



Our Mission: To bring about such changes in Western Australian Statute Law and to medical ethics as will allow a person to receive medically assisted euthanasia under circumstances specified by him or her, when legally competent to do so.

NZ 'End of Life Choice Bill'

... blueprint for a WA bill ?

In October 2011, a group of Exit and VESNZ (Voluntary Euthanasia Society of New Zealand) members held a public meeting in Nelson, a small town in the north of the South Island of New Zealand, to discuss the need for voluntary euthanasia legalisation. This meeting was advertised in the local Press and MPs were sent personal invitations to attend. The Hon Maryan Street was the only MP who took up the offer.

It was at that same meeting that she requested an opportunity to address the attendees and committed to bringing forward a legalisation Bill. And she proved as good as her word: after detailed consultation with the VESNZ, after taking legal advice from close colleagues, after drafts and re-drafts, Maryan put her '**End Of Life Choice Bill**' into the ballot in July 2012 from where it awaits withdrawal.

New Zealand is fortunate in having such a progressive and energetic MP as the Hon Maryan Street. She herself is driving much of the media attention. Shadow Minister for Health and highly experienced Labour Party politician with many contacts, her forte is communication and relationship-building. She maintains a courteous demeanour even under extreme provocation. As her diary takes her from interview to interview, from meeting to meeting, from TV show to TV show, supporters and detractors emerge in her wake.

This Bill closely follows the Belgian legislation in matters of process and review, but there are some points of difference, too. For example:

* The eligibility criteria are spelled out to include an "irreversible physical or mental condition that, in the person's view, renders his or her life unbearable". This covers those cases that are non-terminal, such as sufferers from the locked-in syndrome or paralysed stroke or accident victims.

* The meaning of mental competence in this context is described.

* Provision is made for the centralised registration of an End of Life Directive with a requirement to update it every 5 years in order to retain validity. This will act for the patient if he/she becomes incompetent.

* Provision is made for a patient advocate to see to the fulfilment of the patient's wishes should the patient become unable to do so personally.

* Family and/or friends are specifically prohibited from overturning or frustrating a patient's wishes. Penalties will apply.

Cont next page



Notice of the ANNUAL GENERAL MEETING

Wednesday, 17th October 2012 at 2 pm

at Citiplace Community Centre

on the walkway between the Art Gallery and Myer Store opposite the escalators at
Perth Railway Station.

Guest speaker to be confirmed

Afternoon tea provided - **All welcome**

* A physician may delegate the administration of the life terminating drug to a patient's loved one who agrees to take on this responsibility without coercion, and who is specifically requested by the patient to do so.

* The composition of the Review Body is spelled out to include 11 people, each representing different community interests.

For a summary of the Bill's main points, approved by Maryan herself, see page 5.

At present, there are about 65 other Private Member's Bills in the ballot. Only four Private Members Bills can be before the House at any one time, so Bills must either be rejected or passed to Select Committee to create space for others to be drawn. The ballot is drawn once a fortnight and as fast as Bills are drawn for debate, new ones are filed. It may take a long time for the End of Life Choice Bill to see daylight, but in many ways this could be a good thing as it gives Maryan's supporters time to counter the arguments that are already strongly emerging in the media.

The Catholic Bioethics Centre has been strident in its opposition, as has Hospice New Zealand, some conservative MPs, the Otago Health Sciences Division in association with the Otago Bioethics Centre (attached to the Otago University and therefore much respected) and even a popular talk-show host. The Otago Bioethics Centre even flew palliative care expert, Welshwoman Baroness Professor Ilora Finlay, to New Zealand to warn on the 'dangers' of euthanasia.

Broadly speaking, opposition is along two lines:
1) Slippery slope/ thin end of the wedge/ vulnerable minorities under coercion by ugly relatives ;
2) Palliative care is so good in New Zealand that euthanasia is not necessary.

I aim to respond quickly to as many media articles as possible, my riposte to these arguments being:
1) If a person has religious objections, then that is their right, but they should openly declare their religion to be the basis for their opposition rather than hide behind the now discredited 'slippery slope/coercion' arguments.
2) Palliative care is not a panacea; it can and should co-exist with voluntary euthanasia as it does in Holland and Belgium in a spirit of cooperation, not hostility. This is particularly so given that the palliative care industry is accepting of terminal sedation.

New Zealand has 121 MPs. We need 61 to be in favour for a conscience vote to propel this Bill into an Act of Parliament. We may have a long way to go in terms of both time and effort. Please wish us patience and energy.

Ann David

Ed.: Ann David, former member of WAVES, now living in New Zealand and member of VESNZ, has been kind enough to give us this insight into the circumstances surrounding this Bill and its particulars.

A big thank you, Ann. We all wish for a majority vote of YES – that finally the community spirit will win. The world is watching!

So ... what do YOU think ?

Everyone will agree that, IF there is to be a new law that supports voluntary euthanasia, it will have to be explicitly formulated and critical safe-guards be put in place. As it is the law-maker's job to make sure that this is done, it is our job to make sure that any Bill that goes before Parliament has these qualities to begin with.

We know what we want at the end of our life - autonomy, dignity and genuine compassion. That sounds reasonable enough. But we also know that others may be involved in various situations. And this is the problem - how can everyone be protected?

We think that this new Bill comes very close to doing just that. This law will regulate the dying process and make it safer than it currently is.

But, we like to know what our members think.

Please, read the Bill carefully (see page 5) - the 'Explanatory Notes' are a good start. Be critical: can you see any weak points? Can you suggest how they could be strengthened? Could you think of anything that should be included or expressed differently?

We look forward to your comments by email or letter.

