**NEWSLETTER OF VOLUNTARY ASSISTED DYING SOUTH AUSTRALIA INC. (VADSA)** 

#### **Historic vote in South Australia!**

On 24th June 2021 South Australia made history following 17 attempts since 1995 to introduce voluntary assisted dying (VAD) legislation. This momentous social reform, following nearly 40 years of advocacy by SAVES / VADSA, was subject to a conscience vote by elected members.

Before discussing the campaign, debate and vote, it is important to highlight a major difference between the South Australian and other VAD systems. The difference with South Australia's VAD Act is that private hospitals managed by faith-based institutions will be permitted to conscientiously object to any aspect of the voluntary assisted dying process being carried out on their premises. This is in addition to the existing right for individual practitioners.

Given their publicly expressed opposition to VAD, it is anticipated that private hospitals run by the Catholic or Lutheran Churches will prohibit VAD on their premises once the legislation comes into operation. If a private hospital or hospice does prohibit VAD, the hospital must make this policy known to all patients before admission. If the person subsequently requests VAD while an inpatient, the hospital must facilitate the person's transfer to another hospital where there is no objection to VAD.

It is therefore important that South Australians who may wish to avail themselves of the legislation in the future include a statement in their Advance Care Directive that they do not wish to be treated in a Catholic or Lutheran hospital. This will avoid the difficulty of moving between facilities at a particularly difficult time of life.

The VAD prohibition will not apply to people living in residential aged care or retirement homes. While the legislation allows management to

express opposition to VAD, and their own staff will not be required to provide VAD services, the aged care facility or retirement village must facilitate access for the resident's own medical team to undertake consultations, and any other aspect of VAD.

# Campaigns supporting the Voluntary Assisted Dying Bill

An overview of the scope of advocacy by campaigners in the lead up to the vote is followed by information on the debate and voting as it played out in both houses of parliament. The 2020-2021 campaign benefitted from the additional skills and expertise of well-known journalist Lainie Anderson who was media spokesperson for the campaign; Angie Miller who campaigned energetically across the state through her facebook page 'A Peaceful End', with a focus in regional areas where most Liberal Party MPs hold the seats; Justine Firth who provided invaluable social media support to get the message out; Matt Williams from Newgate Communications who liaised with government MPs; and Rob Bonner from the Australian Nursing and Midwifery Federation who participated in every aspect of the campaign. VADSA President Frances Coombe and Policy Director Anne Bunning worked tirelessly to bring it all together.

### 'Sea of Red' rally

On March 31st VADSA and VAD support group members and others dressed in red for a 'Sea of Red' rally. Colour is a powerful way to express frustration and injustice over the legislative statusquo, but also highlights individual and collective

hopes and ideals. The assertive colour red is used in many social movements to elicit emotion and grab attention.

Banners representing VADSA and support groups were displayed on Parliament House steps. VADSA members engaged with passers-by who showed their enthusiastic support by writing impromptu personal letters to MPs which were immediately taken in to Parliament House for distribution.

#### Barossa sunset vigil

On April 18th local community members gathered in Nuriootpa and shared their stories of the difficult, painful deaths of family and friends. Jacqui Possingham from Greenock organised a candlelight vigil, with people expressing the hope that the current VAD Bill will be passed to avoid more people suffering at the end of life.

Jacqui prepared a memorial board of photos of deceased loved ones who had experienced bad deaths, with each name read out by Anne Bunning during the vigil. Angie Miller, host of Facebook page 'A Peaceful End', organised a similar Riverland vigil on the shores of Lake Bonney the evening before. The March Bulletin covered the wide range of earlier meetings organised by Angie in both regional and metropolitan SA, supported by VADSA.

#### 'They Died Waiting' rally

On May 5th supporters again rallied on Parliament House steps ahead of the vote in the Upper House. They held photos and placards honouring loved ones who had experienced futile suffering due to being denied legal recourse to VAD.

