

Dying with Dignity

New South Wales



NEWS | Summer 2021/2022



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President's Message

To say that 2021 was a big year for our cause would be an understatement. It was a rollercoaster of emotions with incredible highs and lows but we ended the year with the Voluntary Assisted Dying Bill (VAD) passing the NSW Lower House with a solid majority on Friday 26 November.

While we can be very proud of this historic result, the Bill now needs to pass the Upper House and we must not be complacent about its chances of success. We have learned to expect the unexpected and it is well known that the NSW Upper House is an unpredictable animal. When we throw Omicron into the mix we cannot be certain of anything, but rest assured that we will be working our hardest to make sure that NSW joins the other states in passing VAD laws.

Looking back at 2021 we must acknowledge our successes and the incredible efforts of so many people who have contributed to getting us to this point.

- We started the year with our Petition launched by Scott Riddle which we presented to Parliament in October with more than 100,000 signatures.
- We held more than 50 stalls all around NSW, manned by our wonderful supporters.
- We increased our supporter base by almost 100,000 people.
- Tens of thousands of emails and letters were sent to MPs telling their personal stories and urging them to support the VAD Bill.
- We collected thousands of devastating testimonies from our supporters – some suffering terminal illnesses themselves and others who have watched loved ones suffer at the end of their lives.
- Many healthcare professionals shared their experiences of caring for dying people who suffered greatly, despite the best medical and palliative care.
- Desperately sad stories were shared with the media in print, TV and on radio and many hundreds of letters were sent to editors of newspapers all over the state.

- We formed a powerful alliance of stakeholders to lobby Parliament, including the NSW Nurses and Midwives Association, Council on the Ageing NSW, Older Womens' Network NSW, Australian Paramedics Association (NSW), Cancer Voices NSW, Doctors for Assisted Dying Choice and Christians Supporting Choice for VAD.
- We organised a joint letter signed by more than 100 NSW doctors to NSW MPs expressing their support for the VAD Bill.
- Following a survey of its members, the Health Services Union joined the lobbying efforts.
- We released NSW coronial data which indicated that over 20% of suicides of people over 40 had a terminal or debilitating illness.
- We made thousands of phone calls to our supporters in key electorates asking them to contact their MPs in the lead up to the vote.
- We maintained a presence outside Parliament House during the debate, including our two wonderful Field of Hearts events to which more than 3000 people contributed their heartfelt messages to MPs.
- Go Gentle Australia organised two MP briefings from medical experts involved in VAD in Victoria and legal academics specialising in VAD and end of life law.
- With Go Gentle, we produced the State of Suffering book with more than 100 devastating stories showing the impact that not having VAD laws has on dying people and their families.

There are too many people to thank everyone individually but the incredible efforts of our supporters across NSW lobbying their own MPs was absolutely critical to getting the Bill through the Lower House. We can't thank you enough for your help. We must also acknowledge the difficult and stressful work done by Alex Greenwich, Greg Piper and the other co-sponsors of the Bill in navigating the considerable political obstacles in the Bill's path, made more difficult by COVID, resignations of several senior MPs, change of Premier and the persistent lobbying from church groups. For special mention is Alex's policy

guru, Tammie Nardone, who was responsible for crafting the Bill and dealing skilfully with stakeholder consultation and particularly the perilous process of defending the Bill against hostile amendments.

We also must thank our wonderful community campaign manager Heath Reed, who has spent the last 9 months co-ordinating our amazing volunteers, arranging our stalls, collating personal stories and much, much more. We would have been lost without his help.

Heath finished up with us on 31 December now that the grassroots part of our campaign is over but he will certainly be back to help us celebrate when we get the VAD Bill through the Upper House.

So what happens now? The Upper House Law and Justice Committee has been running an Inquiry into the VAD Bill since October which has taken submissions from stakeholder groups and the public and conducted 3 days of hearings during December. It is due to report when Parliament resumes on 22 February (fingers crossed) after which the Upper House will debate the VAD Bill.

As I have already mentioned, we expect a difficult process in the Upper House with the risk that the Bill will face more hostile amendments and possible disruptions due to the Omicron outbreak. Upper House MPs do not have an electorate so it is difficult for constituents to lobby them. We will be asking you to write to them to tell your stories and make them understand the terrible consequences that the failure of the VAD Bill would have on terminally ill people.

With all other states now having VAD laws it would be devastating if the NSW Parliament were to deny the same end of life rights to dying people in this state.

We have asked so much of our supporters and you have responded so generously with your time and financial support. We hope that you will stick with us so that we can clear this final hurdle in our campaign.



