

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.21 February 2021

MPs must get ready VAD Bill to spark constituent questions

INSIDE
THIS
EDITION:

Queensland's 93 state MPs need to be ready for the arrival in coming months of a Bill to establish voluntary assisted dying in our state.

The [Queensland Law Reform Commission](#) which was tasked by the state government last year to draft a VAD Bill has now delivered a [progress report](#) on its work.

It is satisfying to know that the QLRC is taking a considered and careful approach to a complex subject and is basing its work on solid evidence, principles, and values.

Its interim report also shows that the QLRC is examining VAD laws already operating or planned in jurisdictions elsewhere in Australia or overseas while ensuring that any Queensland law works to meet our state's unique demands and challenges, such as its vast and diverse physical characteristics.

As the chair of the QLRC, Supreme Court judge Justice

Peter Applegarth, notes in the interim report: "The Commission's task is to develop 'the best legal framework for people who are suffering and dying to choose the manner and timing of their death in Queensland'. The legislation has to be suited to Queensland's unique conditions.

"The Commission's goal is to develop detailed legislation that is compassionate, safe and practical," Justice Applegarth says.

He also confirmed his aim to deliver a final report together with a VAD Bill by the agreed deadline of 10 May, but qualified the commitment by not ruling out a possible request for an extension of the reporting date.

VAD advocates would be disappointed and very

concerned about any further delay in drafting a Bill. We recognise the need to get it right when drafting a VAD Bill, but terminally ill people are not able to hold on their suffering.

A VAD law is needed as soon as possible and we sincerely hope an additional delay does not eventuate.

What is unarguable is the fact that all of our 93 state MPs must soon be prepared for when their constituents begin to consider the implications of a VAD

Bill and what is means for their own end-of-life choices.

Once a VAD Bill is released publicly after it is delivered to the government by the QLRC, MPs will no doubt face requests for more information.

The My Life My Choice partner groups stand willing and prepared to support any MP wanting to arrange a public forum where their constituents can discuss the issue of voluntary assisted dying and how it fits with other end-of-life options including palliative care.

Right now many MPs say they are not able to declare whether or not they support a VAD Bill because they have not yet seen its contents.

Others are happy to declare their in-principle support, while a handful have already decided they will not vote for VAD regardless of the views of their constituents.

No matter what position any MP takes at present, their constituents will soon be asking them questions that they will need to answer.



Justice Peter Applegarth



David Muir
Chair
The Clem Jones

South African court
mulls faith issues

Page 2

Portuguese law waits
on review ordered
by president

Page 2

Tassie's Liberal
Premier prioritises
debate on
independent's Bill

Page 3

We all need to
stay friends
on Facebook

Page 4

Architect of NT and
ACT gag law goes

Page 4

Katter Party ignores
the wishes of its own
constituents

Page 5

Irish doctors' group
backs VAD Bill

Page 5

IT'S

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South African court considers VAD and faith



Atheists expand argument to 'Christian values'

Two South Africans – a palliative care specialist and patient both with terminal illnesses – are seeking a ruling from the country's High Court in favour of voluntary assisted dying.

Palliative care specialist Suzanne Walter and one of her patients Diethelm Harck are [seeking a court ruling](#) enabling them to access assistance from a medical practitioner to end their lives when they decide to do so.

Dr Walter, 47, was diagnosed in 2017 with multiple myeloma and Mr Harck, 71, was diagnosed in 2013 with motor neurone disease.

They initiated their legal action in 2017 and a High Court hearing was expected to start this week.

Both have argued that they are suffering "torturing symptoms" from their terminal conditions.



The High Court in Johannesburg

They claim that when they decide to end their lives they may not be capable of ingesting the necessary medication and are seeking a ruling that would allow a willing doctor to assist them.

However, at present any such doctor who helped them would

face being struck off the roll of the Health Professionals Council of South Africa ([HPCSA](#)) for unprofessional conduct.

Both applicants say that the current law and the policy of the HPCSA affect their right to dignity, their choice of how they live, and how they choose to die.

Religious argument.....

The legal action by Dr Walter and Mr Harck has been joined by lawyer Bruce Leech and Dr Paul Rowe [who proclaim themselves as atheists](#).

Both Mr Leech and Mr Rowe argue that Christian values inherent in South Africa's legal system and public policy should not be imposed on them.

