

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.22 March 2021

A quick word about the VAD debate

Careless rhetoric is disrespectful

As advocates for voluntary assisted dying we are all accustomed to the misleading, distorted, or often downright deliberately false claims that VAD opponents can present as “facts” in their campaign that has one simple aim – to prevent you and I and everyone else having better choices at the end of life.

Their tactics often involve throwing around statistics that have usually been taken out of context or are derived from unreliable sources. A classic example is dealt with in the article below.

The claim about Oregon’s suicide rate is part of an overarching argument that



David Muir
Chair
The Clem Jones
Trust

VAD is the same as suicide and that VAD laws somehow trigger “suicide contagion”.

This claim has been debunked by genuine experts and by exhaustive parliamentary enquiries. But VAD opponents continue to casually throw around the word “suicide” in their efforts to conflate it with voluntary assisted dying.

Anyone reading this would know or know of individuals who have taken their own lives. Suicide is a dreadful problem and one rooted in mental health issues.

It usually involves an irrational action by someone who has their life ahead of them but who, tragically, decides to cut it short. VAD on the other hand involves a rational individual whose life is soon ending through a terminal illness or neurological disorder and who wants to control the time and manner of their death and to avoid pointless suffering.

In comments he made in 2016 on what was then Victoria’s proposed VAD laws, Jeff Kennett – who has served in both the political arena and in the area of suicide prevention – clearly outlined the difference.

CONTINUED PAGE 2:



“Sadly, there is evidence of a number of lonely, violent suicides by the elderly who are determined to avoid a protracted, agonising death.

“Many of these deaths could be avoided if the option of medical assistance to die was available.

“This view was shared by the Victorian Coroner in his submission to the [Victorian Parliament’s] End of Life Choices Inquiry.

“This issue [VAD] is totally different from the issue of suicide within our community.”

Former Victorian premier and former Beyond Blue chair, Jeff Kennett, [citing the difference between suicide and VAD.](#)

Columnist falls for genuinely fake claim

Recently in *The Courier-Mail* in Brisbane self-proclaimed anti-VAD columnist Des Houghton fell for a trick often used by those of a similar mind.

His latest attack on VAD claimed: “When mercy killing was legalised in Oregon in the US in 1997, something terrible happened. Oregon’s suicide rate leapt to 42% higher than the national average in some years.”

This is a claim often aired by VAD opponents.

But Melbourne-based researcher Neil Francis who analyses and exposes misinformation about VAD on his [Dying for Choice](#) website has previously proved the falsity and misleading nature of the claim.

His [detailed analysis](#) from as far back as 2016 found that Oregon’s suicide rate was indeed a little more than 41% higher than the US national average in the years 2010 and 2012.

Oregon’s *Death With Dignity Act* took effect from 1997.

But, as Francis pointed out: “To have meaning, the [Oregon] rates and trends must at least be compared with (a) other state rates in the same time period, and (b) with Oregon rates prior to the Act.”

As a backdrop, he noted that official and reliable data sources had reported a general rise in the national US suicide rate since 2000.

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The Courier-Mail
22 February 2021

IT'S MY LIFE

IT'S MY CHOICE

AND I WANT MY LAW

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Former nun backs VAD

'God never wanted me to suffer'

A former Catholic nun is asking South Australian MPs to support voluntary assisted dying legislation.

Jane Qualmann of Mt Gambier [was reported](#) as being in the late stages of a terminal illness and wanted control over how and when her life ended.

Ms Qualmann said it was easy for her to reconcile the Catholic Church's official stand against VAD and her personal beliefs.

"God never wanted me to suffer," Ms Qualmann said. "Jesus suffered on that cross, but he didn't want us to suffer."

"In no way can I ever see a God who loves us, has nurtured us and has got us this far want us to die a horrible death at the hands of someone else who thinks they are God."

"He has given man the intelligence to have palliative care and hospice care, but He has also given man a choice and a conscious."

Ms Qualmann, who still identifies as a Catholic, said she had always backed VAD in general terms.

"But it wasn't until I was diagnosed as terminal that it really hit that I don't have a choice in this and that is traumatic," she said.

"You choose to have a baby, you choose to get married – all through life you have a choice – except at your death."

"It is my choice how I end my story and any person with a terminal illness will tell you they want to end their story their way."

"They didn't live life to end up suffering and having their families watch them suffer."

"We have wonderful palliative care and hospice care, but if either of those options does not suit the position of someone with a terminal illness, what



Jane Qualmann and Angie Miller
Photo: Border Post

other choice do we have?"

Angie Miller, a VAD advocate and convenor of [A Peaceful End](#) supported Ms Qualmann's comments.