#### Mt Gambier vigil

On May 21st Uniting Church minister Rev. Michael Dowling, who represents the group *Christians Supporting Choice for Voluntary Assisted Dying*, addressed a public vigil in Mt Gambier. He explained why the majority of Christians support compassion and choice for VAD. You can watch his speech through the

VADSA website at vadsa/org/news/Christians support compassion and VAD or through https://www.youtube.com/watch?v=lFmKUm\_uTfE

Rev. Dowling refuted the view put forward by some religious opponents who equate VAD with murder, arguing:

"VAD is not killing. The person is already dying. The only question is whether they die in agony or will they be allowed to die peacefully surrounded by those that love them.

How can you possibly equate someone who is dying, who is in unrelievable suffering, who asks for their suffering to be ended, with the Commandment 'Thou shalt not kill'.

"What would make anyone think that Jesus would not feel moved with compassion for someone who is in unrelievable suffering".

#### 'Candles for Compassion' vigil

On May 26th an estimated 500 supporters gathered on Parliament House steps and adjoining footpath in the lead up to the debate in the House of Assembly. Lainie Anderson, VADSA campaign spokesperson, was the MC for the evening.

This vigil was proudly co-hosted by Go Gentle Australia; VADSA, led by President Frances Coombe and Policy Director Anne Bunning; Angie Miller's Facebook group 'A Peaceful End'; the Australian Nursing and Midwifery Federation; and Susie Byrne from *SA Nurses Supporting Choices in Dying*.

Rosemary Wanganeen, a South Australian Aboriginal woman with Kaurna, Wirrangu and Irish heritage gave a powerful Welcome to Country. Rosemary supports VADSA's aims, and the society appreciates her ongoing involvement by taking part in this event.

Kyam Maher MLC (Labor), and Susan Close MP (Labor), who co-sponsored the Bill thanked everyone for their tireless advocacy for law reform. Nick McBride MP (Liberal) also spoke in support of the Bill.

Rev. Michael Dowling led a one minute silence in memory of loved ones denied the protection and comfort of a VAD law. Liz Habermann travelled from Wudinna for every debate and joined the vigil in memory of her much loved son Rhys. In 2017, aged 19 and experiencing extreme suffering from cancer, Rhys took his own life. His family then spent 18 months under a cloud as the police investigated his death before a decision was made not to proceed with charges. Rhys wanted the choice of a voluntary assisted death, but the prevailing SA law denied him this right.

Several people living with terminal illness gave very moving addresses. Ceara Rickard, a psychologist from SA, currently living in Tasmania, said 'My wish, as cancer steals my life away and I leave this beautiful world, is for no one to steal my death'.

Kym Watson from Goolwa maintained that despite his terminal health status he wishes to fight to live as long as he can, but wanted VAD legalised. Jane Qualmann, a former Josephite nun living with terminal cancer, who resides on the SA - Victorian border, highlighted the injustice of being denied the option for VAD now afforded to her Victorian neighbours. Andrew Denton from Go Gentle Australia also addressed the crowd, remembering South Australian advocate, the late Kylie Monaghan, who contributed so much to the campaign in 2016, although seriously unwell at the time. Denton urged politicians debating the SA bill to consider the fact that VAD laws had now been passed in three Australian states.

# **Electorate Polling, Media and meetings with MPs**

The VADSA campaign aimed to encourage constituents in each of South Australia's 47 House of Assembly electorates to contact their MP and ask them to support the VAD Bill. Initial focus was on the Legislative Council where the Bill was first debated. Social media was a key component of the campaign, backed up by the evidence from electorate polling of the overwhelming support for VAD in each electorate. Local print and electronic media were provided with stories of local people in regional and metropolitan electorates who have suffered at the end of life.

Meetings were held between VADSA, local constituents and MPs to both understand the MP's position and to encourage their support for the VAD Bill. The VADSA Newsletter was distributed the each MP each sitting week, with each issue emphasising a specific aspect of the debate.

Through the new VADSA website and active social media, a strong support base was able to be mobilised and informed of rallies, the need to contact MPs, and be updated on progress of the VAD Bill.