As always, thank you for your support,

Penny Hackett

President, DWD NSW

MEMBERSHIP OF DYING WITH DIGNITY NSW

Would you consider joining the 1400 plus financial members of DWD NSW?

We rely on our annual membership fees to continue operating.

There are 3 types of membership:

Annual Full: \$50 per annum

Annual Concession: \$25 per annum

Life Membership: \$500 (one off payment)

How to join:

On-line: at dwdnsw.org.au

<https://dwdnsw.nationbuilder.com/membership>

By mail: Call our office on (02) 9212 4782 to request a membership form.

Note: If you join now, your membership will run until 31 March 2023.

Dying with Dignity 
New South Wales

Cover image – Field of Hearts, Sydney

NEWS FROM NEW SOUTH WALES

NSW VAD Bill passes the Lower House

Despite the initial delay caused by the COVID lockdowns in August and September, Alex Greenwich MP was able to introduce the Voluntary Assisted Dying Bill 2021 with a record number of 28 co-sponsors on Thursday 14 October 2021. Although there were some challenges along the way, we are delighted to report that the Bill did pass the Lower House with a decisive majority of 52 votes to 32 on Friday 26 November, the last sitting day for 2021.

There were a number of campaign milestones in the lead up to the historic vote.



Petition handover - On Tuesday 12 October representatives from Dying with Dignity presented our petition signed by more than 100,000 people to Alex Greenwich MP and some of the co-sponsors outside NSW Parliament. We were joined by Scott Riddle, the 39 year old father with stage 4 bowel cancer who started the petition in 2020.

It was challenging trying to maintain a grassroots campaign during the pandemic but we were so pleased when we reached the target of 100,000 signatures. We could not have achieved our target without our wonderful volunteers who manned more than 50 stalls, come rain or shine, gathering signatures and talking with interested locals about the proposed law reform.



Introduction of the Bill - Two days later we took part in a press conference to welcome the introduction of the VAD Bill into NSW Parliament.

It was a momentous day for Dying with Dignity and our supporters across NSW. It took four years of lobbying to reach a point where assisted dying legislation could be considered again following the defeat of the last VAD Bill in 2017.

We are so grateful to Alex Greenwich MP for leading this much-needed and compassionate law reform.

Alex worked collaboratively with his colleagues from across the political spectrum as well as key stakeholders to ensure that NSW was not left behind when it comes to providing greater end-of-life choice.



Referral to Inquiry - It wasn't all smooth sailing following the Bill's introduction. Although chances of the Bill passing both houses before the end of the year were slim, we were initially disappointed when the VAD Bill was referred to an Upper House Inquiry that would not be reporting until February 2022.

The situation improved once it was decided that the Inquiry could begin before the Bill cleared the Lower House. We now think it could potentially help the passage of the Bill through the Upper House seeing that the legislation will have been scrutinised by the Standing Committee on Law and Justice.



VAD Alliance Launch – On Tuesday 9 November we announced that a major alliance of organisations including unions, health and community groups had formed to support voluntary assisted dying law reform in NSW.

The NSW Voluntary Assisted Dying Alliance includes 29 organisations including the NSW Nurses and Midwives' Association, Council on the Ageing (COTA) NSW, Older Women's Network (OWN) NSW, the Australian Paramedics Association (NSW), Cancer Voices NSW, Doctors for Assisted Dying Choice and Christians Supporting Choice for Voluntary Assisted Dying.

The member organisations represent thousands of nurses, doctors, paramedics, older people, terminally ill people and even parts of the legal and professional community – who all support this important law reform. The statement released by the NSW VAD Alliance said “We support the guiding principle of autonomy as the first pillar of medical ethics and the right of competent adults to make informed decisions about their own medical care” and “We note the widespread public support for choice at the end of life and we urge the NSW Parliament to pass the Voluntary Assisted Dying Bill 2021”.

A number of the organisations in the Alliance had surveyed their members revealing overwhelming levels of support for VAD. Research undertaken by Newgate Research on behalf of COTA NSW in early 2021 found that 72% of people aged 50 and over in NSW supported this legislation. COTA NSW, along with other VAD Alliance members, wrote to NSW MPs in the lead up to the debate expressing their support for the Bill.



Field of Hearts - We knew as far back as August that a physical rally would be out of the question, given the COVID situation, so we planned an alternative event to coincide with the Lower House debate.

