

Dying with Dignity

New South Wales



NEWS | Autumn 2022



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DYING WITH DIGNITY NSW

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President's Message

By the time you read this newsletter we hope to be on the cusp of success in what has been a decades long fight for the right to die with dignity.

In our last newsletter we celebrated the huge achievement of getting the Voluntary Assisted Dying (VAD) Bill 2021 passed in the NSW Lower House and were planning our strategy for the challenge of winning a majority in the Upper House.

A Parliamentary Inquiry was conducted over the summer recess which tabled its report on 22 February recommending that the debate proceed in the Upper House.

There is never a dull moment in NSW Parliament with four by-elections on 12 March, the Coalition government falling into a minority in the House and the NSW Liberal Party riven with factional disputes in the lead up to the Federal election.

Naively, we thought that the VAD Bill would be dealt with promptly in February, but once again, the political machinery worked to obstruct the process and we had to push hard to get time allocated to debate the Bill.

In March, we launched our "They Died Waiting" campaign featuring the images of some of the many people who have died badly without the choice of VAD. With more full page ads in the major newspapers and some excellent print and radio coverage, we aimed to show NSW MPs the consequences of delaying this vital reform. Once again, our wonderful supporters and members bombarded Upper House MPs with emails, pleading with them to get on with the debate and get the Bill passed.

Large numbers of our supporters demonstrated outside Parliament House, including many of the families whose loved ones were featured in the campaign. You can see some images and a full report on pages 6 and 7.

As a result of our efforts, enough time was allocated in March for most MPs to speak on the Bill and we are very pleased that a small majority of MPs have expressed their support.

Parliament sits again for two weeks in May and we hope that there is now enough momentum to have the final stages of the process completed during that time. A handful of MPs are yet to speak before the Second Reading vote is held.

Assuming that vote succeeds, the Bill will move to the "committee" stage when opponents will seek to amend the Bill to make it more complex and difficult to access. This will be a very stressful process - with such a slim majority we are at the mercy of complex parliamentary rules and the very real possibility of supportive MPs being stricken with COVID.

We will be keeping our fingers and toes crossed and have planned rallies outside Parliament House on the 11th and 18th of May so that MPs cannot ignore the overwhelming support in the community for the VAD Bill.

We had some terribly sad news in January with the death of our lovely board member Judith Daley, who played such a key role in our campaign to get the Bill passed in the Lower House last year. Despite her long illness she made a wonderful contribution to DWDNSW over many years and we miss her terribly. We're very sad that she was unable to see us finally succeed in our goal of making voluntary assisted dying laws a reality in NSW.



Bertie Daniel (far right) with his mother, Rebecca, continuing the fight for VAD laws in memory of his father Lawrie.

We held our Annual General Meeting on Saturday 23 April (via Zoom) at which all current board members were re-elected and we are delighted to welcome Dr Stephanie Short to the Board. Stephanie is a former Professor in the Health Faculty at Sydney University and now chairs our Central Coast group, replacing Dr Beverley Symons in 2021. This group has been active for 25 years and has been instrumental in securing the support for VAD of all the MPs in their area and generally raising awareness of the need for VAD laws in their community.

As we look to the future of our organisation in a “post VAD” world, we will be looking to the Central Coast group as a model upon which we can build regional groups across NSW. We will have a big job ahead of us to educate the public and the healthcare profession about the VAD regime and to make sure it is properly implemented and accessible to those who need it.

We have been fortunate to have a huge number of dedicated members and supporters - without your incredible help and support our campaign could not succeed. You have forced MPs to listen to the community and shown that we will not give up. You have sent tens of thousands of letters and emails, given so generously of your time and financial support and shared your personal stories – often devastating but incredibly powerful in showing why VAD reform is so critical.

In our next newsletter, I hope I can report on the successful passage of the NSW VAD Bill. In the meantime we remain focussed and absolutely determined to keep the pressure on the NSW Upper House to make this a reality.



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.

Dying with Dignity 
New South Wales

Farewell to Judith Daley

In January we lost a director of Dying with Dignity NSW, a fierce advocate for voluntary assisted dying law reform and a good friend.