#### **VADSA 2021 ANNUAL GENERAL MEETING**

Voluntary Assisted Dying SA (VADSA) holds public meetings twice yearly at 2.15 pm at:

## The Box Factory 59 Regent St South, Adelaide

Subject to current prevailing restrictions on public gatherings due to the impact of COVID 19, the 2021 AGM is due to be held on

## Sunday November 15th 2020 at 2.15 pm

The guest speaker for the AGM will be announced in the November edition of the VADSA Bulletin

# The debate and vote in the Legislative Council

The debate in the Upper House was led by Hon Kyam Maher, Shadow Attorney General, Leader of the Opposition in the Legislative Council, and chair of the *Joint Committee on End of Life Choices* which handed down its report in October 2020. In his Second Reading speech on Dec 2nd last year he recounted the painful death of his mother Viv as the trigger which galvanised him to introduce a Bill. Kyam's father, Jim, was in the Gallery for all debates in both the Upper and Lower Houses, and his brothers were there for the Legislative Council vote. Kyam told the Legislative Council:

My resolve to see change has been firmed by my own experience. When my mum was diagnosed with pancreatic cancer, I immediately remembered the gut-wrenching way the disease played out in the end with the guy who used to be my boss, the late Hon. Terry Roberts... Pancreatic cancer is so often an excruciating, painful and certain way to die.

During the debate which resumed on March 17th, the Hon Stephen Wade argued strongly for a national VAD model; one that was largely consistent between the states. He led the debate against many amendments put forward that would have veered SA away from such a model. He spoke constructively and openly as a Christian living in a pluralist society; arguing that people should have the freedom to live according to their own values as long as they do not cause harm to others:

VADSA membership renewals are due in February each year

We look forward to your continuing support.

When making payments to VADSA through EFT please ensure that you include full details of your name and contact details

Thank you!

This bill says that the state will only provide voluntary assisted dying in the context of imminent death. The person needs to be in the last six to 12 months of a terminal illness. In my view the threshold in this bill is sufficiently clear and appropriately narrow...Since the parliament last considered euthanasia legislation the context has fundamentally changed... we are likely to be joining four other states who are moving to legally allow voluntary assisted dying. Three of those states have already legislated, and Queensland is well advanced.

The final vote taken at 11.40 pm on March 17th saw six Labor, four Liberal and four cross-bench MLCs support the Bill. Four Liberal, two Labor and one cross-bench MP voted against it.

The following MLCs **supported** the Bill.

- Bonaros, C (SA Best)
- Lensink, J (Lib)
- Bourke, E (ALP)
- Maher, K (ALP)
- Darley, J (Ind)
- Pnevmatikos, (ALP)
- Franks, T (Greens)
- Ridgway, D (Lib)
- Hanson, J (ALP)
- Simms, R (Greens)
- Hunter, I (ALP)
- Wade, S (Lib)
- Lee, J (Lib)
- Wortley, R (ALP)

The following MLCs **opposed** the Bill:

- Centofanti, N (Lib)
- Pangallo, F (SA Best)
- Hood, D (Lib)
- Scriven, S (ALP)
- Lucas, R (Lib)
- Stephens, T (Lib)
- Ngo, T (ALP)

The debate then moved to the House of Assembly.

# The debate and vote in the House of Assembly

The debate in the Lower House was held on the 9th and 10th of June, and steered carefully and

sensitively by Deputy Labor Leader Susan Close MP who ensured that the proceedings remained respectful. Closing speeches by MPs paid tribute to the decades of advocacy work by VADSA and the other strong community support.

While the SA Bill mirrored the 68 safeguards under the Victorian Act, further safeguards were added. These included a distinction that was made between palliative care and VAD; further requirements to ensure that a request is voluntary; and that family members cannot be one of the assessing doctors.

One very significant amendment noted earlier was that while individual practitioners may conscientiously object to engaging with the VAD process, arguments were raised that faith-based institutions should also be allowed conscientious objection.

Importantly, a clear distinction was made between health and residential facilities. Commonwealth law defines residential aged care as a person's home. Therefore, institutions will not be allowed to frustrate any process concerning a VAD request in a resident's home.