"Not one more person is going to die under the [soon-to-be debated SA] voluntary assisted dying bill because it is so strict with its safeguards, but less people are going to suffer," Ms Miller said.

VAD Bill debate set to start in SA Parliament – See page 3

Disrespectful rhetoric

FROM PAGE 1:

The VAD inquiry by the West Australian Parliament noted in its report: "It is important not to conflate suicide with assisted dying. It is possible to distinguish temporary suicidal ideation from an enduring, considered and rational decision to end one's life in the face of unbearable suffering."

The difference can also be explained by considering the decision taken by New York's Chief Medical Examiner, Charles Hirsch who investigated the deaths of people who jumped from the Twin Towers in New York after the terror attacks on September 11 2001.

Hirsch found that when faced with a terrible choice between a slow, agonising death by fire,

or a quick death by jumping, many people chose to jump.

He [found that this was a rational choice by those who fell from the towers](#) as a way to avoid needless suffering. He refused to classify their deaths as suicides.

VAD laws elsewhere also specifically state the VAD is never to be regarded as suicide.

One aspect of the VAD debate touched on by Jeff Kennett in his 2016 remarks is the many sad and tragic cases of genuine suicide by usually elderly people facing what they see as a painful death from a terminal illness. These people may never think of taking such action if they had access to a VAD law.



9/11 attack coronial ruling

[National Coronial Information System](#) figures show 84 such deaths on average each year in our state.

It is a pity that VAD opponents fail to recognise how a VAD law could help prevent these genuine suicides.

We must all be vigilant and continue to call out the misuse of "suicide" in the VAD debate as we wait to see a VAD Bill.

Columnist recycles false claim

FROM PAGE 1:

The trend was attributed to a range of factors including personal financial stress arising from job losses and a general US-wide economic downturn.

VAD or an alleged VAD-induced "suicide contagion" was not cited as a contributing cause – because such a link does not exist.

Francis considered data from other states such as Vermont which, for the period around 2010 had a suicide rate 44% higher than the US average.

But there is huge problem for those trying to claim a "suicide contagion" in the wake of the implementation of VAD laws.

Vermont did not have VAD laws at the time Oregon's suicide rate was 41% above the national average.

Vermont's VAD law took effect in 2013.

How could VAD be linked to an above-average suicide rate in Oregon while an even higher comparative rate was shown in a state without VAD?

The simple answer is it can't.

Francis concluded that while the 41% rate cited by VAD opponents was correct, it was also "profoundly misleading in isolation".

He also found that the trend in the increase of suicides in Oregon over 16 years since its VAD law came into effect was not statistically different from the national rate of increase.

Francis's analysis looked at other claims made by VAD opponents about the effect of Oregon's laws and concluded that claims about VAD causing "suicide contagion" were "false, misleading or highly selective — omitting key facts".

It is very unfortunate that such tactics sometimes find a receptive and unthinking recipient for such "fake news".

NT MPs join forces

Country Liberal Party backs efforts to restore rights

The Country Liberal Party in the Northern Territory is taking a prominent role in efforts to have the federal parliament scrap a law blocking the NT and ACT from considering voluntary assisted dying laws.

Darwin's daily newspapers the *NT News* and *Sunday Territorian* are taking part in a campaign for the repeal of the so-called Andrews Act passed in Canberra in 1996.

The federal legislation, sponsored as a Private Member's Bill by then Liberal Party backbencher Kevin Andrews, was passed with support from Labor Party MPs. It effectively blocks the NT and ACT parliaments from considering VAD Bills.

Mr Andrews was [recently defeated in his bid for preselection](#) for another term in the inner-Melbourne seat of Menzies.

In a week-long series of stories the *NT News* outlined a case for scrapping the federal law that was put in place after the NT Parliament voted to pass its own

VAD laws in May 1995 introduced by former chief minister Marshall Perron and effective from July 1996.

Referencing the passage of VAD laws in Victoria and Western Australia and moves now under way in other states such as Queensland, the newspaper's editorial said "enough's enough".

"These states have introduced laws because it is the right thing to do and they have listened to their people," it said.

It said "it is beyond time" for the so-called Andrews Act – the *Euthanasia Laws Act 1997* – to be repealed and the rights of the NT restored "so we can debate and ultimately reintroduce" voluntary assisted dying.

"It is clear through our readers that an overwhelming majority of Territorians want this change to occur."

The NT's opposition party, the Country Liberal Party, is pressing the Labor Party government of Chief Minister Michael Gunner to bring more pressure to bear on the Morrison Government to scrap the federal anti-VAD laws.