Vale Judith Anne Daley
1944 - 2022



Cover image – Rally at Parliament House

NEWS FROM NEW SOUTH WALES

NSW VAD Bill reaches the Upper House

Dying with Dignity NSW and advocates across the state were able to take a well-earned break following the successful passage of the Voluntary Assisted Dying (VAD) Bill in late November 2021.

After giving evidence in early December to the Standing Committee on Law and Justice as part of the Upper House Inquiry into the Provisions of the VAD Bill, there wasn't much more we could do, other than recharge our batteries and prepare for the next stage in the long process of legalising voluntary assisted dying in NSW.

Tabling of the Upper House Inquiry Report

Nearly three months after the VAD Bill passed in the Lower House with a significant majority of 52 votes in favour to 32 opposed, Dying with Dignity welcomed the Report from the Inquiry that was tabled in Parliament on Tuesday 22 February.

As part of the inquiry process, the Committee called for submissions via an online questionnaire. Of the 39,000 responses to the Inquiry online questionnaire, approximately 70% supported the Bill and 30% opposed. The Committee also received 3,070 written submissions and held three days of public hearings.

Fortunately the final report recommended that the Legislative Council proceed to consider the VAD Bill 2021 despite there being no consensus amongst the Committee members themselves.

The Chair of the Committee, the Hon Wes Fang MLC said, "In these circumstances, it is important to acknowledge the purpose of this inquiry has been to allow stakeholders to place their views on the record, so as to inform the House and assist with debate. The Committee has in this report set out the background of the Bill and more importantly, outlined the key arguments, both in support of, as well as in opposition to the Bill."

Labor MLC, Adam Searle, one of the 28 co-sponsors and the member with carriage of the VAD Bill in the Upper House, gave notice of his intention to introduce the Bill straight after the Report was tabled, saying "Now that the Upper House Report has recommended that the debate proceeds, there is no reason Parliament cannot get on with the job and debate this Bill as a top priority."



The Hon. Adam Searle (ALP)
Chair, Select Committee on the coronial jurisdiction in New South Wales

Adam Searle introduces VAD Bill

On Wednesday 23 February 2022, Adam Searle MLC delivered a powerful Second Reading speech to commence debate of the Voluntary Assisted Dying (VAD) Bill 2021 in the NSW Legislative Council. This is an extract of his speech.

"The Voluntary Assisted Dying Bill 2021 establishes, in the safest and most protective way provided by any like regime of which I am aware, the right for certain terminally ill persons to request and receive assistance to end their lives voluntarily, with medical help, by the administration of a lethal substance. The NSW bill provides patients with the choice between self-administration and practitioner administration. No-one else can administer. Medical practitioners, health facilities or healthcare providers have the right, under this bill, to conscientiously object to providing assistance.

Voluntary assisted dying laws are well overdue in NSW. Our friends, family and neighbours across the State have been calling for voluntary assisted dying laws for some time."

This is the third time in nine years that these issues and similar bills have been debated in this chamber. But the context in which this debate is being held has two key differences.

Whereas on earlier occasions NSW would have been a national leader, today every other State has already enacted voluntary assisted dying laws. In WA and Victoria, those laws are safely in operation today. NSW is a laggard in providing this compassionate choice for its residents and citizens.

The second difference is that the Legislative Assembly has - over eight days and more than 30 hours - exhaustively considered the detail of the legislation and the public policy it embodies, and in so doing made a substantial body of changes to the bill.

This legislation, more conservative than its predecessors, now contains a range of additional safeguards.

We should not only be listening to the majority of our community on this issue, but also the expert health professionals who are witnessing those suffering with cruel, terminal illnesses.”



“They Died Waiting” campaign

Although the Inquiry found that there was no reason for the Upper House to delay debating the VAD Bill, we knew it would be far more complicated and challenging than that.

Dying with Dignity NSW (DWD) in collaboration with Go Gentle Australia (GGA), began the next stage of our campaign calling on the Upper House to treat this law reform as a matter of urgency to ensure there was enough time to debate the Bill in March.

We know that there are terminally ill people in NSW right now who don't want to endure a prolonged and painful death. Every day that Parliament delays the passage of this reform – more of them will suffer at the end of their lives denied the choice of a peaceful death.

It has been clear for some time that the numbers in the Upper House are much tighter than they were in the Lower House. Once again we asked our members and supporters to contact the Members of the Legislative Council (MLCs) asking them to support the VAD Bill and to push for additional debate time. Thousands of emails were sent.

