



## News Highlights

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## President's Report

As I write this President's report for our Autumn 2021 newsletter and with the 26 May General Meeting in mind, naturally I am struck by the historic and momentous fact that it is only weeks until the Voluntary Assisted Dying Act of 2019 begins operation. Our members and supporters, and the wider community which gave overwhelming support to the Act, have been waiting for more than 40 years, and shortly that wait will be over. Implementation Day is 1 July 2021.

The Health Department will be holding an Implementation Conference on 22 and 23 May 2021. While the focus of this will be health practitioners, there may be some scope for others to attend, and I will be hoping to do so.

We aim to provide a further two workshops. The first on 31 May will be about the important role Care Navigators will play in the effective functioning of the Act. We are fortunate that a Care Navigator from Victoria will be in Perth and has agreed to talk about the experience in that state, and we hope that a member of our Implementation Leadership Team will be present to provide a perspective on the establishment of the Care Navigator Service here. We will provide more details once this event has been finalised. The last workshop will be a Q&A at which a panel will try to answer any questions you may have about any end of life issue.

There is a good deal of information about voluntary assisted dying (VAD) and how it will work available on the Department's website, and I encourage people to consider it. The link is <https://ww2.health.wa.gov.au/voluntaryassisteddying>.

In late March we dispatched an email "blast" to supporters, giving the latest news on workshops, and other matters related to the implementation lead-up. A few keen followers responded immediately, and in very positive terms. One response, for its pithiness and Australian down-to-earth flavour, stood out. It read:

"About Bloody Time Steve.. But Still u'd have to be near death all ready wouldn't ya?"

I interpreted this message to reflect negatively not on the quality of our email news, but rather on

the length of time it had taken politicians to listen to the community, and also on the somewhat conservative nature of the law, particularly the requirement that a person be within 6 months of death (or 12 months for neurodegenerative conditions) to qualify.

Which brings me to the point that DWDWA is now asking members to express their ideas for the future of the organisation. Following implementation of the VAD Act, what roles should we be playing? Should we attempt to assist the Care Navigators as they go about putting patients and families in touch with medical professionals who have done the training? Might there be other practical assistance we can give, such as providing witnesses for the signing of forms? And there is the important matter of preparing for the review of the Act that must take place within two years of it being implemented – experience is likely to show the need for practical improvements, and also it will present the opportunity for some liberalisations of the scheme. Our Secretary, Gail Wyatt has written more on this topic.

Finally, I note the extraordinary results of our recent state election. In the commentary on Labor's landslide victory, much was said about the Premier's handling of the COVID pandemic, and no doubt part of Labor's success was attributable to this. But it seems likely that the passage of the Voluntary Assisted Dying Act 2019 also played its part, not only in the victory of the ALP, whose members overwhelmingly were in support, but also in the political demise of some strong opponents of VAD in historically safe seats, reflecting both the gratitude and the good judgment of 88% of Western Australians.

### Interstate and overseas developments

Many developments, most of which are quite positive for our movement, are occurring interstate and overseas.

In recent weeks, the Tasmanian parliament has passed its VAD law, after much hard work by its proponent, Mike Gaffney, and advocates, including DWDTas. The margins in both houses were most impressive (no negative votes in the upper house!), a fact which contributes to an impression that throughout Australia the

momentum continues to build, washing away the residual conservatism and irrational fears for so long demonstrated by many politicians.

A Bill has now been introduced in South Australia, and hopes are high that the hard work in Adelaide and the regions to build support will pay off. Debate in the upper house will culminate in a vote expected on 5 May, and if (as expected) it passes there the Bill will then move to the House of Assembly. Recently your committee was able to provide some financial support to VADSA (formerly SAVES) to help with their campaign.

The Queensland drive for a VAD law will resume shortly, as a draft Bill is expected to be introduced by the end of May, and to be debated later in the year. Again there is some optimism, although, as always, there is a need to counter the disinformation spread by opponents.

In New South Wales, our friends at DWDNSW have been hard at work building momentum toward another effort at legislative reform. The government in that state has shown some reticence, but earlier this year a private member undertook to prepare and introduce a Bill, which is expected to be tabled later in July 2021, to be considered by the parliament from September. A petition calling for VAD now has over 36,000 signatures, and it is hoped to achieve 100,000 signatures. So, the chances of success there too are building.

That roll-call exposes the outrageous inability of the ACT and the Northern Territory, through their elected parliaments, to legislate for VAD. That shameful democratic deficit exists as a result of the Andrews Bill in federal parliament cruelly extinguishing the world-first Rights of the Terminally Ill Act enacted by Marshall Perron and the NT parliament. It is only the federal parliament that can reverse the removal of this right. It is looking like 2022 must be the year for action, which is being sought on a non-party political basis by parliamentarians from both territories. Later this year we plan to motivate our federal parliamentarians in that regard.

