74% of Coalition supporters back reform



Research by the Australia Institute shows a significant majority of voters in New South Wales want to see voluntary assisted dying legalised in the state.

The Institute surveyed 1,038 NSW residents between 10 and 16 December 2020.

The polling showed that the type of VAD scheme implemented in Victoria was backed by a clear majority of voters in NSW.

Ben Oquist, executive director of the Australia Institute, said the poll showed NSW voters “want the right to die with dignity”.

“Victoria has led the way in this space and our research shows that people in NSW

want their state to follow,” Mr Oquist said.

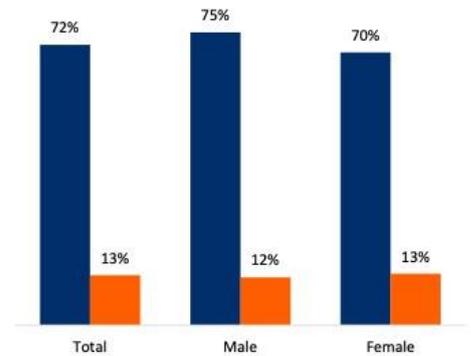
“This is not an easy subject for some in the community to deal with, but it is clear from these results that people in NSW want voluntarily assisted dying laws to be enacted.

“This should not be a party political discussion. Voters of all types support this legislation, including 74% of Coalition voters,” he said.

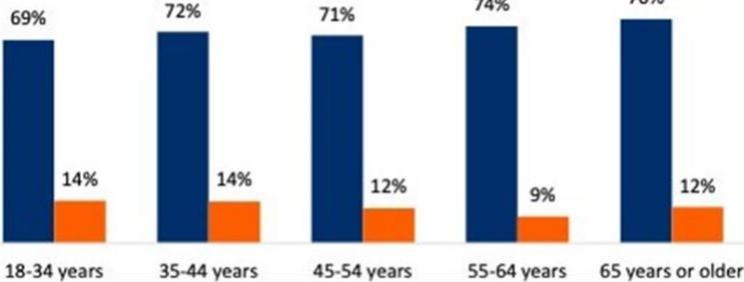
The research findings showed high levels of community support for VAD across genders, age groups, and political party affiliations (see graphs).

VAD should be legal (total/by gender)

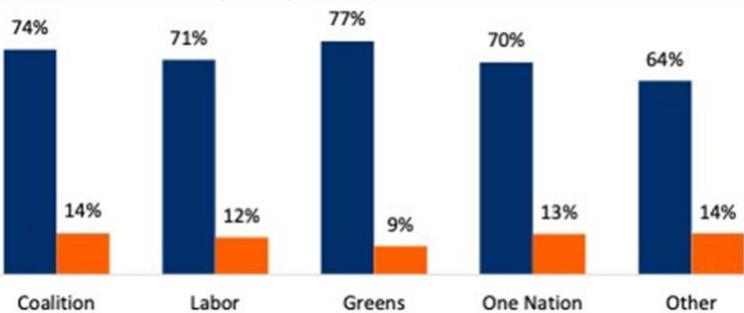
■ Yes, voluntary assisted dying should be legal
 ■ No, voluntary assisted dying should be against the law



VAD should be legal (by age)



VAD should be legal (by voting intention)



KEY FINDINGS:

- More than seven out of 10 NSW residents (72%) say VAD should be legalised.
- 13% say it should not.
- Coalition voters were among the strongest VAD supporters.
- 74% of coalition voters back VAD law reform in general.
- Three out of four NSW residents (75%) support introducing the specific VAD model that has operated in Victoria since 2019.
- 76% of Coalition, 76% of Labor, 83% of Greens, 73% of One Nation and 62% of those supporting independent or other candidates specifically back VAD laws similar to those in Victoria.

Progress on Spain’s proposed new law

The lower house of Spain’s parliament passed a voluntary assisted dying Bill in December.

The Bill is now to be considered by the parliament’s upper house which may make its own amendments.

A total of 198 MPs voted in favour of the Bill in the lower house, with 138 opposed – mainly from right-wing or far-right parties. Their opposition reflected campaigns against the VAD law by religious groups in the largely Catholic nation.