Leaving nothing to chance, we again made the decision to place full page advertisements in the two major newspapers titled “They Died Waiting”. The ads featured 15 terminally ill people who had either ended their own lives or who had died waiting for this legislation to be passed, most with horrendous suffering. The advertisements asked – “How many more horrific deaths will it take?”

ADVERTISEMENT

THEY DIED WAITING

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How many more horrific deaths will it take?

The NSW Upper House must debate and pass the Voluntary Assisted Dying Bill without delay

“Do I really need to suffer as I die?”
Siohban, Annandale Ovarian cancer

Right now, some dying people across the state are forced to suffer against their wishes. The Voluntary Assisted Dying Bill before the NSW Parliament could change that – but the Upper House is dragging its feet. Every other state has passed laws and the NSW Lower House passed the bill last year. Now we need the Upper House to get on with it. How many more terrible deaths are going to happen while we wait? Dying people need a choice. One day, it could be you or someone you love.

Tell the NSW Upper House: No more delays.

Scan the QR code to contact your MPs now

Authorised by Kate Paul for Go Gentle Australia and Penny Mackay for Dying with Dignity NSW, Sydney

Rallies at Parliament House

We knew that there would be no sitting weeks in April so we had to keep the pressure on to get through as much of the debate as possible in March.

In addition to the email campaign and the paid advertisements, DWD and GGA held a number of joint rallies in front of NSW Parliament.

Hundreds of our supporters braved the elements to show our elected representatives the faces of just some of the many people who have died with terrible suffering while waiting for VAD laws to be passed in NSW.

We have received feedback from various sources that these demonstrations do have an impact on the members inside NSW Parliament and make it more difficult for the debate to be ignored.

A number of family members whose loved ones featured on the posters attended the rallies and took part in the press conference.

It is not an easy thing to describe, and therefore relive, the traumatic final days, weeks or months of a loved one's life. We owe a great deal to these courageous families and to the individuals who gave evidence at the public hearings as part of the Inquiry.

New Upper House petition supporting VAD

In the weeks leading up to the Upper House debate opponents of the Voluntary Assisted Dying Bill in NSW started a parliamentary e-petition asking Upper House MPs to 'unanimously oppose the Bill'. We decided to start our own petition asking Upper House MPs to support the Bill.

Last year, many of our supporters signed a petition calling on the Lower House MPs to support the VAD Bill. That petition gained over 100,000 signatures and it definitely made a difference with the Bill passing in the Lower House by 52 votes to 32. Both Upper House petitions (the opponents and ours) will have closed before the debate resumes in May. At the time of writing this newsletter, fortunately our petition gained more signatures than the opponents.

The pro-VAD petition was started by Bertie and Darcie Daniel, whose father Lawrie in 2016 made the unimaginable decision to take his own life after many years living with Multiple Sclerosis. Lawrie shared his story in *The Damage Done* and *The State of Suffering*, and featured in Andrew Denton's *Better Off Dead* podcast. He was a vocal and eloquent advocate for legalising VAD. Now adults, his children Bertie and Darcie want to see the reform their father so strongly supported become law in NSW.





THANK YOU TO OUR DEDICATED VOLUNTEERS



Majority support for VAD

We had a nervous few weeks in late March, unsure of whether any progress would be made. But our “They Died Waiting” campaign must have hit the mark because the Government, Labor and the crossbench finally agreed to allocate approximately six hours to the debate over the two Wednesdays which allowed most MPs to speak on the VAD Bill.

There are 42 members the Upper House and the magic number for a majority is 21. By the time the VAD debate was adjourned we had heard from 33 MLCs. Of those that spoke, 22 were in favour of the legislation and 11 were opposed. When debate resumes we expect that a slim majority of members will support the Bill.

It would be better to have a more substantial majority but at the end of the day as long as it is a majority, we will succeed with this important law reform.

Debate resumes in May

By the time this newsletter is published we hope that we will be about to face the final hurdle in the campaign to legalise voluntary assisted dying in NSW.

The Upper House sits for two weeks in May and we hope that any remaining speeches will be given on Wednesday 11th May and the Second Reading Vote held. However, we have learned that nothing is certain in NSW Parliament and that opponents will continue to try to delay and frustrate the process.