The institution must provide access for medical practitioners and pharmacists to process a request for VAD, even though staff will not be required to participate. It will also be required to facilitate the transfer of a person to and from a VAD related appointment. If the need for a transfer could cause a patient harm or suffering in any way, the facility must allow the activity to occur on the premises.

Private hospitals will be exempted from participating in any aspect of the VAD process if the management claims a conscientious objection. These include: "private hospitals within the meaning of the Health Care Act 2008 or other private health facility of a kind prescribed by the regulations; or the whole or part of any other private institution, facility, building or place that is operated or designed to provide inpatient or outpatient treatment, diagnostic or therapeutic interventions, nursing, rehabilitative, palliative, convalescent, preventative or other health services (including, to avoid doubt, places of short-term respite care); any other health

service establishment of a kind prescribed by the regulations."

However, the institution will be required to advise potential patients of this prohibition prior to admission. If a person later decides that they wish to request VAD, the institution must take reasonable steps to facilitate a transfer to a supportive facility.

#### How your MP voted:

At 1.32 am on June 10th, after a six hour debate, the House of Assembly voted 33 to 11 to support the Bill. The following MPs **supported** the Bill:

- David Basham (Lib)
- Paula Luethen (Lib)
- Frances Bedford (Ind)
- Peter Malinauskas (ALP)
- Troy Bell (Ind)
- Steven Marshall (Lib)
- Zoe Bettison (ALP)
- Nick McBride (Lib)
- Leon Bignall (ALP)
- Stephen Mullighan (ALP)
- Blair Boyer (ALP)
- Lee Odenwalder (ALP)
- Vicki Chapman (Lib)
- Stephen Patterson (Lib)
- Susan Close (ALP)
- Chris Picton (ALP)
- Nat Cook (ALP)
- David Pisoni (Lib)
- Matt Cowdrey (Lib)
- Carolyn Power (Lib)
- Fraser Ellis (Ind)
- Rachel Sanderson (Lib)
- John Gardner (Lib)
- Jayne Stinson (ALP)
- John Gee (ALP)
- Joe Szakacs (ALP)
- Richard Harvey (Lib)
- Peter Treloar (Lib)
- Katrine Hildyard (ALP)
- Tim Whetstone (Lib)
- Eddie Hughes (ALP)
- Corey Wingard (Lib)
- Dana Wortley (ALP)

The following 11 members voted against the Bill:

- Dan Cregan (Lib)
- Adrian Pederick (Lib)
- Sam Duluk (Ind)
- Tony Piccolo (ALP)
- Stephan Knoll (Lib)
- David Speirs (Lib)
- Tom Koutsantonis (ALP)
- Vincent Tarzia (Lib)
- Andrea Michaels (ALP)
- Dan van Holst Pellekaan (Lib)
- Steve Murray (Lib)

On the 23rd June the Bill was then returned to the Upper House for consideration of the Lower House amendments. The Hon Stephen Wade added a final amendment to ensure that residents of retirement villages covered by state legislation would not be affected by a faith based institutional conscientious objection. The legislation was finally passed at 11.05am on 24th June. South Australia became the fourth state to pass voluntary assisted dying legislation, with twelve million Australians now living in a state where VAD is legal. A copy of the Hansard transcripts covering the debate and vote in full across both houses is available on VADSA's website under 'Resources' at https://www.vadsa. org.au/hansard 2011-21

#### VADSA's president says thank you

The work of supporters and you, our VADSA members, has been invaluable during our campaign - lobbying Members of Parliament, gathering supporters and attending our rallies. Over the years you have helped staff our information events at shopping centres and on the Parliament steps. Your work has made for an inspiring journey!

Our Bulletin editor Julia Anaf has noted here earlier the many people who have contributed as volunteers to our campaign and I give my heartfelt appreciation to the talent and dedication of Lainie Anderson, Angie Miller, Justine Firth and Minister Michael Dowling; also to Susie Byrne and Beau Summer, most capable convenors respectively of *SA Nurses Supporting Choices in Dying* and *Paramedics Supporting Choices in Dying*. Ian Wood, convenor of *Christians Supporting Choice* 

for VAD, was and has been for many years, a robust advocate.