The legislation as passed by the lower house enables those with “serious and incurable” diseases



that cause “unbearable suffering” to choose to access VAD and end their lives.

The VAD Bill was introduced in February last year by the government of Prime Minister Pedro Sanchez (pictured) which argued for the removal of an article in the nation’s criminal code prohibiting anyone from

assisting in the death of a terminally ill person.

Health Minister, Salvador Illa, was reported as saying: “It is an important day for all citizens because we are moving towards a more humane and just society. But above all, it is an important day for those people who are in a situation of serious suffering, and it is also important for their families and people close to them.”

A former health minister María Luisa Carcedo said the Bill was “a step forward in civil rights”.

Far from being “an imposition by the state,” she added, the law meant that “it is the patient who decides.”

MAKE SURE YOU TELL YOUR STATE MP:

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Bipartisan push for NT VAD law powers



“Give us the right to make the decision”

NT Chief Minister Michael Gunner

A federal law passed with bipartisan support in 1997 to block the Northern Territory from considering VAD laws is facing bipartisan calls for its scrapping.

All four of the [NT’s federal MPs](#) from both the Labor Party and Country Liberal Party say the *Euthanasia Laws Act* should be withdrawn by Federal Parliament.

The NT’s Chief Minister Michael Gunner told the ABC in Darwin that he [had written](#) to both the Prime Minister Scott Morrison and the Opposition Leader Anthony Albanese in a bid to have the law revoked.

Mr Gunner, head of the NT’s Labor Party government, cited the passage of VAD laws in both Victoria and Western Australia as one reason the federal law should be abolished.

He said the NT Parliament should have the power to make its own VAD laws if it so decided.

“What I’ve put to Prime Minister Morrison and Opposition Leader Albanese is to give us the right to make the decision,” he said.

“You don’t know what our decision will be, I don’t know what our decision will be, it’s a conscience vote in the parliament here in the Territory.

“But we should have the right to make that decision. At the moment we’re denied that right,” Mr Gunner said.

One of the NT’s four federal MPs, Country Liberal Party Senator for the NT, Sam McMahon, said the federal law should never have been passed.

“I don’t think they should have done it at the time, the Territory showed it was progressive on this issue and well ahead of the rest of Australia,” she said.

“It shouldn’t have happened at the time and it certainly should be still in place.”

Senator McMahon sits with the National Party when in Canberra.

She said given the right regulatory framework, she was “fully supportive” of VAD.



“The Territory showed it was progressive on this issue and well ahead of the rest of Australia”

Senator Sam McMahon

The legal battle in the Territory:

- **In 1995 the then Chief Minister Marshall Perron succeeded in sponsoring a VAD Bill in the NT Parliament.**
- **The [Rights of the Terminally Ill Act 1995](#) made VAD legal in the NT from July 1996.**
- **Federal Parliament passed the *Euthanasia Laws Act 1997* sponsored by Federal Liberal Party MP Kevin Andrews as a private member’s Bill with support from some Labor Party MPs.**
- **It blocked territory governments in the NT and ACT from enacting VAD laws – a power the Federal Parliament could not exercise over state governments.**
- **In the nine months it was in effect only four people used the NT law before it was overturned.**
- **Several efforts have been made to overturn the federal laws, [most recently in 2018](#), without success.**

No surprises in latest NSW polling

The high level of support for voluntary assisted dying identified among New South Wales voters in market research by the Australia Institute outlined elsewhere in this newsletter should not surprise anyone.

While a high level of public support for any positive social reform is always welcome, for many years now VAD has consistently achieved support levels reaching into the 70% and 80% levels.

This should give comfort to the 93 MPs in the Queensland Parliament who will be asked this year to consider and vote upon a VAD Bill.

But advocates of reform have not relied solely on the high level of public support to

encourage MPs to vote for VAD Bills.

The pioneer of VAD laws in Australia, and indeed the world, former Chief Minister for the Northern Territory, Marshall Perron (*pictured*), puts it very succinctly.

He maintains that VAD law reform is quite simply the right thing for MPs to do.

So they should support it even if attracted only a low level of community support.

He made that point in evidence to the cross-party Health Committee Inquiry into end-of-life issues including VAD.