Some recent NT News stories

Final vote in Tassie as SA debates Bill

The Tasmanian Parliament's upper house is due to have the final say on a VAD Bill passed by the lower house earlier this month.

The Bill originally put forward by Independent upper house MP, Mike Gaffney, was successfully sponsored through the lower house by Tasmania's Health Minister Sarah Courtney acting in her capacity as Member for Bass.

MPs [voted 16 to 6 in favour of the legislation](#) with Premier Peter Gutwein among five Liberals supporting the VAD Bill along with eight Labor MPs, two Greens, and an Independent.

The *End of Life Choices Bill* was opposed by six Liberal MPs and three MPs – two Labor members

and one Liberal – did not record a vote.

It is the fourth time a VAD Bill has been considered by the Tasmanian Parliament.

Mr Gaffney [expressed optimism](#) that the Bill would be approved by the upper house.

"Hopefully, people of Tasmania who need to access VAD will be able to midway through next year," he said.

Meanwhile in South Australia debate is expected to resume this month on [a Private Member's Bill seeking to legalise VAD](#).

SA upper house Labor Party MP, Kyam Maher, introduced his VAD Bill in December last year after which debate was adjourned.



Mike Gaffney



Kyam Maher

At the time Mr Maher said it was the 17th time a VAD Bill would be considered by the SA Parliament in the past 25 years.

The most recent previous Bill was defeated in 2016 after a tied vote was broken by the Speaker's casting vote.

The latest SA VAD Bill was drafted following extensive public hearings by a special committee established by the parliament in April 2019.

The Bill submitted by Mr Maher is modelled largely on Victoria's *Voluntary Assisted Dying Act 2017*.

Podcast examines Victoria's laws



Voluntary assisted dying campaigner and Go Gentle founder, Andrew Denton, has released the second season of his landmark *Better Off Dead* podcast.

The first season was a key part of the campaign for VAD laws in Victoria and Western Australia.

The second season looks at the impact of Victoria's VAD laws and is released as parliaments in Tasmania and Queensland are moving towards decisions on their own VAD laws.

Court grants terminally ill Peruvian woman her wish

PM cites respect for human rights

VAD opponents on thin ice with rights argument

A ruling by a court in the Catholic-dominated South American nation of Peru has given a terminally ill woman the right to end her life when she decides the time is right.

Ana Estrada, 44, has reportedly suffered from polymyositis – an incurable disease that gradually attacks the muscles – for three decades and is confined to bed and breathes with the aid of a respirator.

She began legal action in 2019 which culminated in a ruling by the [Eleventh Constitutional Chamber of the Superior Court of Justice of Lima](#) granting her the right to access VAD when she chose to make the decision.

It is an individual case, but I hope it serves as a precedent,” Estrada, [told the Reuters news service](#), after the court’s decision.

“My body is failing, but my mind and my spirit are happy,” she said.

“I want the last moment of my life to continue like this, in freedom, with peace, tranquillity and autonomy. I want to be remembered like that.”

Ms Estrada was diagnosed with polymyositis when she was 14 and by the time she was 20 she relied on using a wheelchair.



Ana Estrada ... court win

Photo: WION

The court [directed](#) Peru’s health authority and health insurance system to respect Ms Estrada’s decision to end her life through VAD with the assistance of a doctor.

The ruling also stipulated that a usually relevant section of Peru’s criminal code should not be applied in Ms Estrada’s case so those who assisted her throughout the process would not be prosecuted.

The Peruvian government has decided not to appeal against the ruling despite VAD not being permitted by law in a nation where an estimated 76% of the population identify as Catholic.

Prime Minister Violeta Bermudez [hailed](#) the court’s decision as being “historic” and in line with her views as a lawyer and as a defender of human rights.

“I consider that it is a historic ruling, because it is talking not only about the right to life but to a dignified life. All people have the fundamental right to live and but to live with dignity.

“In the case of Ana Estrada, I as a human being, respect her will. Hopefully, science and medicine can offer other alternatives in the future so that there are no more cases like that of Ana Estrada, who has no alternative to continue living with dignity.”

If opponents of voluntary assisted dying think they can rely on citing the need to uphold an individual’s human rights, they need to think again.

The Peruvian court ruling in the Ana Estrada case granting her access to VAD shows that an individual’s human rights including any claimed right to life must mean more than merely being alive.

As Peru’s prime minister said, the court decision was based not just on a right to life but the right to a dignified life. The [court ruled](#) that denying Ms Estrada’s wish for VAD would violate her right to “dignity, autonomy, free choice” and protections against “cruel and inhuman treatment.”