If the VAD Bill passes the Second Reading Vote, it then moves to the “Committee” stage where it faces the prospect of hostile amendments, as we experienced in the Lower House debate last year. Just as we did during the March sitting weeks, we intend to maintain a presence outside Parliament House to remind MPs of the importance of this much-needed law reform.

RALLIES AT PARLIAMENT HOUSE

If you'd like to join us
Wed 11 or Wed 18 May
Call DWD on
9212 4782 to register

SPECIAL FEATURE

Australians have unequal rights to die. For some families, that only adds to the pain

Sue Walton vowed to be with her terminally ill daughter when she decided to end her life. But NSW laws against voluntary assisted dying kept them apart.

Katie Leigh French was Sue Walton's stepdaughter, but Walton never really made the distinction. One of six daughters in a blended family, French – like her stepmum – worked in aged care, and the pair “used to talk all the time, night shift, on the phone or she'd text me”. That was until July of last year when, just two weeks after giving birth to a baby boy, French was told that she had stage 4 cancer. She was given three months to live. She was 35 years old.

Soon after her diagnosis, French talked to her stepmum about her decision to apply to access voluntary assisted dying (VAD), with all the pragmatism of a couple of aged care workers. “She said, ‘I'm going to do it’, and it seemed like she was sort of waiting for approval. And I said: ‘Kate, it's your body. It's your choice’,” says Walton. “I know what's going to happen at the end of all of this, and so do you. And you have the right to decide what to do.”

French had moved to Victoria, the first state in Australia to legalise voluntary assisted dying, before she discovered she was ill and so she was eligible to make use of that state's laws. While she longed to come home to her dad, her stepmum, and her friends and family in Kanahooka, NSW, she was anchored to Melbourne by the lockbox of life-ending medication she'd jumped through legal hoops to attain – and the knowledge that if she returned home to NSW to use it, she'd be breaking the law in the last state in Australia yet to legalise voluntary assisted dying.

Last month marked the third time in a decade that the NSW upper house has debated voluntary assisted dying. NSW had been in line to become the first Australian state to legislate it in 2017, but the bill failed to pass in the upper house by just one vote. Days later, Victoria legalised voluntary euthanasia.

In 2021 the issue took on an extraordinary momentum across the country, with a similar scheme to Victoria's coming into effect in Western Australia in July, and legislation passing in Tasmania, South Australia and Queensland in the same year. The federal government has denied the territories the chance to make their own laws on the issue.

All of this means that the rules on voluntary assisted dying are not uniform across Australia. It leaves some terminally ill people in one state or territory unable to choose to end their lives, while those on the other side of the border can. And it leaves a few, like French, stuck between family on one side, and the death they want on the other.



Sue Walton's stepdaughter was forced to die away from her NSW family and friends because the state is yet to pass assisted dying legislation. Photograph: Steven Saphore/The Guardian

NSW's latest bill finally passed the lower house in November 2021, on the last day of parliamentary sitting for the year. Three months later Walton stood outside parliament house in the rain, at a rally to urge members to push the bill through the upper house.

Walton told organisers she'd return to the next rally, in between trips back and forth from NSW to Melbourne to care for French. Protests like this kept her busy, kept her mind off things, but she also had something else tugging at her, a promise she'd made to her daughter: to be by her side when she decided to take the medication that would end her life. But just over 24 hours later, French was dead.

'With our hearts broken, she went back to Victoria'

Independent member for Sydney Alex Greenwich knows a bit about the cost of delaying this kind of legislation, having co-sponsored failed bills in the past.

This time around, he's led the process, introducing the latest bill in October last year. With each bid to get the legislation up, Greenwich has been confronted by the costs of delay to the people desperate to see such a bill passed. "Dealing with disappointing people that we haven't resolved this for yet is tough, but it's certainly not as tough as the cruel deaths that people experience and the trauma that their family members then face."

When French received her diagnosis last year, it was via Zoom. The city was about to enter hard lockdown again, and Walton began the task of coordinating with two state governments to get over the border to help nurse her daughter and take care of their newborn grandson, Jameson, the baby French had spent 10 years trying to conceive. It was the start of a dawning realisation of just how diabolical navigating the sometimes vastly different bureaucracies of neighbouring states could be.