Overseas, more countries in Europe, and states in the USA, are adopting laws permitting the choice of VAD. Spain, despite of course traditionally

being predominantly Catholic, has become the fourth country in Europe to permit VAD (after The Netherlands, Belgium and Luxembourg). In Portugal, the legislature passed a VAD law, but when it was transmitted to the President for his signature, he instead referred it to the Constitutional Court, which rejected it, in an interesting test (and failure) of democratic values.

In the United States, New Mexico has passed a MAiD law, becoming the eleventh American state to do so.

There continue to be interesting, if convoluted, developments in Canada regarding their federal MAiD law, which in the first place the Supreme Court of Canada had required the parliament to pass. Once again as a result of court orders, the original eligibility requirement that a person's death must be 'reasonably foreseeable', has now been removed. Not only that, but the parliament is considering measures that could permit access to MAiD by people suffering solely from grievous and irremediable mental illness, or by minors, or access on the basis of an advance request by a person who fears losing mental capacity. We must pay careful attention to these developments and how they may point the way forward in Australia.



Steve Walker

**President, DWDWA**

## Notice of 2021 General Meeting

**Date:** Wednesday 26 May 2021

**Time:** 2.00p.m.

**Place:** Citiplace Community Centre, Upper Concourse, Perth train station, Cnr Wellington and Barrack Streets.

**Registrations essential**

Please RSVP to [info@dwdwa.org.au](mailto:info@dwdwa.org.au)

## NEWS FROM WESTERN AUSTRALIA

### Workshops about voluntary assisted dying and other end of life choices

All of our workshops so far have been fully booked and we have greatly appreciated your support in coming to one or more of them during 2020 and early 2021.

#### Past workshops

These have covered a wide range of topics.

In August 2020, Steve Walker and Dinny Laurence gave presentations about the eligibility criteria and process requirements set out in the Voluntary Assisted Dying Act 2019 for anyone considering VAD as an end of life choice. These talks covered the essential points regarding qualifying for a medically assisted death and how to access it.

#### **The implementation date for the new law is 1 July 2021.**

In September, Dr Simon Towler spoke about Advance Health Directives, and the importance of having a properly executed AHD to give clear directions to your health professionals about your treatment decisions and the circumstances in which they will apply. An AHD is effective only when you are unable to make decisions for yourself, even if only temporarily.

The existing official AHD form will be replaced in the relatively near future by a new form that will be easier to complete, and a dedicated register for AHDs will also be created. While an AHD signed on the old form will remain valid, it is a good idea to update your AHD from time to time. Registration will be important to ensure that your wishes are known to anyone responsible for your care in WA.

In the October workshop, Lizz Clarke gave a presentation on the relationship between palliative care and voluntary assisted dying. As a registered nurse Lizz could speak from her professional experience, but she also spoke

movingly about caring for her husband Colin at home in the last months of his life before he finally moved into a palliative care facility. He died from mesothelioma in June 2020. Lizz provided an honest reflection on the pros and cons of anyone faced with this difficult choice – from the importance for the children of having their father at home, to the massive practical challenges that they all faced to make this possible. She also provided an extensive list of resources that helped them all through the difficult process.

In November Dr Scott Blackwell, the chair of the VAD Implementation Leadership Team, gave an informative talk about the work of the ILT to make sure that Western Australia is ready for VAD when it becomes available on 1 July 2021.

In the first workshop of 2021, lawyer Kerry Smart gave a practical talk about wills, estate planning, enduring powers of guardianship and enduring powers of attorney. Death is inevitable for all of us but these are all matters that should be attended to while we are healthy and mentally competent to do so. This will make it easier for our loved ones when our time comes.

You will find videos of all the workshops (other than the ILT presentation in November 2020) with useful additional information, including frequently asked questions and answers, on our website at <https://www.dwdwa.org.au/workshops>

#### Future Workshops

The workshop planned for April has been postponed to **31<sup>st</sup> May 2021**. COVID restrictions have intruded, but Susan Jury, a care navigator from Melbourne, will be in Perth at that time, and has kindly agreed to talk about her on the ground experiences of working in this essential role in Victoria, which centres upon facilitating the process for anyone who qualifies for and chooses to access VAD. We are hopeful that Noreen Fynn from the VAD Implementation Leadership Team, who has had a particular role in introducing the WA Statewide Care Navigator Service, will also be at the workshop. Full details will be provided by email soon.