Such rulings have previously helped usher in VAD in other jurisdictions such as [in Canada](#) where its Supreme Court overturned a prohibition on VAD because such a ban was deemed incompatible with the nation’s Charter of Rights and Freedoms.

Our opponents will no doubt continue to claim human rights as a reason for stopping a VAD Bill. But along with their other arguments, they are clearly not supported by evidence or facts.

David Muir
Chair of the Clem Jones Trust

Campaigner shines a light on ‘final curtain call’

Uniting Church elder and longstanding campaigner for voluntary assisted dying, Everald Compton, will launch a book about VAD next month.

His novel, *A Beautiful Sunset*, considers the lives and deaths of four individuals from widely varied backgrounds who all share the same doctor.

Everald now 89, said his novel is about “the final curtain call of life”.

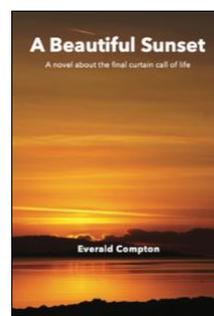
His aim was to explore as many aspects of the VAD debate as possible and distil them into the stories of individuals to whom

readers could readily relate.

It is the third book he has had published and follows *The Man on the Twenty Dollar Notes* examining the life of founder of the Royal Flying Doctor Service, Dr John Flynn – and *Dinner With The Founding Fathers* – a fictitious account of a reunion of the movers and shakers behind Australia’s move to Federation in 1901.

Part of the proceeds from sales of *A Beautiful Sunset* will go to Dying With Dignity Queensland.

DWDQ President, Jos Hall, encouraged members and



supporters both in Queensland and interstate or even overseas to buy the book.

“Not only is it a good read and tells a fascinating story, by buying the book you’ll help to fund DWDQ’s ongoing campaign

to secure VAD laws in our state,” Ms Hall said.

“Our work will not end if and when we see a VAD Bill passed by the Queensland Parliament. We need to make sure that any VAD law is never repealed, so our work will go on well into the future.”

A Beautiful Sunset
By Everald Compton
Published by Echo Books
218 pages
Available from:
[Amazon](#); [Booktopia](#);

Your story can help deliver VAD

DWDQ members and supporters will play a key role

After many years of effort and advocacy by many individuals and groups like Dying With Dignity Queensland, we are on the verge of seeing a voluntary assisted dying Bill destined for debate in our State Parliament.

But despite having the support of many of our 93 state MPs who'll decide the fate of the Bill, the final vote is not a foregone conclusion.

There is still a lot of work to do to convince MPs to vote for VAD and just as much effort is needed to repel the baseless arguments and scare tactics of those who wish to deny Queenslanders a better end-of-life choice.

That's why we are calling on all of our Dying With Dignity members and supporters for their help again.

In 2018, when the State Government called for submissions to an Inquiry into whether VAD should be legalised in Queensland, we asked Queenslanders to send in their personal stories about why they believed VAD should be legalised.

Almost 5,000 people sent in a submission with the overwhelming majority supporting legalising VAD in Queensland.

Some of these submissions were technical and full of facts and statistics. Some were heart wrenching personal stories.

Some were typed and some were hand-written, often with a shaky hand. Some were many pages long, and some were just a paragraph.

With tears in my eyes, I read many of the stories.

They still bring tears to my eyes when I think about them.

It is largely as a result of your submissions and your stories that within the next few months our 93 state MPs will vote on whether VAD is legalised in Queensland.

Almost half of these politicians say they are still undecided about which way they'll vote on VAD.

That's why we urgently need you to tell your stories again to help convince them.

Please write your story and send it to us so that we can send them to your local MP.

Where we can, we will make an appointment to see that MP and take your story and hand it to them and make sure that they read it.

It doesn't matter if it is typed and emailed or hand-written and posted to us.

Ask your friends and family to write also.

It can even be more than one member of a family recounting their version of the same event and how it affected them.

See the details in the box at right about how to email or post your stories to us.



You are welcome to ring us on 1300 733 818 and talk to Jeanette for any further information. Jeanette is a DWDQ committee member and a retired palliative care nurse.

Please make this a priority.

Your stories are what will make the difference.



Jos Hall
President
Dying With Dignity
Queensland

TELL YOUR STORY:

EMAIL: dwdq.president@dwdq.org.au

POST: DWDQ, PO Box 432, Sherwood, Qld, 4075

PHONE: 1300 733 818

Personal accounts straight from the heart.....

Here is just one example of the many stories told to the inquiry into end-of-life issues that led to its recommendation for VAD laws. Contact DWDQ to add yours.