Walton and her husband spent the next six months driving up and down the Hume to see French. (Walton's husband, Andrew, has leukaemia and can't get on a plane due to his compromised immune system.) Having only moved to Victoria shortly before the pandemic

hit, Walton says French and her husband hadn't yet had a chance to build up much of a support network. They tried to get back home to Kanahooka as often as they could, but always returned to Melbourne.

The young mother's last trip home was for Christmas with her large extended family. "It was an extremely emotional time ... for her and us, as she dearly wanted to stay at home and be with us all for whatever time was left," says Walton. "If the law was in NSW, she would've been here with us and all her sisters, all her friends and all her family. "But with all our hearts broken she went back to Victoria."

'She just didn't want to leave her little fella'

In an April 2021 Australia Institute poll, three-quarters of Australians agreed with the principle that a person who is experiencing suffering that cannot be relieved and who asks to die should be allowed to receive the assistance of a doctor to do so. Another July 2021 Australian Institute poll found that seven in 10 NSW voters think that voluntary assisted dying should be legal.

Greenwich's current proposal, despite being personally opposed by both premier Dominic Perrottet and opposition leader Chris Minns, is backed by 28 MPs, including members of the government, crossbench and the Labor opposition – the highest number of co-sponsors to a bill in the history of any Australian parliament.

In all the states that have thus far legalised it, VAD is only available to adults with decision-making capacity in the end stages of a terminal illness, and who are suffering intolerably. The person must maintain decision-making capacity throughout the process and make repeated requests for VAD. They can withdraw at any time. Amid caring for her newborn and dealing with increasingly painful symptoms, French applied for access to VAD in August. It was approved by February. By then, French had well outlived her three month prognosis. And even then, Walton says she was reluctant to actually order the medication to be delivered to her house.

The latest figures from Victoria's voluntary assisted dying report of operations show that

since June 2019, when the act came into force, until 30 June 2021, 836 people were assessed for eligibility to access VAD. Of those, 674 permit applications were made and 597 permits were issued. Of those permits, 331 people have died from taking the prescribed medications.

As reflected in Victoria's data, many people who are granted a permit for medication don't utilise it. But for Walton, being in a different state provided another level of difficulty, given she was determined to honour her promise to be by French's side if and when she decided to take the medication.

"For the last five weeks she was asking us: 'Can you come down tomorrow? I'm going to do it.' And so we'd prepare to leave at three in the morning, and we'd ask her if she could wait that long, and then, hours later, she'd say, 'I'm not taking it tomorrow'. And that's been going on for weeks.

"She was clinging by the fingernails, as long as could," says Walton. "The tumours became so large in her bones that they fractured – they actually splintered – she had a broken left arm. We knew that would happen, she knew that would happen, but she just didn't want to leave her little fella."

French was determined to see her son's first birthday. Instead, on Walton and her husband's last visit to Melbourne, as Jameson turned seven months old, French decided to throw a party. "She didn't want to miss his first birthday party. So we held one early."



'She dearly wanted to stay at home and be with us all': Sue Walton and Katie Leigh French. Photograph: Steven Saphore/The Guardian

After the party Walton and her husband reluctantly returned home in time for Andrew's regular course of treatments for his leukaemia. That was the week that Walton decided to step up to the Dying with Dignity rally. The week she had no idea just how little time there was left.

After Jameson's party, French's condition rapidly deteriorated. She had begun to lose consciousness. Her family made preparations to once again head down the freeway to be by her side. But on the Thursday morning, the day after the rally, she suddenly became conscious and with her husband by her side took the medication. She passed away an hour later.

Greenwich has been struck by the stories of family members like Walton. "There's just a massive amount of stories in NSW, coupled with the sheer inequity that then exists by the fact that people in Victoria and Western Australia can already access this, and soon people in all of the other states."

By the time the NSW upper house concluded debate, a majority of members had spoken in favour of the VAD bill. Advocates like Dying with Dignity's Shayne Higson now believe it's likely the legislation will pass when parliament resumes in mid-May. If it then passes without amendment, she estimates it could be implemented by the end of 2023.

"Of course for some terminally people in NSW that will still be too late for them to access."

And for their families, that means trying to make peace with the way they died.