On Thursday 21 October a group of DWD volunteers planted more than 3,000 hearts in the Domain behind Parliament with messages from people across NSW. Some of the messages were from people who need access to the law themselves but the vast majority were from family members who had witnessed the bad death of a loved one. The messages represented just a fraction of the millions of people in NSW who support voluntary assisted dying law reform and who wanted to see their views represented in Parliament.

A number of supportive members of parliament came down to the Domain in Sydney to read the messages and have photographs taken in the Field of Hearts.

COTA NSW's CEO, Meagan Lawson, said "It is our belief that older people in the last stages of a terminal or incurable illness have the right to make informed decisions on their end-of-life medical care, including the choice to receive medical assistance to end their life peacefully, at a time of their choosing."

The Older Women's Network NSW voted unanimously at its Annual General Meeting on 30 September 2021 in support of Voluntary Assisted Dying.

"We believe that those who are in the terminal stages of their illness and experiencing unrelievable suffering should be given the option to access the pathway to decide on the time and manner of their death in consultation with their medical practitioners, as well as loved ones," said Beverly Baker, Chair of OWN NSW.

"The checks and balances contained in the Bill will protect individuals from coercion to take this step, and will give the same rights to the people of NSW that are available to people in every other state in the nation."

The NSW Nurses and Midwives Association were the latest organisation to survey its members. Brett Holmes, General Secretary of the NSW Nurses and Midwives' Association said "Of the 3,946 members recently surveyed, 86% indicated support for voluntary assisted dying legislation in NSW. Of the 84% that have professional experience providing care to terminally ill patients, over half had been asked to help end a patients' life."

"Our Association supports a compassionate law being introduced to enable choice for people with a terminal illness and prevent them from suffering needlessly. Our members have a duty of care to all patients and the majority agree that people with an incurable sickness should be afforded the right to die with dignity," said Mr Holmes.

Secretary of the Australian Paramedics Association NSW, Gary Wilson, said "Every day, paramedics see patients who are suffering intolerable and untreatable pain through a terminal illness. The Australian Paramedics Association (NSW) believes these people deserve a choice.

Voluntary Assisted Dying is not a replacement for palliative care, rather it is a safety net for those who wish to access it when palliative care can no longer meet their needs," Mr Wilson said.

The NSW Convenor of Doctors for Assisted Dying Choice, Dr David Leaf said "Doctors want to be able to give patient-focused care. Now is the time for legislators to accept that some intolerably suffering, competent patients deserve the right to choose."



Challenging the delays – Dying with Dignity NSW, and the co-sponsors of the VAD Bill, began to have concerns that the assisted dying debate was being deliberately delayed. We made a decision to act quickly and leave nothing to chance.

Working with Go Gentle Australia we placed full page ads in both the major newspapers to put pressure on the Premier, Dominic Perrottet and Leader of the Opposition, Chris Minns, to allow debate to begin as planned and allow enough time for debate in the Lower House to conclude before the end of the year.

At short notice 77 year old Judith Daley became the new face of our campaign. Judith has terminal lung cancer and she featured in the ads as well as in a story on *A Current Affair*.

Dying with Dignity also announced publicly that we were prepared to throw significant resources into the upcoming by-election campaigns in 2022, if debate of the Voluntary Assisted Dying Bill in the Lower House was delayed because of political game playing.

ADVERTISEMENT

Judith Daley, 77
Terminal lung cancer
Sydney

**Look me in the eye
and tell me I must suffer**

I'm Judith and I have terminal lung cancer. I'm not scared of dying but I am afraid of *how* I die. Every other state has passed a Voluntary Assisted Dying law so people like me have the choice to die peacefully, on our own terms. But here in NSW, our political leaders Dominic Perrottet and Chris Minns are allowing delays. I will have the best palliative care, but still face a death by suffocation, drowning in my own fluids.

Will you stand by and let me die like this? Mr Perrottet and Mr Minns, I understand you oppose this bill – but don't be afraid of the debate. You are leaders and I ask you to lead. No more political games or delays, start the debate this week. It is in your hands.

**Ask your NSW MP to let the debate happen
on Voluntary Assisted Dying.**



Go Gentle Australia | Dying with Dignity New South Wales

Scan the QR code to contact your MP now
dwdnsw.good.do/NoDelay

Authorised by Kiki Paul for Go Gentle Australia and Penny Hackett for Dying with Dignity NSW, Sydney.

Field of Hearts revisited - Our first Field of Hearts event received such a good reception from MPs and passers-by we decided to repeat the exercise, this time planting the 3,000 hearts so they created a giant love heart on the Domain. When the debate resumed on Friday 19 November we asked all MPs to take a moment to come and read some of the personal stories from the thousands of people who support voluntary assisted dying reform.