"I lost my son Corey at 28 to cancer in March this year in the Hervey Bay Hospital. Corey was suffering from cancer for about 18 months. It was a rare, aggressive form.

"He went to Brisbane for treatment. We got Corey back here about three weeks before he unfortunately passed away.

"He was without a doubt the toughest bloke I have met in my life. As a kid he broke bones, he broke teeth, and he just got up and laughed. He had such a high pain threshold.

"Those last few hours will be with me for the rest of my life and are the most horrible I have ever seen.

"I feel for the medical staff who were there.

"There were four people trying to find a way to arrest his pain.

"I have read that the Queensland palliative care doctors say that nobody is suffering in palliative care.

"That is absolute nonsense and I will not take it.

"When a nurse turns around and tells you we have given him enough medication to put down

a horse and yet you are holding your son who is skin and bones and he is in tremendous amounts of pain that is unacceptable.

"It is undignified and that is not the way we treat any living being in this world."

Extract of Paul Smith's evidence given to the Queensland Parliament's Health Committee Inquiry hearing at [Hervey Bay on 15 July 2019](#)

**TELL YOUR
STATE MP:**

IT'S
MY LIFE

IT'S
MY CHOICE

AND I WANT
MY LAW

Report and video highlight life and death stories



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

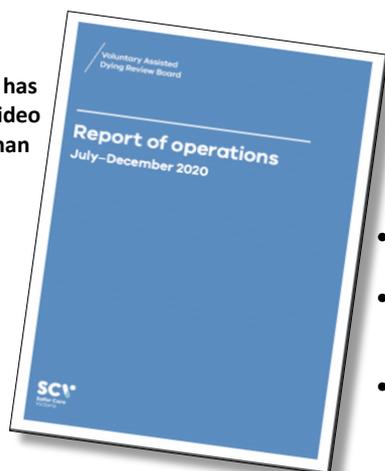
The oversight body for Victoria's voluntary assisted dying scheme has released its [latest report](#) and a video that help underline the very human stories behind the statistics.

The report by the [Voluntary Assisted Dying Review Board](#) contains key figures covering the period up to December 2020 from June 2019 when the *Voluntary Assisted Dying Act 2017* took effect.

The report showed that in that 18-month period:

- 581 people were assessed for eligibility to access VAD,
- 465 permit applications were made,
- 405 permits were issued, and
- 224 people died from taking prescribed VAD medications.

The board said because the state's VAD scheme had been



operating for 18 months it was now possible to give more general information about the type of people accessing VAD.

The report showed:

- applicants were aged between 20 and 100,
- the average age was 71,
- 47% of applicants were female,



Marita Scott talks in the video of her 96-year-old father's death under Victoria's VAD scheme

- 36% of applicants were from regional Victoria,
- 87% were living in their own home at the time of the application,
- 77% had a malignancy diagnosis, such as lung, breast or gastrointestinal cancer, and
- 23% had a non-malignant diagnosis with 62% of this group having a neurodegenerative disease.

The VAD Review Board has also released a [video](#) telling the stories of some families whose loved one had used the scheme. (pictured above)

The video is a powerful reminder

of the benefits delivered by a VAD law offers individuals a better range of options at the end of life.

The Victorian video is also a reminder of how powerful personal stories can be.

That's why anyone who wants to see a VAD Bill passed in Queensland must let their local state MP know how they feel.

Remember a VAD law will give you and others a better choice at the end of life.

It's your life, your choice, and your MP must be told you expect your law to pass.

US legislator puts constituents first

A politician in the US state of Connecticut will "work hard" to see a VAD Bill passed after hearing personal stories from constituents about the deaths of loved ones or their own terminal conditions.

William Haskell, (pictured) a Democratic Party [member of the state's senate](#) since 2019 said a "death with dignity" bill had finally been approved by the public health committee – a

decade after being introduced.

State Senator Haskell, who at 24 is the Connecticut legislature's youngest member, [said](#) the Bill would provide options "to those who are facing the tragic reality that they have less than six months more to live".

"They want a chance to spend their final days in dignity and write their own last chapter."

State Senator Haskell was one of

the 24 members of the 33-strong committee who voted to support the bill going forward.

He said he had added his name to the formal list of the bill's co-sponsors and would work hard to pass it into law.

"After hearing from so many constituents who have been touched by this issue within their own family, passing this



legislation is among my highest priorities.

"We simply need to get this done," he said.



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[Doctors for Assisted Dying Choice](http://www.dr4ssisteddyingchoice.org)

www.dr4ssisteddyingchoice.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 purpose of educating and raising awareness of voluntary assisted dying law reform across Australia.