"I don't make a promise easily. It means an awful lot to me," says Walton. "And I now have to live with the fact that I didn't keep my promise to be there for Katie's last breath. And I don't know whether she would've known or not, but I know myself. So that's just another thing that breaks my heart."

This article was written by Sophie Black and originally published in The Guardian

NEWS FROM AROUND THE COUNTRY

Tasmania

Tasmania was the third state to pass voluntary assisted dying (VAD) legislation and their scheme is on track to commence by 23 October this year. A range of projects are well underway, including the establishment of new services to support the delivery of VAD. The Department of Health's website has been redeveloped with a number of new items in the '[Frequently Asked Questions](#)' section. In early March membership of the six-person Tasmanian VAD Commission was announced with Louise Mollross (legal) named as Executive Commissioner and Annette Barratt (medical) as Deputy Commissioner. The Commission will be responsible for supporting and monitoring the operation of VAD in Tasmania.

A Navigation Service will assist Tasmanians to understand and access VAD, including connecting people who are seeking to access voluntary assisted dying with appropriate medical practitioners and health services. Work is well underway on the development of Tasmania-specific VAD training that medical practitioners and registered nurses are required to complete before they can play a formal role in the VAD process.

South Australia

In June last year South Australia became the fourth state to pass VAD laws so they are also currently in the implementation phase. Our sister organisation, Voluntary Assisted Dying South Australia (VADSA), have been advised that by June 30 the Implementation Task Force will review the planned commencement date of March 2023. If it is deemed safe to do so, the Task Force will recommend that the date be brought forward. As Labor won the recent state election an earlier start date for the VAD scheme is much more likely. MP Susan Close, who had carriage of the VAD Bill in the House of Assembly, is the new Deputy Premier and Kyam Maher MLC, who introduced the Bill in the Legislative Council, is now Attorney General.

Queensland

In September last year Queensland became the fifth state to pass VAD laws. They too are progressing well through their implementation process and VAD will be available to eligible Queenslanders from 1 January 2023. The Queensland Government's Implementation Task Force will address all the issues that will translate the law into practice, for example, Working with First Nations peoples, Queensland VAD Support Service, Queensland VAD Information Management System, Queensland VAD Pharmacy System, Clinical Engagement and Training, Regional and Remote Access, Community and Service Engagement.

Dying with Dignity Qld (DWDQ) is working with the Implementation Task Force. President, Jos Hall and other committee members are part of an advocacy group that will discuss the many guidelines and practicalities that will make VAD a stream-lined, compassionate process. DWDQ is currently encouraging its members to start having conversations with their GPs to raise their own beliefs and wishes for their end-of-life care possibly including the need to have assistance through a VAD process.

Western Australia

WA's VAD law came into effect on 1 July 2021. In February this year, the Health Department held a seminar [VAD Update: Reflections on the first 6 months](#). One fact that emerged was that the number of people using the VAD scheme is tracking significantly ahead of the departmental predictions although it does accord with DWDWA's own forecast that on an annual basis between 100 and 150 people would be likely to use the law.

The concerningly low numbers of doctors and nurse practitioners completing the training, at least in the initial period, was also apparent. The

report indicated that only 59 doctors and 2 nurse practitioners had completed the training and so become qualified to provide VAD services. As many of those have quite limited availability, a heavy burden is falling on a handful of doctors. While everyone is very grateful for the compassion and generosity of those health practitioners, DWDWA consider that the current workload for them is not sustainable.

Because their law is now operating, DWDWA is focussed on considering the “next steps” for their organisation. It was always going to be important to review its operation to see what was working well, and what could and should be improved. Fortunately, the WA Act requires a review to be carried out next year and DWDWA will be asking the Minister to conduct a public review, with the opportunity for written submissions from the public and some oral presentations as well.

Victoria

VAD has been legal in Victoria since June 2019. For the first two years a report was issued every six months. This will be now be an annual report. The latest report shows that since the Act commenced until 30 June 2021 -

- 836 people have been assessed for eligibility to access voluntary assisted dying
- 674 permit applications have been made
- 597 permits have been issued
- 331 people have died from taking the prescribed medications.