In June we plan to hold our final community workshop with a Q&A panel to answer your questions about any end of life issue you would like to talk about. Please submit any question you would like to be considered for the Q&A to Dinny Laurence at [campaign@dwdwa.org.au](mailto:campaign@dwdwa.org.au)

## VAD Implementation Leadership Team

You can find important information about the progress being made toward implementation on 1 July 2021 on the Department of Health website at <https://ww2.health.wa.gov.au/voluntaryassisteddying>.

There is important information for health professionals about how to prepare a medical practice for voluntary assisted dying in the February Communique. In addition, as detailed in the March communique, a number of organisations will be running workshops for doctors and nurse practitioners who may wish to participate in the voluntary assisted dying process. For those practitioners the ILT conference on 22 and 23 May 2021 will be of great importance (details provided in the March communique).

Given these training opportunities DWDWA has decided not to run at this stage a workshop exclusively for health professionals as originally planned. We are however working with the Department of Health to ensure that as many doctors and nurse practitioners as possible have their qualifications assessed for eligibility to participate, and then do the required training in time for the rollout of VAD on 1 July 2021. If you are a doctor or nurse practitioner and you wish to participate, please get in touch with us and the Health Department as soon as possible.

Further information about VAD, comprised in general information sheets for patients, families and health professionals, and in more detailed guidelines for medical practitioners, will be released by the ILT in the near future.

If you would like to receive future editions of the ILT communique, please subscribe here.

We look forward to seeing as many of you as possible

- at the general meeting from 2p.m. on 26th May 2021; and
- at the Care Navigator workshop from 9.45a.m on 31st May

**Separate registration** for both these events is essential:

- for the general meeting – Gail Wyatt at [info@dwdwa.org.au](mailto:info@dwdwa.org.au)
- for the workshop – Dinny Laurence at [campaign@dwdwa.org.au](mailto:campaign@dwdwa.org.au)



With best wishes to all our readers,  
**Dinny Laurence**

## Imminent committee vacancy

The Secretary of Dying with Dignity WA hereby gives advance notice that Margie Lundy will be stepping down from her position as Hon Treasurer at the AGM in October. If you or someone you know would consider nominating for this position, DWDWA would love to hear from you – please contact Margie on [info@dwdwa.org.au](mailto:info@dwdwa.org.au)

Formal nominations must be in writing and received by the Secretary by email to [info@dwdwa.org.au](mailto:info@dwdwa.org.au) or by mail to PO Box 7243, Cloisters Square, Perth WA 6850 by no later than 6th October 2021, being 2 weeks prior to the date of the AGM on 20 October 2021.

## SPECIAL FEATURE

### The practicalities of dying

Voluntary assisted dying will become a lawful end of life choice on 1 July 2021. For many of us having this additional choice about how we die is an important change in how we think and feel about dying.

Perhaps for some of us who are already terminally ill and suffering, that day cannot come soon enough. But for all of us there are things we can do to prepare ourselves, our friends and families for this event. Talking about death can de-mystify it and help those we love to understand the choices we make about it, even if they don't agree with them.

There are also a number of practical things we can do – like making sure we have a properly executed advance health directive and will in place, and an enduring power of guardianship and attorney if necessary. Even helping to plan our own funeral, if we are well enough, is a good thing to do to help us and our loved ones to accept the reality that sooner or later, death is inevitable for all of us.

Detailed information about all of these issues and videos of the presentations given at the DWDWA workshops over the last 15 months are available on our website at [dwdwa.org.au/workshops](http://dwdwa.org.au/workshops). We particularly recommend, if you haven't seen it, the video of Lizz Clarke's presentation on the relationship between palliative care and voluntary assisted dying. It is full of love and humour and heartbreak as she tells of her husband Colin's death from mesothelioma in June last year, and of valuable advice about the resources that are available in such circumstances.

For most people, palliative care will be enough to provide a peaceful death, but not for all. It is well known that the vast majority of Western Australians support voluntary assisted dying as an option, even though most will never use it. If you are one of that majority, there are two important things to consider now, in the event that you become terminally ill in the future.

The first is what palliative care facility you should go to should this become necessary. There are

many such facilities where the care is second to none, but where voluntary assisted dying may not be practised.

The second is to ask your GP if he or she is willing to help you to access voluntary assisted dying should that time come. If the answer is 'yes', please ask the doctor's permission for DWDWA to get in touch. We can provide information about the necessary steps to go through to assess their eligibility, and how to access the necessary online training. If that permission is given, please provide us with the relevant contact details as soon as possible so that we can get in touch. If the answer is 'no', DWDWA may be able to help you find a doctor who can help.