Mr Leech said: "Christian values are imposed directly and indirectly on people who do not necessarily share those values. I do not share these beliefs and neither does Dr Rowe."

Both the SA government and the HPCSA are opposing the application.

The SA High Court previously considered the issue in [a 2015 case](#) but its decision was deemed ineffective because the applicant died before the ruling was handed down.

Portuguese president defers new law

Portugal's legislators have voted to approve a voluntary assisted dying law but the nation's president has sought a judicial review to determine its constitutional validity.

At a parliamentary session at the end of January, MPs [voted](#) by a margin of 136 to 78 to approve the law with four members abstaining.

The leader of Portugal's main centre-right opposition party voted in favour of the law, although most other members of his party did not.

Portugal has a single legislative body, the Assembly of the Republic. The VAD Bill must be signed into law by the nation's elected head of state, President Marcelo Rebelo de Sousa (*pictured*).

President Rebelo de Sousa, a conservative who was recently re-elected, has in the past expressed his opposition to VAD.

However, he has also said that he would not all his personal views to affect his

decision and would respect any decision by the parliament.

As head of state he retains the option of seeking a judicial review of any new law if he believes it may contravene the Portugal's constitution.

President Rebelo de Sousa has [declared](#) he would ask the nation's Constitutional Court to assess the law. He cited several key parts of the law as passed by the parliament and asked for rulings on their validity.

If finally approved, the new VAD law will be able to be accessed by Portuguese citizens aged 18 or more who are terminally ill and experiencing "lasting" and "unbearable" suffering unless they are deemed not to be mentally fit to make such a decision.

In neighbouring Spain the nation's lower house of parliament passed a VAD law in December which is yet to be approved by its senate.



KEY FACTS:

- Throughout its history Portugal has been regarded as a Catholic nation,
- More than **80% of Portuguese** people identify as Catholics,
- Practising other faiths was difficult until a new and more secular constitution took effect in 1974,
- Portugal's parliament narrowly rejected a move to legalise euthanasia in 2018,
- The Catholic Church unsuccessfully argued that a referendum on a VAD law should be held,
- The Catholic Church and many conservative politicians argued that more effort should be put into improving healthcare for the terminally ill instead of VAD.

Tassie Premier prioritises VAD Bill

Tasmania's House of Assembly will focus on proposed voluntary assisted dying laws when it resumes sittings for 2021 early next month.

Final debate on upper house MP Mike Gaffney's *End Of Life Choices (Voluntary Assisted Dying) Bill 2020* is [due to start on 2 March](#).

Liberal Party Premier Peter Gutwein has declared the Bill will be the first order of business for 2021. The Premier has previously stated that [he will be supporting the Bill](#) and has also nominated Health Minister Sarah Courtney to [take carriage](#) of the Bill in the final lower house debate.

However, Ms Courtney will perform the task as Member for Bass not as Minister for Health.

The Premier has also released the report of a review of the Gaffney Bill he directed to be conducted by a panel of experts

assembled by the University of Tasmania.

The [panel's report](#) did not make specific recommendations on potential amendments to the Bill or whether or not it should be passed into law. However, it said the report was aimed at providing analysis and evidence to guide Parliament in considering the Bill.

It nominated several specific issues which required further consideration "to ensure that any Tasmanian VAD regime struck an appropriate balance and did not lead to unintended consequences". The expert panel said that the safeguards built into the Bill were already "among the most rigorous in the world".

Mr Gutwein said the report allowed all MPs to be "fully informed" and would help



Tasmania's Parliament House was recently lit up in purple as part of a public candlelight vigil to support VAD laws

ensure that any VAD Bill passed was the best possible law with appropriate safeguards.

If passed, the Tasmanian VAD laws were expected to take effect from June 2022.



Poll confirms public support

Another opinion poll has been published showing the high level of community support for voluntary assisted dying.

The Brisbane *Courier-Mail* carried a story on 22 February (above) citing national research by a personal finance firm that showed 78% of Queenslanders who responded were in favour of VAD.

Only 5% of the 221 Queenslanders surveyed a part of the national poll of 1,191 people opposed VAD.

A "whopping 84%" of Queensland respondents believed a doctor should be able to assist a terminally ill person to end their suffering under a legalised VAD scheme.

Harsh words for 'spineless' MPs

Earlier in February *The Courier-Mail* labelled a raft of state MPs as "spineless" and "pathetic" for their failure to declare where they stood on a planned voluntary assisted dying law.

