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The electoral ramifications of supporting Voluntary Assisted Dying

Is it politically wise or unwise to support voluntary assisted dying laws?

Parliamentarians have traditionally shied away from taking a public stand in support of assisted dying, believing that it was politically toxic to do so.

Victoria under the Andrews government changed all that. After legislating VAD, the first State to do so, it then won a thumping victory in the 2018 State election.

Western Australia, Queensland and Tasmanian governments have also seen no negative political fallout from backing assisted dying law reform – in fact the opposite.

Victoria 2018

In 2017, Liberal and Nationals members voted overwhelmingly against the VAD bill. At the election the following year, Liberals suffered an average 6.04% swing against them (most of this going to Labor). While there were multiple reasons for the election result, attitudes toward VAD was one of them.

The election was won by Dan Andrews' Labor government, claiming 55 of the 88 Lower House seats.

Of Liberal MPs who voted in favour of VAD, Louise Staley held onto her seat by a margin of .02%. Fellow Libs Roma Britnell and David Morris also kept their seats.

Louise Asher did not recontest her seat, after holding it for 26 years. Brian Paynter lost his seat with a swing of - 4.28% (due to a redistribution, a 5% swing had been predicted against him). Emma Kealy, the sole National to support the legislation, was returned.

The loss or gain in the primary vote of four of these Members is shown below in % figures. (Asher-Brighton did not recontest and Britnell - South-West Coast - was not the candidate at the 2014 general election but came in via a 2015 by-election for this, the seat of former Premier Denis Napthine.)

David Morris (Mornington) -8.2%

Brian Paynter (Bass) -4.28%

Louise Staley (Ripon) +6.18%

Emma Kealy, (Lowan) +12.84%



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Go Gentle Australia is a health promotion charity founded by Andrew Denton. It was established to help relieve the distress, helplessness and suffering experienced by Australians with terminal illnesses, their families and carers. We are about a better conversation around death, dying and end of life choices, including voluntary assisted dying. More at www.gogentleaustralia.org.au

Notably they had 1.63% INCREASE in their vote on average, with two of the four Members showing a very sizeable increases in their vote.

Significantly, Independent MLC Fiona Patten (Reason Party) who was a central figure in bringing the legislation to parliament, was returned despite an aggressive preferencing campaign against her by Glenn Druery. In her campaign advertising, Fiona prominently underlined her advocacy for VAD.

Of the Liberals who voted against VAD, the following lost their seat:

- Robert Clark lost Box Hill with an 8-point swing
- Graham Watt lost his seat of Burwood with a 6-point swing.

In the Upper House:

- Inga Peulich - vote for the Libs fell to 28%
- Margaret Fitzherbert
- Joshua Morris

Luke O'Sullivan (Nats) also lost his seat.

Clark, Watt and Peulich led the attempts to defeat VAD in parliament.

No Labor MPs who supported the legislation lost their seats.

More revealingly, Andrew Denton robo-called four marginal electorates to inform voters in those electorates where their candidates stood on this issue. These seats were: Albert Park (Labor), Bentleigh (Labor), Burwood (Liberal) and Prahran (Greens). In three of these (Albert Park, Prahran & Bentleigh), the sitting Member supported VAD. In all four seats, the Liberal candidate was opposed to VAD. Here's what happened:

Albert Park: Labor member Martin Foley who came out strongly supporting the bill, retained the seat with a massive swing of 10.17% (two candidate preferred vote) rendering it a marginal seat no longer. The Liberal primary vote went backward by 10.24% compared to the last election.

Bentleigh: Ditto. The Labor member Nick Staikos held and consolidated the seat with a massive swing of 11.27%. The Liberal primary vote went backward by 12.59% compared to the last election.

Burwood: the Liberal member Will Fowles, lost his seat after a 6.47% swing against him. The Liberal primary vote went backward by 7.33% compared with the last election.

Prahran: Sam Hibbens for the Greens, a supporter, retained his seat with a swing of 7%. The Liberal vote went backward by 10.29%.

The Denton robo-calls appear to have had an effect on the results in these four seats and this effect appears to be sizeable as expected from previous survey indications. In these four seats, there was an average loss of primary votes to the Liberal candidates of 10.1% compared with the average loss in

the Liberal vote overall of 6.04%. The difference is consistent with previous analysis¹ showing that a surprisingly large proportion of the electorate indicate a preparedness to vote against a candidate who does not support VAD.

Western Australia 2021

Drawing conclusions from election results in other states is more problematic regarding VAD, given the overwhelming influence of the COVID-19 pandemic on voters.

However, it is safe to say government support for VAD has had NO negative impact on electoral performance.

In Western Australia, where Mark McGowan followed Victoria's lead and introduced a VAD law in 2019, the government was returned in one of the largest political landslides in Australia's history.

The Liberal Party was left with just two members in the lower house and a seven in the upper house after a 10% state-wide swing against it.

Covid-19 dominated the result; however, the scale of the Liberal defeat cannot be solely attributed to the pandemic (Opposition parties in other states have not suffered such large swings). WA Liberal leader at the time of the VAD debate, Lisa Harvey (who had opposed the bill) lost her previously safe seat, as did vocal opponents Alyssa Hayden, Tony Krsticevic and Sean L'Estrange.

The influence of two of the VAD law's staunchest critics -- upper house Liberal powerbrokers Nick Goiran and Peter Collier – also came into sharp focus.

Mr Collier was replaced as the party's leader in the Upper House. Tjorn Sibma, an outspoken advocate for VAD, was elevated to deputy-leader.

Mr Goiran – and Evangelical candidates linked to him -- sparked controversies during the campaign, as Goiran himself had done during the VAD debate by obstructing progress of the Bill.

New Liberal leader Dr David Honey acknowledged: "Concerns around the influence of individuals or groups is not a new thing and we need to make sure we have processes that are robust that don't allow that to happen."

¹ Newspoll Francis 2012, Omnipoll 2017 & Willingham 2017

Queensland 2020

Voluntary assisted dying was made a campaign issue in the 2020 Queensland election when the Palaszczuk government pledged to make VAD legislation a priority if re-elected. Support for VAD in Queensland stands at 86%, according to a comprehensive poll conducted by Roy Morgan Research.

At the election, the government was returned for a third term, with four additional seats and swing to it of 4.2%.

During the campaign, Liberal member for Bundaberg, David Batt addressed a meeting of local VAD supporters and refused to say whether he supported VAD. He lost his seat by 11 votes. As one VAD advocate pointed out “the voting margin was in that room”.

First-time MPs Jimmy Sullivan, Jonty Bush, Ali King and Jason Hunt all voiced their support for the voluntary assisted dying legislation.

Tasmania 2021

In the most recent election, in Tasmania in May, the Gutwein Government remains well on track to achieve its desired majority. Gutwein, his deputy Jeremy Rockliff and Health Minister Sarah Courtney were all high-profile supporters of the VAD Bill introduced to parliament by Independent MLC Mike Gaffney.

Mike Gaffney, the high-profile instigator of the successful Tasmanian VAD bill, was re-elected to his seat unopposed.

Conclusion

There is a common perception that the political class has not been listening to its constituents; VAD is a classic example. With an unprecedented 80-85% support, it should be no surprise that candidates who supported VAD polled strongly. Candidates can increasingly expect to get trounced when (for whatever their own personal reasons) they ignore their constituents' wishes.

Go Gentle Australia – with Marshall Perron & Max Sutherland