Once the Voluntary Assisted Dying Act 2019 has become effective, you will also be able to contact the Statewide Care Navigator Service to help you [VADcarenavigator@health.wa.gov.au](mailto:VADcarenavigator@health.wa.gov.au).

Part of the VAD process is that you must make four requests – the first being a verbal request, the second a written request, that must be witnessed by two independent witnesses (i.e. not a family member or anyone who may benefit under your will), and the third a final verbal request to confirm that you have not changed your mind and understand the consequences of your decision and the fourth being the administration decision (a choice between self-administration and practitioner administration). Not everyone will be able to find a witness to the second request at short notice, and DWDWA is planning to set up a list of people willing to act as witnesses to help in this situation. We would greatly appreciate your getting in touch if you are willing for your name to be added to such a list.

The VAD Implementation Leadership Team is working hard to ensure the smooth implementation of voluntary assisted dying on 1 July 2021. You can subscribe to receive the ILT communiques via the Department of Health website at [ww2.health.wa.gov.au/voluntaryassisteddying](http://ww2.health.wa.gov.au/voluntaryassisteddying). In the near future information sheets will also be available on

that website to help patients, families and health practitioners navigate their way through the legislation.

Dying with Dignity WA is also happy to provide support as needed, so please keep in touch with us via email to [info@dwdwa.org.au](mailto:info@dwdwa.org.au) or [campaign@dwdwa.org.au](mailto:campaign@dwdwa.org.au)



**Dr Richard Lugg**

## Where to from here with VAD?

Among members of Dying with Dignity WA there was a collective feeling of relief and hope late in 2019 with the passage of the VAD legislation. There is no doubt that our members and supporters, the 'quiet (but sometimes not so quiet) achievers', were instrumental in bringing about the victory.

Where to for DWDWA now that VAD is closer to coming into effect? Can we add any value to the roll out and the subsequent review? Or do we best leave VAD and its shaping to the experts? There is strong evidence from the Victorian experience that organisations such as our have a very important role in ensuring safe and workable choices are on offer, for example by informally assisting those seeking VAD to make contact with doctors who have done the training, or by providing independent witnesses for the signing of the necessary forms.

To date there appears to be good progress by the experts under the aegis of the Health Department's Implementation Leadership Team,

albeit that it would have been desirable to have some matters tied up sooner than is happening. Our organisation has covered a number of the issues, and topics generally related to end-of-life decision-making through a series of well attended workshops (available on video on our website at <https://www.dwdwa.org.au> > workshop ).

But with VAD available from 1 July 2021, a number of terminally ill people and their families will be seeking advice and support, including from us. It is looking likely that already overworked practitioners will also appreciate support during the time- consuming and arduous approval and delivery processes. This is where DWDWA can develop the expertise to be of assistance as participants move through the various stages.

After the implementation phase is over, a mandated review will be undergone in 2023 into how the legislation is working. We are aware that hard core opposition remains poised to try to wind back VAD reforms. DWDWA's input could act as a counter point and provide balanced input to that review. It will also present an opportunity to advocate sensible and achievable improvements, including by reference to overseas developments. Of course, to do these things we must have maintained a strong presence as an active and well-informed part of the VAD sector.

Our members are in touch with their communities and have vital insights into what is the best way to meet community need for good VAD. If you have ideas and comments come and share them at the General Meeting on Wednesday 26 May or let us know at [info@dwdwa.org.au](mailto:info@dwdwa.org.au). So much has been gained over 40 years of our community interaction. There is now an opportunity for DWDWA and its members to maintain that interaction and thereby enhance choices at the end of life.



**Gail Wyatt**

## BEQUESTS AND DONATIONS

DWDWA is an independent, non-profit, advocacy organisation and totally reliant on membership fees, donations and bequests for our funding. We are always very grateful for donations and bequests which enable us to further our aims. You may remain anonymous and do not need a new Will if you sign a short codicil.

### DYING WITH DIGNITY WESTERN AUSTRALIA (Inc.)

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### MANAGEMENT COMMITTEE 2020-2021

**President:** Stephen Walker

**Vice-President:** Murray Hindle

**Hon Secretary:** Gail Wyatt

**Hon Treasurer:** Margie Lundy

**Minute Secretary:** Mary Jane Whitehead

**Committee Members:** Mary Aerts,  
Pip Gavranich, Gaye Harvey, Dinny  
Laurence, Richard Lugg

### EMAILING NEWS TO YOU

If you prefer to receive your newsletter via email (it saves trees), please let us know at [memberships@dwdwa.org.au](mailto:memberships@dwdwa.org.au).

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