The other SA advocacy groups listed below, once again all volunteers, also played an important role in our campaign:

- Doctors for Assisted Dying Choice
- Voluntary Assisted Dying Youth Advocates
- Lawyers for Death with Dignity
- Accessible Voluntary Assisted Dying

Angie Miller's advocacy travels inspired supporters Jacqui Possingham, Jan Kemble, Bec Rowan, Jane Qualmann, Kym Watson and Julie Barrien; all of whom contributed their time and energy wholeheartedly. Jane's pumpkin soup was especially delicious!

Rob Bonner of the *Australian Nursing and Midwifery Federation (SA)* gave generously of his time to meet with MPs. The Federation has supported VAD over many years. The VADSA committee members have, as always been steadfast in their support and diligence – such a fantastic team! And then there is our policy director Anne Bunning – a brilliant tactician who has laboured many years before, and more so during the campaign; as well as designing and managing our new website which enables us to engage with supporters.

Our campaign has been a nationwide venture in reality, with most welcome assistance from our 'sister' societies interstate. A big thank you to DWDWA for their generous donation towards our campaign. My sincere appreciation also goes to DWDNSW President Penny Hackett and Vice President Shayne Higson, who organised our Do Gooder campaign that enabled people to directly email their MPs. Thank you to Neil Francis of *DyingForChoice* who provided rigorous research countering the spurious claims by those opposed to VAD.

Go Gentle Australia also gave generous support, working with us, and also promoting and attending our May 26th rally. All of this support was for Hon Kyam Maher and Dr Susan Close who championed the VAD Bill for this 17th time. I thank you both for your compassion and deep commitment.

It was such a pleasure to have amazing support and camaraderie during the campaign!

### **Dr Roger Hunt**

This is a small tribute to Dr Roger Hunt who we all admire as a man of honour and compassion. Readers will no doubt be well aware of the ongoing courageous advocacy for VAD law reform over many years by Dr Hunt, a palliative care pioneer with expertise spanning 37 years, and member of both the Victorian and Western Australian Ministerial Advisory Panel on Voluntary Assisted Dying. In an article by Go Gentle Australia on 23rd May, Dr Hunt is quoted as saying:

Suffering takes many forms. It is not just pain, which of course can be agonising and horrific...Suffering can also be existential, where people become unable to do the things that give purpose and pleasure in life, or when an otherwise private person needs help with hygiene and toileting. Progressive cancers and motor neurone disease can cause such suffering that sometimes medication and counselling offer little comfort.

During my work as a palliative care doctor, around half my patients have said they are 'ready to die' or 'hope it happens sooner rather than later...A significant number have asked me to hasten their death, and some have pleaded for my help. They convinced me that a VAD pathway is desperately needed. If I was in their situation, I would want a choice too'.

Thanks to advocates such as Roger Hunt, this choice is now available in SA.

## Paving the way for success

Legislative success leaves a wonderful legacy for our state and is a 'feather in the cap' for Kyam Maher. He and his co-sponsor, Susan Close MP, are to be commended and congratulated for their careful steerage of the Bill, and for finally providing us with the compassion and choice we have been seeking for decades. Their advocacy follows in the footsteps of other MPs who sought law reform to allow VAD.

It is important to recognise the contribution made by the following former elected members who brought the earlier range of Bills to parliament between 1995- 2016. This shows that VAD law reform has been canvassed across the political spectrum:

- John Quirke (Labor)
- Anne Levy (Labor)
- Sandra Kanck (Aust Democrats)
- Dr Bob Such (Independent)
- Mark Parnell (Australian Greens)
- Steph Key (Labor)
- Duncan McFetridge (Liberal)

#### VADSA Bulletin is available by email

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Thank you.

# The World Federation of Right to Die Societies

Founded in 1980 the World Federation of Right to Die Societies is an international federation of associations that promote access to voluntary assisted dying. It holds regular international meetings on dying and death. The World Federation consists of 57 right to die organizations from 28 countries.