When he appeared at one of the Inquiry’s Brisbane hearings on 5 July in 2019 [Mr Perron told MPs](#): “People have said



that politicians should act on this issue because 85% of the community wants them to.

“I consider the 85% simply a political bonus. I believe this legislation should pass if 5% of the community wants it because it is an option to be taken by those people who want the option.”

His words are especially important in light of the new push to revisit VAD laws in the NT.

As our state MPs prepare to consider a VAD Bill we need to remind them that their central task to do the right thing.

A VAD law will not deliver open-slathe access to a voluntary assisted dying scheme. It will simply give the terminally ill the right to voluntarily seek access to such a scheme to end their suffering. It will be up to a patient to determine if they make that choice and to find out if they met legislated criteria.

Passing a law that delivers that choice is the right thing to do.



Jos Hall
President
Dying With Dignity
Queensland

Moves made in New Mexico

A legislator in the US state of New Mexico is again pushing to have the state adopt VAD.

[Representative Debbie Armstrong](#) has previously tried to have her VAD Bill passed in 2017 and 2019 without success.

A personal story told by a local resident through the news outlet *The Santa Fe New Mexican*, urged lawmakers to pass the Bill.

Berton Coxe [wrote](#) of how his wife's sister had taken her own life after struggling with Parkinson's disease and cancer. She died alone because she had not wanted to involve anyone in her death for fear of them being charged with a criminal offence.

"In a loving and humane world, this situation would never happen," he wrote.

Mr Coxe contrasted his sister-in-law's tragic and lonely death with that of a friend's mother in Colorado using voluntary assisted dying, or medical aid in dying as it is called in the US.

"All of her four children, their spouses and her grandchildren were with her, holding her hands, during her final moments," he said.

"She had been previously prescribed a humane and effective dose of medicine to cause her death at the time of her own choosing, as opposed to her trying to come up with some half-baked, homemade method involving a pill hoard, a tank of gas or a gun."

Mr Coxe strongly urged his state lawmakers to pass Armstrong's proposed law "so families in this state are spared much of the pain my family had to endure."

"I am asking all New Mexicans to contact their state representatives and [state] senators to urge them to vote for this legislation," he wrote.

US nurses cite palliative care shortcomings in call for VAD

Registered nurses in the US state of Massachusetts have called for the state's legislature to pass a proposed VAD law, saying while palliative care standards are high it does not address all end-of-life suffering.

In [an open letter](#) the nurses said a VAD Bill currently being considered should be passed.

They said they backed the proposed law because they had all cared for terminally ill patients and had "seen too many leave this world in severe pain and often prolonged, unrelieved suffering".

"Hospice and palliative care have come a long way in the past few decades, helping the majority of people with terminal cancer, heart disease, and other illnesses to remain as comfortable as possible in their final stage of life," the nurses wrote.

"But in our experience, a significant number of people — along with their loved ones and families who helplessly witness their suffering — would have wanted the option of a self-administered peaceful, painless death in their



sleep by medication prescribed by their doctor, and at a time of their choosing.

"We urge the public to join us in contacting our legislators, and urging them to support passage of this Bill before the session is over at the end of this month.

"Then contact people you know all over the state, and urge them to take similar action."

Maltese MP backs legal framework

The Mediterranean island nation of Malta has started a public debate on whether or not to legalise voluntary assisted dying.

Prime Minister Robert Abela [has declared](#) it was time for a national discussion.

A Maltese MP supporting VAD, Daniel Micallef, said different views should be respected and it was important that the discussion was not politicised.

Mr Micallef is deputy leader of the Prime Minister's Labour Party.

Mr Micallef said there was a need to strengthen palliative care but the way a person spent their last hours "should not be at the mercy of the doctor's morals".



Daniel Micallef

He cited [a 2016 survey](#) that found that due to lack of guidance Maltese doctors used religion and their philosophy on life to make decisions on end-of-life care with almost one in two doctors saying they believed that religion was very important in the end-of-life choices they made.

"On the basis of these findings, it would be better for doctors and patients to have a legislative framework which safeguards both," Mr Micallef said.

He said he had witnessed his father's painful death from a terminal illness a decade ago.