The newspaper canvassed all 93 state MPs to determine if they would support a Bill now being drafted by the Queensland Law Reform Commission.

Following its interim report (see page 1) the QLRC is due to deliver a final report containing a VAD Bill to the government by 10 May.

QLRC chair, Supreme Court judge Justice Peter Applegarth, told *The Courier-Mail* that the commission was on track to meet the reporting date.

The newspaper's story showed the majority of MPs remained non-committal when asked if they would back a VAD Bill.

Only four MPs – three Katter's Australia Party members and the LNP MP for Oodgeroo, Mark Robinson, declared they would not support a VAD Bill.

While acknowledging a VAD Bill was no yet available for MPs to peruse, *The Courier-Mail's* editorial took to task the large number of MPs who – in the



RESPONSES BY MPs TO THE COURIER-MAIL:

- 21 "yes" – will vote for a VAD Bill
- 14 likely to support a Bill
- 54 wouldn't say or undecided
- 4 "no" – opposed to VAD law reform

newspaper's opinion – "wouldn't or couldn't voice a view".

"This means one of two things," the editorial said.

"They are either cowards operating under the hope that their vote goes unnoticed by their electorates amid the hubbub when legislation eventually comes before the parliament.

Courier-Mail 6 February 2021

"Or they are fools who have failed to educate themselves on what is an obvious topic for any publicly elected official at this level. There is no grey area."

It argued that the absence of a Bill was "an enormously convenient excuse to duck for cover".

"Because simply not being able to read the proposed Queensland legislation yet doesn't prohibit them from publicly discussing what aspects of such laws may cause them concern, specific safeguards they'd like to see included or examples of where they believe such legislation has worked."

Keep your Facebook open

Despite recent events we need to stay friends

As the campaign for voluntary assisted dying laws in Queensland gathers pace, all supporters of a VAD need to reach out as much as possible to their local state MPs.

We all need to tell them in polite, yet unmistakable terms, that we expect them to give us the choice of seeking access to VAD if we need it at the end of life.

Although they will have a conscience vote and will be free to go against their party policy if they wish, the ultimate vote on a VAD Bill is not about MPs and their personal beliefs. It is about their constituents and what the vast bulk of them want. It is about being a representative of the people who voted them into office just a few months ago.

There are many ways to get your message through to your state MP. You can write to them and let them know your views. You can request an appointment to see them and put your point of view across personally.

Many MPs are present at local events such as market days, so it is always possible for you to talk to them there one-on-one.

As always we need to be polite when dealing with those who will vote on VAD laws, but we should leave them in no doubt about our passion and sincerity when asking them to support a VAD Bill in the coming months.

Another way we can engage with our local



MP is to follow them on social media accounts such as Facebook.

In the lead-up to the October 2020 state election, Dying With Dignity Queensland as part of the My Life My Choice coalition, contacted about 400,000 Queenslanders and informed them of the responses from candidates to the questions we sent them to ascertain if they supported VAD in principle.

Most of those almost 400,000 people were contacted using Facebook.

In coming months DWDQ will again be using Facebook to inform as many

Queenslanders as possible about where our 93 state MPs stand on a VAD Bill.

We will need VAD supporters to keep pressure on wavering MPs and to convince those who say they haven't made up their mind. A lot of that effort will occur using Facebook accounts.

In recent weeks some people have been angered at the tactics employed by Facebook in blocking news sites. Some people have even threatened to close their personal Facebook pages.

Yet Facebook remains one of the most direct and effective ways we can contact large numbers of people and have them share information via their own Facebook accounts. But every such account lost from our base of supporters means a less effective campaign for a VAD Bill.

So regardless of the machinations in the federal political sphere between the government and Facebook, can I make a single simple request: Please do not delete your Facebook account.

We will need it in coming months.



Jos Hall
President
Dying With Dignity
Queensland

NT leader sees opportunity in axing of Andrews

The Northern Territory Chief Minister, Michael Gunner, has [welcomed](#) the coming departure from Federal Parliament of Liberal Party MP Kevin Andrews.

Mr Andrews – the Member for Menzies since a 1991 by-election – was the prime mover behind [a private member's Bill](#) to overturn the NT's *Rights of the Terminally Ill Act 1995*.

