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Newsletter - October 2022

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THE 'BOOKENDS' OF THE 4TH AND FINALLY SUCCESSFUL STAGE OF THE VAD JOURNEY

"This is an historic moment for Dying with Dignity Tasmania and all Tasmanians, and should be celebrated"

How it began

Mike Gaffney's Second Reading VAD legislation speech: "In late 2018, the then-President of Dying with Dignity Tasmania, Margaret Sing advised that after decades of research and lobbying, and having observed the

would allow Tasmanians access to voluntary assisted dying."

How it ended

On the 23rd of March 2021 the End-of-Life Choices (Voluntary Assisted Dying) Bill 2021 went through the Upper House just before 10pm, with an emotional Mersey MLC Mike Gaffney heralding the passage of the Bill that he introduced.

FROM THE PRESIDENT - HILDE NILSSON

DWDTas President

It was wonderful celebrating the passage of the End of Life Choices (VAD) Bill 2020 towards the end of that year and it becoming law in April of last year. This month sees the culmination of all the hard work that has gone before, when VAD will become a legally available choice in practice for those who are eligible. For some it will unfortunately come too late, but we have reason to look to the future with optimism.

The official date of commencement is October 23rd, which is a Sunday, so in reality it will start on Monday 24th. Sunday 23rd seems to me an appropriate day for you all to celebrate with your families and friends in some way, however small. I shall certainly raise a glass to all the many remarkable people who have helped to make VAD a reality for Tasmanians.

It appears that most faith based residential aged care facilities (RACFs) have now accepted that they cannot forbid VAD to occur on their premises, because institutions cannot conscientiously object, only individuals can. They do not have to offer VAD care, but they need to allow it to happen. With most RACFs in Tasmania run by religious organisations, this is a big step forward.

While there is much to feel optimistic about, we also need to be vigilant. Some opponents of VAD will never give up and will try anything to frustrate the process. As VAD evolves and progresses over time and becomes an accepted part of mainstream medicine, and the enormous benefit to suffering people and their personal stories become known, opponents will recede into the background.

VOLUNTARY ASSISTED DYING: BEHIND THE SCENES – ROBYN MAGGS

DWDTas Vice President

"This battle is lost until it is won." So wrote a lovely young woman whose mother died a dreadful death because she did not have the legal right to end her suffering peacefully. Over thirty years of that battle came to a head when Mike Gaffney, an independent member of Tasmania's Legislative Council, introduced his End-of-Life Choices (Voluntary Assisted Dying) Bill in 2020. The battle was won with unanimous support from the Upper House and with only six nay-sayers in the Lower House. Voluntary assisted dying refers to a situation where an eligible person who is dying chooses to access prescribed medication to end their life more peacefully. By the 23rd of October 2022, this legislation, combining rigorous safeguards with compassion, will allow eligible adults to request this process.

Behind the silence since the legislation was passed, has been a remarkable amount of work. Under the auspices of the Tasmanian Department of Health, a Manager of the **Voluntary Assisted Dying Implementation Taskforce** was appointed. The Implementation Team began work in April 2021 and had six staff "focused solely on activity relating to the implementation of the legislation". Expressions of Interest for the **Voluntary Assisted Dying Commission** resulted in six members being selected by an independent panel: Louise Mollross (Executive Commissioner), Dr Annette Barratt (Deputy Executive Commissioner), Kim Barker, Dr David Boadle, Elizabeth McDonald and Professor Margaret Otlowski. Its many responsibilities will include monitoring and reporting on the operation of the Act, providing assistance to persons who want to access voluntary assisted dying, and communicating concerns about compliance or non-compliance with the Act.

One of the most-appreciated voluntary assisted dying services in other States has been their Navigation Service. The **Tasmanian Voluntary Assisted Dying Navigation Service** will be a statewide service that will support all Tasmanians, no matter where they live, and whether they be a community member or a medical practitioner. Its tailored support will include information about how people can access voluntary assisted dying, help to connect people with appropriate medical practitioners, and advice and support throughout the process of voluntary assisted dying.