By the end of the day most of the lower house MPs had declared their position on the Voluntary Assisted Dying Bill 2021 so there was an air of excitement in the Domain as our supporters waited to reach the critical number of votes.



Final Lower House vote – At this point there were just two days left to finish the Second Reading speeches and get through the Consideration in Detail stage of the debate before Parliament finished for the year, so it was a very anxious time.

Parliament House was closed to the public during the debate but fortunately Alex Greenwich arranged for us to be his guests and we were given a room where we could watch the proceedings on monitors.

We had expected that opponents of the legislation would use the Consideration in Detail stage to delay the process by proposing multiple amendments. And we were right. There were 167 amendments that needed to be addressed before the final vote could take place. Some were put forward by MPs wanting to improve the Bill and they were supported by the co-sponsors following consultation over a number of weeks. Other amendments, that we call 'hostile' amendments, were put forward at the last minute (literally the night before) including 48 by Alister Henskens MP.

Debate commenced - On Friday 12 November debate on the NSW Voluntary Assisted Dying Bill began in the Lower House.

It was a milestone moment in our campaign and it brought a sense of relief for the thousands of volunteers who have fought so hard for this law reform for so many years. To keep our issue front and centre volunteers maintained a presence in front of Parliament House in rain and shine.



On Thursday 25 November, we prepared for two stressful days. It took all day for the remaining speeches to be finalised but the Second Reading vote took place at 6 pm. It was a convincing victory with 53 votes in favour and 36 opposed.

The House immediately moved into the perilous Consideration in Detail stage to deal with the 167 amendments. For three painstaking hours, one by one, amendments were moved, discussed and then voted on, each time requiring a 'division' where every MP was required to walk into the chamber to have their vote recorded. The "hostile" amendments were being slowly but steadily defeated by a strong majority but it was unclear at that point if the Bill could be finalised in 2021.

Then at 9.15 pm, there was a glimmer of hope and the momentum changed. Alex Greenwich and the co-sponsors decided to move all 40 "friendly" amendments "in globo" so they could be dealt with in a single motion rather than individually. All 40 amendments were passed "on the voices" without the need for a division.

By 9.45 pm, the four of us in the "war room" (Shayne and Penny from DWD, and Steve and Frankie from Go Gentle) sensed a shift in mood. The members resolved to sit until midnight and amend standing orders to speed up the process. It became very clear that the vast majority of MPs wanted this legislation finalised by the next day.

Over the next 90 minutes, the pace changed completely. Alister Henskens MP withdrew all but one of his 49 amendments and Kevin Connolly's motions were steadily defeated. At 11.20 pm, to our delight and relief, the standing orders were amended to adjourn debate until 10.00 am the next day and to bring on the final vote by 2 pm at the latest. We were now confident that the Bill would pass the Lower House.

The next day went even better than expected. Many of the remaining amendments were negated on the voices and the process moved quite swiftly. At 1.07 pm on Friday 26 November 2021, Alex Greenwich moved that the bill be read for a third time.

The atmosphere was euphoric and we had a real sense of watching history being made. Alex

gave a wonderful and very emotional speech in commending the Bill to the House:

"I speak by leave to thank the opponents of this reform for the respectful and genuine way that they have conducted themselves throughout this debate. I acknowledge that their opposition to this reform is genuine. The way they have conducted themselves shows their strength of character and maturity to be able to deal with a complex issue that they are so strongly opposed to. I thank them for their conduct throughout this. I thank the 28 co-sponsors and the many supporters of this reform, who have worked so collaboratively and collectively with me throughout this process. The Parliament has seen some of its most passionate and emotional speeches, and it has been at its best through this very long debate that we have had.

I particularly thank advocates Go Gentle and Dying with Dignity that have worked so hard and for so long for this reform. I have a particular closeness with a former constituent, Shayne Higson, whom I have spoken to multiple times throughout this debate. I thank her for her dedication and determination. Shayne's passion for this reform comes from her own personal experience of seeing her mum die in a very horrific way. Shayne, let us dedicate the passage of this legislation through this House to your mother. She would truly be proud of you. I commend the bill to the House."

The NSW Voluntary Assisted Dying Bill 2021 then passed the Lower House decisively - 52 votes to 32.



Greg Piper and Alex Greenwich



VOLUNTARY ASSISTED
DYING BILL 2021
PASSES
NSW LOWER HOUSE
52 - 32



VOLUNTARY ASSISTED
DYING BILL 2021
PASSES
NSW LOWER HOUSE
52 - 32



The Upper House – Should we be concerned about amendments?