The Bill sponsored by Mr Andrews was supported by some Labor Party MPs and



Andrews

effectively prevented the NT law from operating and has meant the NT government and parliament cannot consider VAD laws.

Mr Andrews has [been rolled](#) by Melbourne barrister Keith



Gunner

Wolahan at a preselection contest to select the Liberal Party's candidate for the next federal election.

Mr Gunner, said the departure of Mr Andrews might prompt a rethink of the federal law.



Perron

"Hopefully with someone like Mr Andrews moving on, there will be less resistance or less blockage to the Northern Territory having that ability to make its own decisions again," he said.

But former chief minister Marshall Perron who introduced the 1995 law was not as optimistic, saying there was unlikely to be any immediate change in attitude.

"We've got to convince enough federal politicians that this is an issue," he said.

TELL YOUR
STATE MP:

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Four MPs leave nobody guessing

Katter Party forgets its own constituents

The recent stories and editorial in Brisbane's daily newspaper *The Courier-Mail* put the spotlight on voluntary assisted dying and the attitude of the 93 people who sit in our State Parliament who will decide if a VAD Bill is passed this year or not.

As noted elsewhere in this newsletter the newspaper's editorial did not hold back when expressing disappointment that so many MPs did not give a definitive response to the question posed to them about their view of VAD.

The My Life My Choice coalition recognises that MPs are entitled to wait until they see the actual terms of a VAD Bill before giving an indication of how they would vote on it. But there is nothing stopping them expressing their opinion on VAD in principle right now.

Prior to the October 2020 state election My Life My Choice canvassed all candidates to seek their in-principle views and, like *The Courier-Mail*, we found a large proportion who did not wish to disclose their views.

But while some MPs prefer to wait for a Bill to appear before passing judgement, there are some who do not feel as constrained.

The Courier-Mail's canvass of MPs found four who had no hesitation in



Clockwise from top left: Robbie Katter, Shane Knuth, Nick Dametto, Mark Robinson

declaring they will not be voting for VAD, regardless of what is in the Bill to be presented to the state government by the independent Queensland Law Reform Commission in May.

One was LNP MP for the seat of Oodgeroo south of Brisbane, Mark Robinson, who has a long track record of opposing VAD.

The others were the three MPs representing the Katter's Australian Party – Robbie Katter in the seat of Traeger, Shane Knuth in Hill,

and Nick Dametto in Hinchinbrook.

Combined these four MPs represent more than 120,000 Queensland voters.

Given that reliable market research shows 70% to 80% of Queenslanders support VAD laws, that means the views of tens of thousands of constituents in those four electorates are being ignored by their local MPs.

In other places both overseas and here in Australia such as Victoria and West Australia, many MPs who did not personally support VAD still voted for VAD laws because they respected the right of their constituents to have better options at the end of life.

The debate over VAD is not about MPs. It is about their constituents.

It is about their constituents having the ability to make an informed choice about whether or not to seek access to VAD if they wish at the end of life.

By already opposing a VAD Bill outright those four MPs are not serving their constituents.



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

Irish doctors back VAD choice for patients

A group of doctors supporting VAD law reform in Ireland [says it can be delivered](#) in a "safe and fair manner" that respects patients' rights.

A committee of the Irish Parliament is examining the [Dying With Dignity Bill 2020](#) as part of the early stages of its consideration by Irish MPs.

A submission by the group, Irish Doctors Supporting Medical Assistance in Dying ([IDSMaID](#)), said that in cases of terminal illness "patients deserve to have their choice respected".

The group said that although the medical profession had traditionally opposed VAD, there was "a growing acceptance" among doctors that it was an "ethical issue for



society to determine".

The submission was signed by 100 members of IDSMaID who said they supported the Bill's provisions under which VAD would be available only to competent adults, residents in Ireland, and people with a terminal illness that was both "progressive and incurable".

The submission said the criteria in the Bill for seeking access to and qualifying for VAD were "conservative and restrictive".