The **Tasmanian Voluntary Assisted Dying Pharmacy Service** will be a state-

assisted dying medications, and supplying the voluntary assisted dying medications to health practitioners, once approval has been obtained from the Commission.

Doctors and nurses who choose to participate in the voluntary assisted dying process will have to complete a voluntary assisted dying training course before they can assist people to access voluntary assisted dying. These training courses have been developed and approved by the Commission.

The Taskforce's range of consultation has been impressive. In August 2021, the then Health Minister, Jeremy Rockliff, wrote to fifteen wide-ranging organisations, inviting them to nominate a representative for the **Voluntary Assisted Dying Stakeholder Reference Group**. This was to ensure that implementation would take account of the range of views amongst health practitioners, care providers, and the broader community. The role of the Stakeholder Reference Group has been to provide input to assist the implementation team with options analysis and decision-making; to represent views of various users and stakeholders; and to consult with and disseminate information to others. The Implementation Taskforce has also provided excellent forums in different parts of the State. There is detailed information available on the Tasmanian Department of Health website, including a section of [Frequently Asked Questions](#).

An impressive piece of legislation has been brought to life by the hard work of Tasmania's Implementation Taskforce. **On the 23rd of October a thirty-year journey reaches its final stage, allowing those who need it a peaceful death, with those they love around them.**

EDUCATE YOUR GP – ROBYN MAGGS

DWDTas Vice President

The 23rd of October 2022 will be a historic day for Tasmania, and a relief for those who have experienced a life-limiting diagnosis. The Mercury was kind enough to publish my article (see above), which I wrote to provide some context to the more emotive media coverage that is likely in coming months.

The number of GPs who feel they can make themselves available for the VAD process will be critical, as some States are already discovering. We can all play our part in encouraging our GPs to recognise this need. Now would be a good time to talk to your own GP. Ask if they would be there for you if you ever

print out some of its practical information that is relevant to GPs. Hopefully this advocacy will not be for your own needs, but it could be a kindness for others.

When I asked my own GP (not knowing if he was pro or anti the legislation) whether he would consider seeing me through the VAD process if I should ever need it, he responded: "Of course! But you'd better hurry up, because I'm retiring in two years." 😊

As a committee, we will be aware of how the coming months are progressing, and whether there are aspects that become cause for concern. We will also continue to educate ourselves in areas relating to VAD in preparation for the important stage of the 2025 legislated Review.

VAD STAKEHOLDER REFERENCE GROUP – MARGARET SING

DWDTas VAD Stakeholder Reference Group representative

As the DwDTas representative on the Voluntary Assisted Dying Stakeholder Reference Group (SRG), I have found it a valuable part of the implementation of the End-of-Life Choices (VAD) Act and has worked well. This has been due to the open, consultative and supportive attitudes of the VAD Implementation Team particularly its Manager, Lisa Caswell, and of senior Health Department staff who have chaired the group, and the cooperative and knowledgeable input of all participants.

It's provided the opportunity to keep emphasising the DwDTas value of free and equal access to VAD and our view that everything needs to be done to help people access their legal rights to VAD if that's their choice and they meet the requirements. The broad-based group has included representatives of many groups that have the same views, eg RACGP, Health Consumers. Representatives of groups that were not originally supportive or enthusiastic about VAD have also acted cooperatively and contributed to input and discussion from different viewpoints.

I am very aware of how challenging the implementation has been because of the complexity of the Act and of multiple difficult issues. I believe we all owe thanks and congratulations to the VAD Implementation Team and many others working behind the scenes to establish all the parts of the complicated system that will make legal VAD choice a reality for Tasmanians after 23 October. This includes the VAD Commission, the Navigation Service, the Pharmacy Service and the Statewide Clinical Service in public hospitals.

or as we would have preferred. Covid hasn't helped. We had high expectations that the Act would have (and should have) come into operation earlier. There has been an unwelcome delay in finalising and approving the training for doctors and others but we are hopeful this will not be too great a problem as more doctors decide to come onboard over time. This has happened everywhere VAD legislation operates.