The passage of the Voluntary Assisted Dying Bill 2021 through the NSW Lower House should not lull the electorate into a false sense of security. There are still a number of hurdles for this Bill to clear before it becomes law in NSW.

During the debate in the Legislative Assembly, MPs spoke for and against the legislation. Some heartfelt and well-researched, others carefully designed to alarm and mislead. But these speeches were ultimately irrelevant to the success of the Bill. It came down to the votes - yes or no - it was a numbers game. The same will be true in the Upper House debate.

Having passed with a substantial majority – 52 votes to 32 - it would be unprecedented for the Upper House to block this law reform. However, with the numbers expected to be tighter than in the Lower House, our greatest concern is the potential for “hostile” amendments.

It is during the “Committee of the Whole” stage in the Upper House where the carefully drafted and conservative VAD Bill that passed decisively in the Lower House could be eviscerated by hostile amendments designed to either delay the process or create new hurdles to access VAD, under the guise of protecting “the vulnerable”.

It may seem paranoid, but having watched the legislative process in five states where similar cynical tactics were employed we would be naïve to assume otherwise.

You might expect legislation to be made through careful processes and, for the most part, with the VAD Bill you would be correct. This Bill was carefully drafted, based on the Western Australian VAD laws, with learnings from those passed in other states and two years of successful operation of VAD in Victoria. MPs knew this Bill was coming for almost 12 months and all of them, both Lower and Upper House members received a consultation draft in mid July and the final Bill in September.

The NSW VAD Bill establishes a conservative regime which is substantially the same as those in all other states. Most people would support consistent laws across the country so dying people have the same access to VAD wherever they live.

All of that careful drafting in consultation with key groups could be undone in the final stage of the Upper House debate, with MPs able to throw up new amendments during the committee stage, at short notice allowing little or time for consideration of how those changes might impact the operation of the VAD regime.

In the 4 months leading up to the Lower House debate, MPs were encouraged to consult with the 28 co-sponsors of the Bill about their concerns and to speak with relevant experts. MPs with genuine concerns about the Bill did that, so a number of amendments were supported and passed. In addition, the legislation was referred to an Upper House Inquiry that has already taken submissions, held hearings and is currently examining the Bill in detail. Surely this is the best forum for consideration of amendments?

Unfortunately with reasonable certainty we can predict the likely amendments based on those put forward in the Lower House. An opponent will undoubtedly propose a change of name to the “Assisted Suicide Act”. Inevitably there will be an attempt to require a third medical assessment by a psychiatrist or geriatrician, even though this is not a requirement of any VAD law anywhere in the world.

It will be claimed that extra safeguards and processes are essential to protect the vulnerable, particularly the elderly, with some MLCs expressing grave concerns about elder abuse. This is expected despite evidence given by the Council on the Ageing (COTA), the peak body representing the very people these MPs appear so concerned about.

Under the guise of extra “protection” these amendments will limit the ability of dying people to actually use the regime and disproportionately impact people in regional and remote areas who already struggle to access healthcare. There is nothing special or uniquely vulnerable about terminally ill people in NSW that would warrant imposing these extra “safeguards” which are not imposed on dying people in other states.

Just as it was in the Lower House, MLCs will put forward amendments to a bill they would never vote for. No safeguards would satisfy them unless the regime was limited to people who were already dead.

What motivates MPs to obstruct due process in this way? It boils down to religious ideology, factional allegiance or desire for personal advancement. The one thing these members of parliament have in common is utter disregard for the wishes of the community and compassion for the terminally ill.

Penny Hackett

Upper House Inquiry

On 19 October the Voluntary Assisted Dying Bill 2021 was referred to the Legislative Council Standing Committee on Law and Justice. The Committee took written submissions up to 22 November. Hearings then took place over three days in early December.

Dying with Dignity NSW gave evidence on the first day of hearings and was followed by a number of other supportive organisations and individuals.

The Committee heard from a total of 79 witnesses over the 3 days but although there are both supporters and opponents of VAD on the Committee, there were 50% more opponents asked to give evidence compared to supporters. More than two thirds of the opponents were either religious leaders from various churches or people representing faith-based health providers.

Although supporters were outnumbered, we believe the information provided by our side of the debate appeared to more evidence-based. Most of the opponents did not address the provisions of the Bill itself but rather opposed the whole idea of VAD, mostly using the sanctity of life argument.