Other details include that -

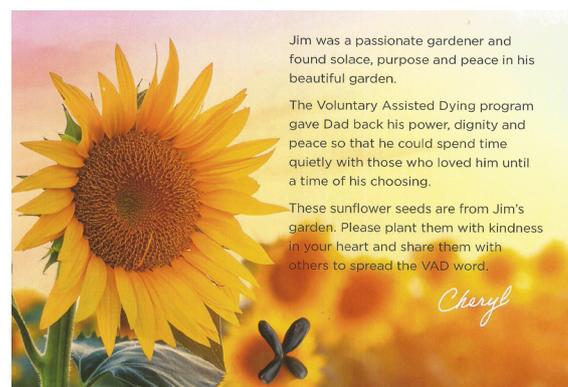
- applicants were aged between 18 and 101 years and the average age was 72
- 36 per cent of applicants were from regional Victoria
- 83 per cent had a malignancy diagnosis, such as lung, breast or gastrointestinal cancer
- 17 per cent had a non-malignant diagnosis, most commonly a neurodegenerative disease.

As we’ve mentioned previously, Victoria’s DWD organisation can see some problems with their law but these cannot be addressed until their review takes place five years after implementation in mid 2024. Some of the issues raised include –

- Provision of the medication is proving problematic because the state has one centralized pharmacy that dispenses the VAD medication. They believe that this is likely to become a problem for states like WA and Qld.
- There have been some attempts by palliative care to sabotage the VAD application process. DWD are hearing of cases, one in particular, in which staff from faith-based PC facilities have “harassed” people navigating VAD.

Victoria’s DWD organisation is leading the way when it comes to providing support for the smooth operation of VAD. Some of their new initiatives include -

- The production of 1-minute Q&A video’s for social media in which doctors Nick Carr and Cam McLaren answer some frequently asked VAD questions.
- Seeking to provide more presentations on end-of-life topics.
- Recording of stories from those who do not qualify for VAD.
- Printing cards to address the lack of knowledge about the existence of VAD legislation. On one side are details about the VAD support group. On the flip side (shown below) are details relating to a story about a man, Jim, who went down the VAD path, supported by his daughter, Cheryl. As a way of thanking staff he gave them sunflower seeds from his garden.



WHAT'S HAPPENING OVERSEAS

Things are moving fast on the international front. Assisted dying is now available in 25 jurisdictions worldwide and is being actively debated in at least 13 more, including countries in Asia, Latin America and in South Africa.

The most significant changes are occurring in Canada. As previously reported, Canada passed a so-called MAiD (Medical Assistance in Dying) bill in 2016 and since then 24,000 Canadians have died via MAiD. According to the original Canadian Act, to qualify for MAiD your death had to be “reasonably foreseeable.” However, in 2021 an Act to amend the original scheme was passed. This Act, called C-7, removed the requirement that death be “reasonable foreseeable”, so that now people with severe but not terminal conditions such as MND and Parkinson’s can access MAiD, provided other conditions are met. Since C-7 was passed a number of people whose deaths were not “reasonably foreseeable” but who were suffering grievously from a debilitating condition have been able to have assisted deaths. C-7 also stated that MAiD be extended to those suffering only from a mental illness and gave the Government two years to consider how best to do that. Those deliberations are ongoing but are due to be concluded in the very near future. Canada is also discussing whether to extend MAiD to mature minors and to allow people with dementia to make an advance request for MAiD. A cross-party committee of the Canadian Parliament has embarked on a five-year review of MAiD and will be considering extending it to these further categories.

There is active debate about VAD in the UK Parliament and in both Scotland and Ireland. Recent polls have shown that 70% of Britons are in favour and a 2021 poll of MPs showed that 59% were in favour. The same poll of MPs a few years previously showed only 35% in favour, so there has been a definite shift in the sentiment around VAD. In 2021 Baroness Meacher tabled a VAD private member’s bill in the House of Lords. Its provisions were similar to those in various Australian laws.

This bill passed its second reading unopposed in October 2021. However, it seems to have stalled at that point and Boris Johnson has repeatedly voiced his opposition to VAD, so its chances of passing in the House of Commons are low. But a vigorous campaign from supporters continues. In Scotland a VAD bill is currently before the Parliament and an extensive process of community consultation is underway. First Minister Nicola Sturgeon is in favour, as is the Health Minister, so it has a good chance of passing. Ireland also has a private member’s bill before its parliament but it has bogged down in endless inquiries which never happen. As you would expect, the Catholic Church is vehemently opposed.