There are some ongoing issues, eg better systems for data collection and reporting and the reference group is still waiting to discuss and provide input into the issue of how the VAD Commission will deal with applications for exemption from the prognosis requirements. The Commonwealth Criminal Code and its interpretation are a threat to telehealth consultations that were so strongly supported by the Tasmanian Parliament. We expect this hurdle will be removed by the Albanese Government after strong representations from States with VAD legislation but we would have liked this to have happened earlier. While we expect most residential and health facilities to behave with respect for the rights and autonomous wishes of residents, patients and supportive staff about VAD, there are no guarantees that all will do so.

On behalf of DwDTas I have argued for a continuing stakeholder consultative group especially in the next few years for reporting and discussion of issues which will inevitably emerge. Other groups have strongly supported this but a proposal about an ongoing group is still to be proposed and discussed by the reference group.

23 October will be a day of celebration for me personally and so many others who have contributed in so many different ways to the achievement of legal VAD choice for Tasmanians and the comfort it will provide for those who receive VAD and those who know it's an option.

MIKE'S MUSINGS

The Hon. Mike Gaffney MLC

As I sit in front of the keyboard to write my final article for the DWDT newsletter and with the [End-of-Life Choices \(VAD\) Act 2021](#) imminent, a very small smile makes its way to my face, followed by quite a long breath, a relaxing of the shoulders and a feeling of relief. It has been quite some journey.

I also acknowledge, for individuals reading this article, that some of you have been on this journey for many, many years (well done) and no doubt some will

On Monday 17th I will be presenting my 115th VAD related forum. It will be held at Port Sorell and organised by the U3A. I am aware that by the end of September 45 people had already registered which indicates to me that there is significant interest, (as I would expect) in this Legislation. They have also advertised it as a 90-minute forum (good grief) ... I think I will take cake 😊

This forum will be a little different than previous ones, as I set about explaining the process that has been implemented and what that means for the individual – I will base the first part of my presentation on the VAD FAQ's information and also using the ACCESSING VAD IN TAS flowchart.

I'm hoping to use the Jane Hume (Victorian Senator) video clip which I believe is very pertinent to the whole idea of choice and why this legislation is so important.

The final half of the forum, I will spend answering questions and perhaps talking about the highlights (& lowlights) of my time involved with the Tas VAD experience.

I am travelling to the WFRTDS [World Federation of Right to Die Societies] conference in Toronto at the end of this month as I want to keep informed about the International perspective and developments surrounding VAD. It's going to be a bit of a rushed trip (in between sitting weeks) but one I am looking forward to.

I thank all of you as I have met some wonderful people throughout this experience and (recognising that some passionate individuals are no longer with us), it is a part of my life's journey that I will never forget.

Take care, Mike xo

[Click here for Jane Hume \(Victorian Senator\) video clip](#)