Penny Hackett provided an opening statement on behalf of DWD. Below are excerpts from some of the key points she made.

“We fully support palliative care. We welcome the Premier’s commitment to greater funding and access in NSW. But it is absolutely clear that even the best Palliative Care cannot relieve symptoms for a small but significant minority of dying people.

It is for those people that VAD is essential. VAD and Palliative care are not mutually exclusive. Evidence from Victoria and other jurisdictions shows the majority of people who use VAD are also in PC. It is also clear that VAD laws are not detrimental to delivery or funding of PC.”

“We appreciate and respect the genuinely held beliefs of those who oppose these laws. However, Parliaments must legislate for everyone. The beliefs of those who hold a religious or ideological objection to VAD laws should not determine the end of life rights of people who do not share those beliefs. The key feature of the VAD regime is choice. It is voluntary and no-one is compelled to be involved. Those who oppose VAD laws are not required to use them or participate in the process. It would be unconscionable to deny the choice of VAD to others in our community due to objections of a small minority who will not be affected by these laws.”

“In the Assembly debate many opponents expressed concerns about the risk of elder abuse and coercion of vulnerable people. This is a serious issue in our community. We would submit that the safeguards and assessments in the VAD process are more likely to expose abuse than to facilitate it. We ask the Committee to listen to the bodies who represent those vulnerable groups. In particular, the Council on the Ageing which is the peak body representing older Australian, have endorsed the VAD Bill and consider its protections sufficient.”

The most compelling evidence was given by 6 people who had witnessed the bad death of a loved one. It was heart-breaking to hear their testimonies describing in detail the horrendous suffering their loved ones had to endure.

The Committee will continue its work over coming weeks and present a final report on the first parliamentary sitting day - 22 February 2022.

We expect the debate to begin in the Upper House soon after the report is tabled. However, we are still very nervous about how the pandemic could impact the debate timetable. The numbers are expected to be tighter in the Upper House so we can’t afford to have any supportive MLCs “out of action” due to COVID. One thing is certain, DWD will need to continue the campaign to ensure this legislation becomes law.

NEWS FROM AROUND THE COUNTRY

South Australia

South Australia passed VAD legislation in June 2021 and has promptly begun the implementation process. SA Health has already recruited project staff to work on the implementation process, and an expert task force has been appointed comprising of consumer advocates, doctors, nurses, lawyers, health sector executives, and includes Frances Coombe, Voluntary Assisted Dying South Australia President, and long-term VAD advocate.

Dr Chris Moy, Federal Vice President of the Australian Medical Association (AMA) will chair the Taskforce and stated, “This is a great responsibility and, while being sensitive to the genuinely held divergent views in the community about voluntary assisted dying, the Taskforce must at all times keep its focus on the dying individual’s values and their right to self-determination which is at the core of the new legislation.”

The Taskforce will oversee the delivery of nine workshops across areas of implementation support, care pathways, community/consumer information, clinical guidelines, education and training, pharmacy protocol, establishment of the Voluntary Assisted Dying Review Board, information technology systems and VAD regulations. The final date of when the process will end and implementation will begin is still to be determined but is expected to take another 12 months.



Western Australia

Western Australia has now been operating VAD for 6 months, with the scheme beginning on 1 July 2021. The Voluntary Assisted Dying Board is not due to deliver a report until after 12 months of operation, so we do not yet have any data on how many people have accessed a voluntary assisted death since implementation. Unlike in other jurisdictions, the Western Australian VAD Board does not assess applications, these are instead monitored by the individual’s own medical team. In Western Australia an individual can make a request to an approved medical practitioner who, if they accept the request, becomes the person’s Coordinating Practitioner and will support the person throughout the remainder of the application process, including referrals for further assessment.

Australian Capital and Northern Territories

After becoming the first place in the world to introduce VAD laws in 1995, the Northern Territory is again campaigning for the right to die with dignity. The Federal Government overturned the Northern Territory law just nine months after it was implemented. VAD has now become part of a broader issue for both Australian Territories and their right to democratic self-government. In March last year, the Territories wrote to senior Commonwealth Ministers with a request to have the Federal ruling repealed. The request was formally denied by Attorney-General Michaelia Cash in October.

The ACT Legislative Assembly moved a motion condemning the Commonwealth’s response, and NT Senator Sam McMahon has introduced a private members bill “purely to allow the Northern Territory government, should it ever decide to introduce laws around the topic, the right to,” she told the ABC.