Since then his views on the issue had "evolved and strengthened".

"Each family has experienced the suffering of loved ones and, when you experience it, it gets you thinking," he said.

"If I had to pass through something similar I would like to have the choice over my body or over my life."

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Doctors support VAD

Profession's 'total opposition' a myth

The news that an Austrian federal court has made a landmark ruling opening the way for voluntary assisted dying laws in that country (See story below) is significant in more ways than one.

The Constitutional Court delivered its findings last month after several Austrian citizens had [reportedly](#) asked its judges to address the shortcomings in the nation's current criminal code.

Those plaintiffs had included a 56-year-old bed-ridden man with multiple sclerosis who declared he wanted to have the ability to end his own life but could not do so without assistance from someone else, which was illegal under the law as it now stood.

Another citizen who pressed the court to address the current legal position was a doctor who declared he would like to assist people such as the man with MS without facing legal and professional consequences.

This newsletter also carries a story citing a 2016 survey of doctors in Malta that showed high levels of opposition to VAD.

The fact is that as in the wider community, views differ on VAD among doctors. But we must remember that the idea of all medical professionals being opposed to VAD is a myth.

Here in Australia anyone following the public debate on VAD may think that the anti-VAD policy of the Australian Medical Association means all doctors oppose it.

But that is plain wrong. The AMA's [official policy against VAD](#) does not represent the views of all of its member doctors.

Also we need to always bear in mind that across Australia fewer than one in every



three doctors chooses to be an AMA member.

In October 2016 leading medical publication *Australian Doctor* [reported poll findings](#) of 65% support for VAD law reform. Even the AMA's own internal polling found more than half of its members believed VAD could form a legitimate part of medical care.

While the AMA's executive opposes VAD, it also takes the common-sense view that changes to the law are ultimately a matter for the wider community. This means that, as now happens in Victoria and soon West Australia, doctors who are AMA members would work within any Queensland VAD law when complying with the requests of terminally ill patients

In the VAD debate we all must respectfully recognise the positions taken by those who engage in discussions based on facts and evidence, such as the fact there is not a single anti-VAD view among doctors.

But we need to also recognise that the aim of those of us advocating for VAD law reform is to deliver a legal choice and another option to those who may otherwise suffer at the end of life.



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

Austrian court ruling

A ruling by the Constitutional Court of Austria will force the nation's government [to enact a VAD law](#).

The ruling overturned part of Austria's criminal code that made it illegal to induce or assist in the death of another person.

The court found that some of the wording of the relevant clause of the code was unconstitutional and would be removed by the end of 2021, effectively forcing the national government to implement a VAD law.

The court said the clause "violates the right of self-determination because (it) bans every kind of assistance under all circumstances".

The court said the right to self-determination included the right to a "dignified death".



Austria's Constitutional Court

The [Constitutional Court](#) has not yet published an English-language version of its [ruling](#).

Conservative MP sees crucial link

A UK MP has [secured a commitment](#) from the British Government for further research into the phenomenon of terminally ill people taking their own lives in the absence of voluntary assisted dying.

In the House of Commons, Andrew Mitchell [directed a question](#) to the Secretary of State for Health and Social Care, Matt Hancock.

Mr Mitchell said nearly 10% of suicides in the UK were by people who are terminally ill. He sought a commitment from the Health Secretary for further research into the relevant data.

"To add to knowledge, information and understanding, will the Secretary of State and his Department make a point of working with coroners and the Office for National Statistics from across the country, so that we can understand the true extent of these tragedies?" Mr Mitchell asked.



Andrew Mitchell

Mr Hancock agreed to undertake the research.

VAD is not legal in the UK. Mr Hancock is a VAD supporter as well as being the co-chair of the All Party Parliamentary Group on Choice at the End of Life.

VAD inquiries in Victoria, WA, and Queensland have all heard evidence based on coronial data revealing self-inflicted deaths by terminally ill people.

The [National Coronial Information System data for Queensland](#) shows seven such deaths every month in the absence of VAD laws.



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[Doctors for Assisted Dying Choice](http://www.dr4assisteddyingchoice.org)

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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 law reform in Queensland and other states and territories.