In the last year VAD has become legal, either through a legislative process or as a result of court decisions in Austria, Germany, Spain and is well underway in Italy and Portugal in spite of a few hiccups. It is being discussed in Malta and recently Emmanuel Macron pledged that if he was re-elected he would hold a “citizen’s assembly” on assisted dying. Rather surprisingly, he said that he personally favoured the Belgian model. Following Macron’s success in the election, watch this space.

Assisted dying laws are being proposed in a number of US states, including Delaware, Connecticut, Massachusetts, New York, Utah and Kentucky. In both California and Hawaii, which have had assisted dying for several years, it was found that access was still a problem because of a lack of doctors willing to be involved, so both states have relaxed requirements for eligibility to VAD by reducing waiting times and allowing the participation of nurse practitioners. In a very significant move, Oregon, which was the first state to legislate for voluntary assisted dying more than 20 years ago, a court case has led to the dropping of the residency requirement. Previously you had to be ordinarily resident in Oregon to qualify, but now anyone from anywhere in the US can travel to Oregon and avail themselves of the scheme. It is expected that other states will follow.

OTHER GROUPS

Christians Supporting Choice for VAD

I have been encouraged by the fact that recently Spain passed a Voluntary Assisted Dying (VAD) law and Italy passed a VAD Bill in their Lower House 253 votes to 117. Both these countries have a strong Catholic background, yet have managed to progress a VAD law despite strenuous opposition from the Catholic hierarchy. Portugal also passed a VAD Bill earlier in 2021, but this has been vetoed twice by the conservative Catholic President.

However, the Parliaments in these three European countries have set an example the NSW Legislative Council could well emulate, particularly after our Lower House passed Alex Greenwich's VAD Bill by 52 votes to 32 last November. Thankfully a NSW Voluntary Assisted Dying Bill could not be vetoed.

The Church hierarchy in NSW have been doing their utmost to attempt to persuade our Legislative Council MPs to deny the compassionate choice of voluntary assisted dying, in this, the last Australian state to pass a VAD law. Predictably, a recent Sydney Anglican article by Bishop Stead, encouraging parishioners to lobby MLCs against the Bill and to sign a

petition against the legislation, included "The Bill before the parliament should be rejected, because it prioritises voluntary assisted dying over palliative care".

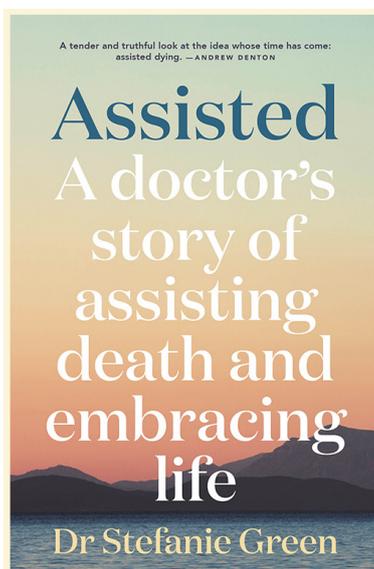
My comment - I have read the Bill thoroughly, and this claim is simply not true! The article also includes the usual scaremongering, for example, "The Bill does not provide sufficient protections for the vulnerable." Equally predictably, Catholic Archbishop Fisher of Sydney used his Easter address to oppose the NSW VAD Bill.

I am currently contacting NSW candidates in the Federal Election asking if they would speak and vote in support of restoring the Right of the Territories to enact a VAD law, and asking for their reasons for or against. We recall that in 1997 under Prime Minister Howard the "Andrews Bill" took away this right from the NT and ACT. I will post responses on our website's 'News' section, if I receive replies. Fortunately the Federal Parliament cannot take away the right of our states to make such laws.

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.



Dr Stephanie Green's book, Assisted, is a transformative and compassionate memoir by a leading pioneer in medically assisted dying and is for anyone who wants to understand what it might be like to have an assisted death, and for health professionals considering working in this area, Dr Green's account offers a precious insight.

Published by Allen & Unwin, Assisted has been endorsed by Dr Rodney Syme, Andrew Denton and others and is currently attracting a lot of interest.

For more information visit the website and search for Assisted <https://www.allenandunwin.com/>