Queensland

Queensland successfully passed a government lead VAD Bill in September 2021 with a conscience vote of 61 to 30. Implementation work has now begun with a beginning date set of 1 January 2023. Medical practitioners and service providers (eg opposed faith-based hospitals or aged care facilities) can opt-out of providing VAD but they must not impede access. Meaning they must allow a compliant medical practitioner access to patients within their care.

Queensland Health will now manage and implement a state-wide care navigator service, pharmaceutical services, training and clinical guidelines, information and technology systems and establish a Voluntary Assisted Dying Review Board which will undertake monitoring and compliance with the legislation.



Victoria

Upper House member, Stuart Grimley is calling for an early review into Victorian VAD laws, which currently is not due until 2024. This was sparked by the death of man who was assisted to die by his son after being unable to access voluntary assisted dying medication on the day he needed to. Mr Grimley told the ABC, “To have a lot of people who are unable to access the scheme for whatever reasons perhaps indicates there are too many safeguards in place, too many steps that a person must take to access the voluntary assisted dying scheme, too many hurdles for them to

overcome...We’ve heard clearly, recently, with the unfortunate death, and the family involvement in the death of a loving father, who had no other option but to call upon his son to assist him to end his life due to his terminal illness.”

The Medical Journal of Australia published an article in June 2021 which expressed concerns from practicing doctors who have found problems with accessibility due to the inability to initiate conversations about assisted dying. Doctors stated that by withholding information about VAD they felt “morally compromised”, “deceitful”, or “intellectually dishonest.”

Other limitations are placed on interactions being face-to-face only, which presents difficulties on finding trained and available medical and pharmaceutical staff, hardship for people with mobility and illness issues and an extra burden on people in rural, regional, and remote areas. Years of Coronavirus and lockdowns have further highlighted the impracticalities around face-to-face consultation.

Since commencement in June 2019 to the most recent report in June 2021, 579 permits were issued with 331 people dying from taking the prescribed medicine. More rigorous research and analysis is needed to identify why people aren’t taking the medication, whether they have not required it, or have died before for the medication was able to be administered.

Tasmania

Tasmania has accepted expressions of interest from suitably qualified people to establish a Voluntary Assisted Dying Commission. The Attorney General and the Minister for Health will jointly appoint Commissioners in early 2022.

The Commissioners will be announced in February/March and commence operation in April/May. They will be responsible for monitoring and reporting on the delivery of the Act, making and approving policies, procedures and guidelines, and issuing authorisations and approvals of applications. VAD will commence legal operation in Tasmania by 23 October 2022.

WHAT'S HAPPENING OVERSEAS

The New Zealand End of Life Choices Act came into effect on 7 November 2021 and it looks as if Steve Smith, a Kapiti man who is suffering from brain cancer, will be the first to use it. So far 60 clinicians have signed up to the scheme. However, as is the case here, many hospices are refusing to participate. Unfortunately, the NZ Act is silent on the matter, unlike the NSW bill which specifies what institutions must do for patient care if they have a conscientious objection. Some individual hospices in NZ are agreeing to have VAD within their facilities and others are saying they will allow assessing doctors onto their premises but, if patients are approved for VAD, they will have to move to another institution. This is obviously a very cruel thing for a terminally ill person to have to endure.

In the UK Baroness Meacher's VAD Bill has passed its second reading in the House of Lords, with a large number of peers speaking in favour. A recent poll of British MPs shows that in the last two years the number supporting VAD has increased from 35% to 58%. The Bill has some way to go because if it passes the House of Lords it still needs to pass the House of Commons, where Prime Minister, Boris Johnson, has said he is opposed to VAD.

Things are looking promising in Scotland with an overwhelming response to the public consultation showing high levels of public support. The Bill will be debated sometime after the publication of the results of the consultation, with a number of MPs already indicating they will support it.

Progress of the Irish Bill has been slow, however a parliamentary committee will begin sitting in January with deliberations expected to last for nine months.

On the island of Jersey a citizen's assembly, made up of islanders selected at random, voted by 78% to 22% to recommend that Jersey legalise assisted dying. A recent survey conducted on the island showed that 73% of citizens support the move. In November 2021 the Jersey Assembly voted 36-10 to approve VAD in principle. Work will now begin on the details of a bill.

In September 2021 California made some minor modifications to its VAD law, following the lead of New Mexico. Supporters of VAD said the existing law had created unnecessary barriers to access. The existing laws mandated a 15 day waiting period between the final request and the administration of the lethal substance; this has now been reduced to 48 hours. The amendment also extended the life of the VAD scheme which will now stay in place until at least 2031.