## Success at last!



Rallying for compassion May 5th. Centre front row is patron Professor John Willoughby next to Susie Byrne from SA Nurses supporting Choices in Dying



Barossa sunset vigil at Nuriootpa



Jacquie Possingham at Nuriootpa with memorial board of deceased loved ones



L-R Kyam Maher with Angie Miller from 'A Peaceful End' Facebook group. Angie's T shirt acknowledges the late Kylie Monaghan.



Success! L-R Kyam Maher MLC, VADSA President Frances Coombe, VADSA Policy Director Anne Bunning, Dr Susan Close MP



Acknowledging SA as the fourth Australian state to legalise VAD L-R Kyam Maher MLC, Liz Habermann, Lainie Anderson VADSA campaign spokesperson, Frances Coombe, Rob Bonner from Australian Nursing and Midwifery Federation, Anne Bunning, Susan Close MP



L-R Kyam Maher with Liz Habermann



## **Voluntary Assisted Dying Partnerships**

By mid- 2021 every state in Australia had passed, or will be debating, a law to give people a compassionate choice to end their suffering.

#### 12 million Australians now live in a state where VAD is legal.

VADSA partners with organisations and individuals in Australia and overseas who work to achieve legal voluntary assisted dying. Voluntary Assisted Dying South Australia is our facebook page. The page contains current information about developments around Australia and the world.

A Peaceful End facebook page is run by Angie Miller who became a VAD campaigner after the distressing death of her father over an extended period.

Accessible Voluntary Assisted Dying facebook page provides information on VAD, with a focus on equitable access to a medically assisted death for people isolated by distance or disability.

Advocacy Groups listed below represent different interest groups who advocate for VAD law reform.

- Doctors for Assisted Dying Choice
- South Australian Nurses Supporting Choices in Dying
- Christians Supporting Choice for Voluntary Assisted Dying
- Voluntary Assisted Dying Youth Advocates
- Lawyers for Death with Dignity
- Paramedics Supporting Choices in Dying
- Accessible Voluntary Assisted Dying

Go Gentle Australia was established by Andrew Denton to support VAD law reform.

The Australian Nursing and Midwifery Federation supports VAD.

The website DyingForChoice was established by Neil Francis, a Melbourne based VAD advocate which provides important information and counters misinformation about VAD.

The World Federation of Right to Die Societies is based in The Netherlands. Its website includes links to societies around the world working towards legalising assisted dying.

VADSA's state and Territory Partners - each state and territory has an active group supporting VAD law reform

- Dying with Dignity NSW
- Dying with Dignity Victoria
- Dying with Dignity Tasmania
- Dying with Dignity Western Australia
- Dying with Dignity Qld
- Northern Territory Voluntary Euthanasia Society
- Dying with Dignity ACT

Advance Care Directives are a valuable tool to provide guidance to medical professionals and carers on your end of life wishes. Contact Service SA on 13 23 24 for further information.

## Voluntary Assisted Dying South Australia Inc. Membership Form

Print and post or join online at <a href="https://www.vadsa.org.au">https://www.vadsa.org.au</a>			
□ New M	lembership		Renewal
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PLEASE LOD or via Austr		g with EFT payn	ment advice either via email to info@vadsa.org.a
How did you	ı hear about us?		
			of help to VADSA?
Do vou wish	to receive the Bullet	tin by post or en	mail?

VADSA's members support the society's primary objective which is a change in the law, so that in appropriate circumstances and with defined safeguards, death may be brought about as an option of last resort in medical practice. These circumstances include the free and informed request of the patient and the free exercise of professional medical judgement and conscience of the doctor. VADSA IS NOT ABLE TO HELP PEOPLE END THEIR LIVES.



### **VADSA's Primary Objective:**

A change to the law in South Australia so that in appropriate circumstances, and with defined safeguards, death may be brought about as an option of last resort in medical practice. These circumstances include the free and informed request of the patient and the free exercise of professional medical judgment and conscience of the doctor.







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