The Irish Parliament building

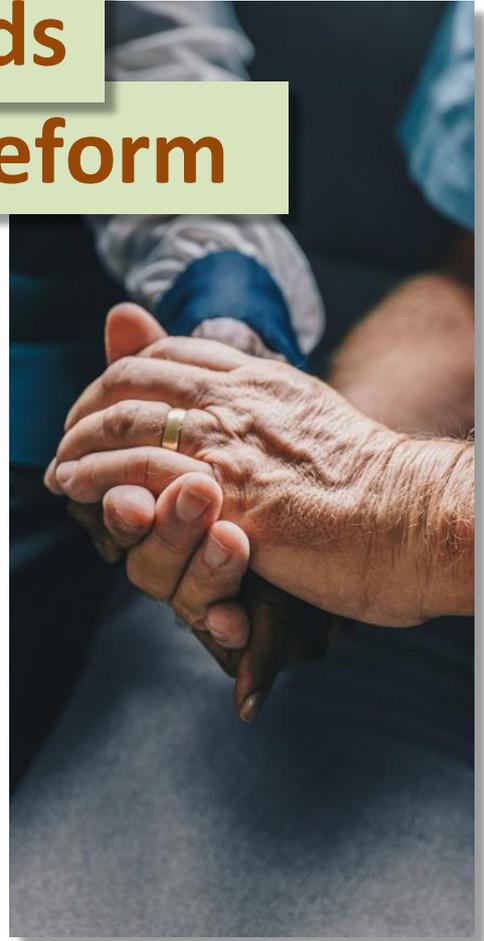
The doctors described the safeguards outlined in the Bill as "conservative, balanced, and fair".

IDSMaID said once the Bill was

enacted there needed to be comprehensive monitoring and reporting of VAD to ensure accountability and transparency and to foster public trust in the system.

Former US doctor pleads with lawmakers for reform

A proposed law to establish voluntary assisted dying – known in the USA as medical aid in dying (MAID) – is in [the early stages of consideration by lawmakers in the American state of New Mexico where previous similar Bills have failed](#). Retired New Mexico medical practitioner Dr Diana Bell recently outlined her support for law reform as a guest columnist in the [Albuquerque Journal](#).



As a retired physician, I have seen birth, and I have seen death. The first is typically joyful, and the latter is invariably sad.

But death need not be a gut-wrenching experience for an individual or his family.

A few years ago, my sons asked me to help them bring their dad home from the hospital to die.

For nearly a year this good man had been struggling with pancreatic cancer.

He fought to stay alive for much of that year, but now the end was near.

We brought him home, and with the help of hospice he spent his final days surrounded by people who cared deeply for him.

He was heavily sedated much of the time in an effort to manage pain.

Unfortunately he had become quite tolerant to the effects of opioids after months of treatment.

The hospice nurses did what they could, but as the days passed, he spent his time either in pain or mentally absent.

A friend who had come to say “goodbye” reminded me that we consider euthanasia of animals who are sick and suffering and it was a pity that we couldn’t extend this kindness to our fellow humans when they were dying.

What made this more difficult was my ex-husband’s stated plan to end his own life before he reached this point.

Unfortunately, in the last few weeks, he became rapidly incapacitated and was unable to carry out this plan.

He wanted it to be over, but medical assistance in dying was not a legal option in the state of New York where he lived and died. And it is not legal in New Mexico, either.

Perhaps you believe that it is up to God to determine the exact moment of death. That is your choice. But that is not my choice.

When God has determined that my end is fast-approaching and when I have received all that life offers, including the final lessons and the pain, I think I will be ready to move on.

Medical assistance in dying legislation allows certain terminally ill patients to legally and voluntarily hasten their deaths with the assistance of medical professionals and drugs.

[One-fifth of the states](#) in [the USA] allow this as a result of legislative action, judicial ruling or ballot initiative.

Seven in 10 Americans believe medical aid in dying is a right they should have, according to the [www.deathwithdignity.org](#) website.

“Perhaps you believe that it is up to God to determine the exact moment of death. That is your choice. But that is not my choice.”

In Oregon, one of the first states to pass legislation to legalize this option, it is not widely used.

Many people request assistance but do not use the drugs. In 2019 only 188 followed through to end their lives in this way. However, many drew comfort in knowing that this was an option.

On January 13, 2014, the New Mexico 2nd Judicial District ruled that physician-assisted dying is a right under the state constitution, in the case *Morris v Brandenburg*; however, this continued to be challenged, and 2½ years later it was determined by the courts that the question should be determined by the state legislative and executive branches.

The day may come when you will opt for a death with dignity. Make sure this is a right you can pursue in our state by contacting your state legislators today. A change in policy doesn’t happen unless we demand the change.



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[Doctors for Assisted Dying Choice](#)

www.dr4assisteddyingchoice.org

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.