A new voluntary assisted dying law for terminally ill patients has come into force in Austria after being approved by the country's parliament in December. The law would allow people over the age of 18 who are suffering from an "incurable, fatal illness" or a serious permanent illness with debilitating effects that "cannot otherwise be averted" the right to apply for assisted dying under a strictly regulated process. After receiving approval from 2 doctors, the patient needs to wait for 12 weeks – or 2 weeks in the case of terminal illness – to reflect on the decision.



The Portuguese parliament passed a VAD bill in January 2021 but it was promptly vetoed by the deeply conservative Catholic President who sent it to the Constitutional Court for review. A revised bill based on the suggestions of the court was passed in November 2021, but again it was vetoed by the President. He has now referred the Bill back to the National Assembly but progress will have to await the outcome of a snap election called for 30 January 2022.

OTHER GROUPS

Christians Supporting Choice for VAD

I was pleased to be invited to give evidence to the NSW Legislative Council Law and Justice Committee Inquiry into the provisions of the VAD Bill 2021. I had previously made a quite detailed submission to the Inquiry setting out key points in support of the VAD Bill, particularly from the aspect of Christian support.

After listening to harrowing evidence of some cases of horrific end of life suffering endured by loved ones, in spite of palliative care, I could not help but contrast the total lack of empathy in the evidence given to the Inquiry by some of the religious hierarchy and others with conservative religious opposition to the VAD choice. Certainly the Christian leadership are very out of touch with the 3 out of 4 Australian Christians who support the issue.

The thrust of my evidence was the message of “Love thy neighbour” and asking how is love best served for a person approaching death with suffering they find intolerable. The opposition appear to say - hold the person’s hand, say we are with you, yet let the suffering continue. We say put the dying person at the centre of the debate, and give them choice and control if that is their wish, so that they can find the peace of mind and relief VAD choice can bring.

The Inquiry report is due in February with the Upper House debate due in the same month. If the MPs read and comprehend the evidence, they should definitely vote for the VAD legislation!

Interestingly, there is currently discussion on a VAD Bill being introduced in Scotland, and I read that a very high 82% of Christians surveyed are supporting VAD legislation there.

We note with sadness the death of Anglican Archbishop Emeritus Desmond Tutu. He was an outstanding advocate for human rights, and for Voluntary Assisted Dying. Archbishop Tutu saw no conflict between his Christian faith and the right to have the choice of VAD. I have quoted the Archbishop in every submission I have made to state VAD inquiries, and in letters I have sent to MPs in every state. From his video message on our website - “People who are terminally ill should have the option of dignified and compassionate assisted dying, alongside the wonderful palliative care that already exists. I pray that politicians, law makers and religious leaders have the courage to support the choices terminally ill citizens make in departing Mother Earth with dignity and love.”

Ian Wood

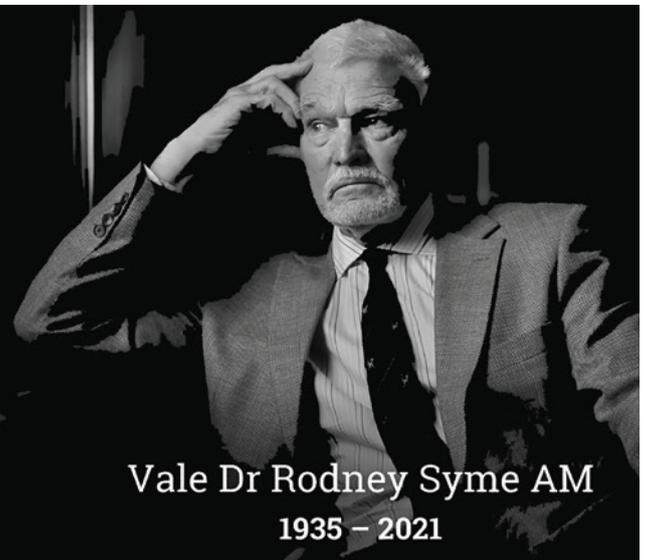
Spokesperson, Christians Supporting Choice for Voluntary Assisted Dying

<https://christiansforvad.org.au> New members or supporters are still welcome to join our group.

Farewell to Dr Rodney Syme AM.

In October we lost our touchstone. We were devastated by the loss of this brave and compassionate doctor who spent decades advocating for the rights of the terminally ill. We will continue to fight for his legacy.

Read Andrew Denton’s beautiful tribute to this wonderful man on the Go Gentle Australia website.



Vale Dr Rodney Syme AM
1935 – 2021

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