IMPORTANT LINKS MENTIONED IN THE NEWSLETTER

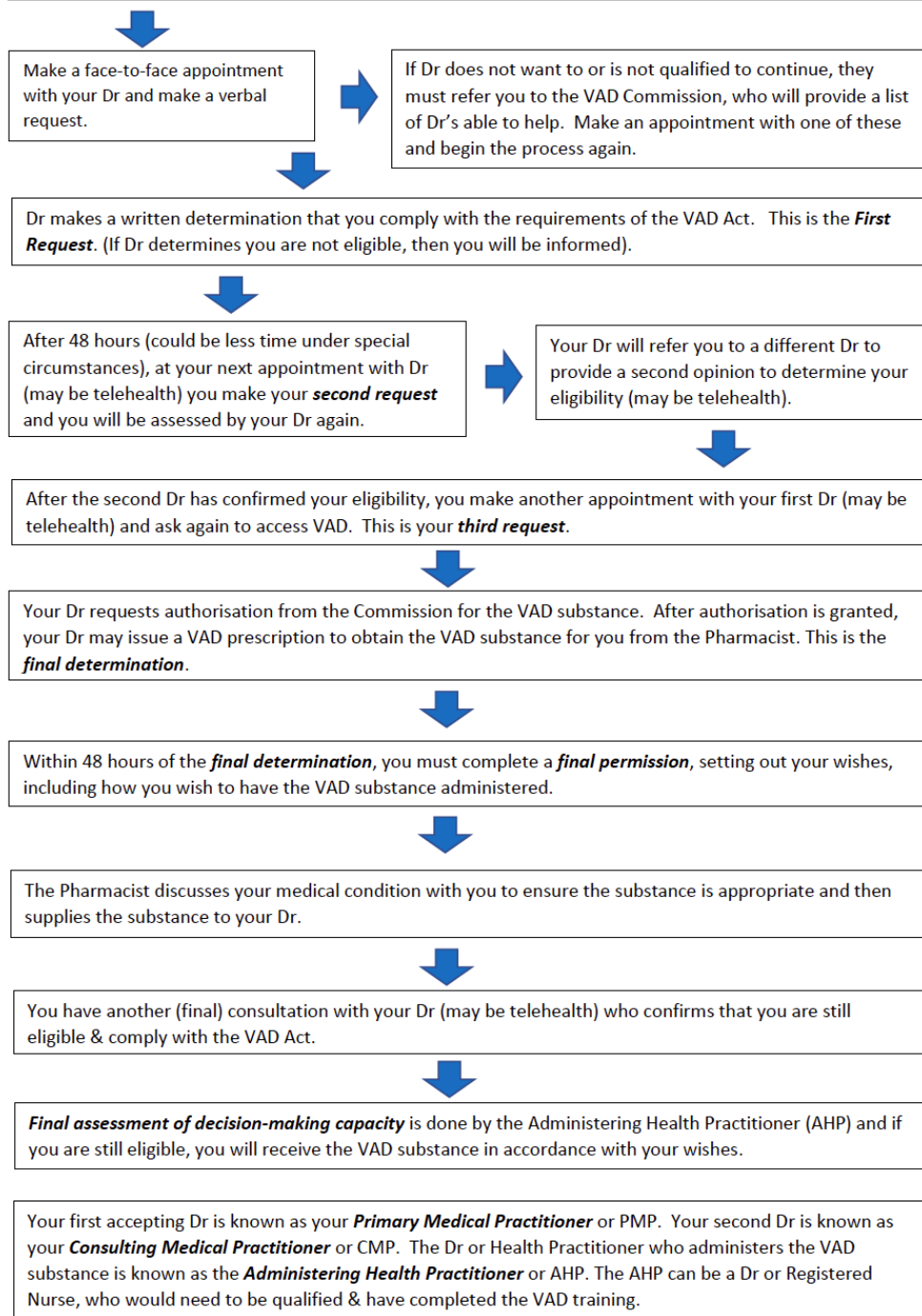
[Voluntary Assisted Dying | Tasmanian Department of Health](#)

FLOWCHART – ACCESSING VAD IN TASMANIA

The following simplified flow chart has been developed by DWDTas to enable a quick, basic understanding, before you commence discussion with a GP, if the voluntary assisted dying process is being considered.

There are more detailed flow charts created by the Tasmanian Government's Department of Health Implementation Taskforce and the [Navigation Service](#) and are available on their websites.

This chart is a simplified reference guide for DWDTas Members to understand the steps required to access the Tasmanian End of Life Choices (Voluntary Assisted Dying) Act 2021. For further details, visit the Dept of Health website [Voluntary Assisted Dying in Tasmania - FAQs \(health.tas.gov.au\)](https://www.health.tas.gov.au/voluntary-assisted-dying-in-tasmania-faqs).



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