President's Report

Dear fellow members

This report covers the period from our General Meeting in May and AGM in October 2011.

During this period I was away for two months, but in my absence the business of our Society was efficiently carried out by other members of the Management Committee.

My thanks to them for their efforts.

Letters to MPs - as you know, letters asking for their stance on VE have been sent to all sitting members of State Parliament. The response to date has been somewhat underwhelming with only twenty four percent having indicated their position. What is encouraging, however, is the number of supporters we seem to have in this small sample. Over both houses we have fifteen 'For', only seven 'Against' and one 'Undecided'. Among the first group are two retiring members.

It is interesting to note that many politicians, once outside the pressure of Parliament, seem prepared to support end-of-life choice. Too bad this is not translated into feet on the floor during VE votes?

A follow up letter will be sent to those seventy two, who have been too timid to indicate one way or the other. Final results of our survey will be advertised prior to the March State Election and could be reflected in voting patterns within the various electorates.

Herbert Erickson, who allegedly assisted in the death of his life partner, Betty Kuhn, has been before the District Court on three occasions, which were adjourned. All evidence is now in the hands of both prosecution and defence, and there will be a further hearing on October the 31st. This is a sad case but hopefully will turn out positively for Mr Erickson. We have offered assistance to his lawyer if required.

YourLastRight.com Ltd - your committee has decided to sever our connection with this organisation. A major reason is the restrictions placed on us which would hinder our activities beyond legislative change, should we wish to amend our Constitution accordingly. A full report can be found on page 4.

Bumper Stickers and **Letterbox Flyers** are now available and can be collected at the AGM. It is worth pointing out that the letterbox flyers have been very useful in attracting new members to our cause. I strongly recommend them to members for local distribution to increase our membership.

Murray Hindle



MPs who have responded favourably to our question

"Do you support the passage of voluntary euthanasia legislation through the parliament of WA?"

MLC (10)

Hon Robin Chapple (GWA)

Hon Jon Ford (ALP)

Hon Sally Talbot (ALP)

Hon Sue Ellery (ALP)

Hon Lynn MacLaren (GWA)

Hon Ken Travers (ALP)

Hon Adele Farina (ALP)

Hon Linda Savage (ALP)

Hon Giz Watson (GWA)

Hon Alison Xamon (GWA)

MLA (6)

Adele Carles (IND)

Mick Murray (ALP)

Martin Whitely (ALP) – Retiring

John McGrath (LIB)

David Templeman (ALP)

Grant Woodhams (NAT) – Retiring

Ed. We should keep in mind that many MPs are reluctant to voice their opinion on this controversial issue, so lack of response is not a true indication of the real number in favour of law reform. Hopefully many more will reply to your personal letters. So keep writing and let us know the outcome?

'Your Last Right. Com Ltd' and the Legacy of Clem Jones

Your Last Right.Com Ltd (YLR) is a public Australian company, limited by guarantee, registered to operate in Australia on 4th Aug 2010, and is resident in Melbourne. It was formed as a national alliance of DWD and other VE State organisations, who became members of the company and appointed directors, as a requirement of the Clem Jones Executors (CJE).

Clem Jones was a popular Lord mayor of Brisbane Qld and was responsible for the huge, laudable task of installing a sewer-system in the city and suburbs (replacing septic tanks). He died a very wealthy man and bequeathed much, including \$5m to the VE cause, granting total power in his will to his appointed executors to administer his estate.

The CJE, looking for ways to reduce the massive administrative tasks ahead, decided to reduce the volume of applicants seeking a part of the VE bequest. To this end YLR was established and nominations for directors from the various Australian societies were called for. WAVES joined, appointing Bill O'Brien as director.

With YLR duly operational, a competent CEO in a top salary range was appointed. Preparations went under way and development seemed promising. But when, after the first year, it became clear that 94% of YLR's total income was spent on salaries and administration, and less than 6% was going to the State organisations, realisation grew that expectation was perhaps too optimistic. And this trend has continued.

Other factors became problematic – the ongoing communication problems with the CEO, the secretive way in which some business appeared to be conducted, and a perceived (by some) lack of financial and other assistance to State organisations. It was for these reasons (and after some strong disagreements) that, even after having committed so much of his time and effort to YLR on WAVES' behalf, Bill decided to resign from the post of director. WAVES' President and Committee unanimously endorsed his decision, making WAVES the second VE organisation, after Brisbane's DWDQ, to also resign from YLR.

The bulk of the original \$5m bequest is still held by the CJE. WAVES and DWDTAS are likely to receive some funds this year from CJE (thru YLR) to assist with their ongoing VE parliamentary processes. These amounts are not expected to be large.

It should be noted that WAVES has not had contact directly with the CJE, but this is an option still open for consideration. Hopefully Clem Jones' spirit will triumph.

Public Forums the Way to Go

Past President Ranjan Ray and I attended a very interesting seminar - "*Designing a national (or global) conversation: "Who decides how we die?"*" - sponsored by Curtin University in Fremantle on August the 23rd.

The guest speaker was **Professor Lyn Carson**, who likes to be addressed as "Carson" and is a most impressive lady. Read more about her on her website: www.activedemocracy.net

Carson is currently on a study tour across Australia talking to scholars and advocates working in the area of *assisted dying and civic engagement*. She is creating a method of public participation which will allow the topic of voluntary euthanasia to be discussed in a much wider forum than it currently enjoys.

She believes that the way forward is to bring pressure to bear on our State legislators through national forums on assisted dying, attended by a range of interested parties. The widespread support that *end of life choice* currently enjoys will be a significant driving force behind these forums and there is every expectation positive results can be achieved.

It is very encouraging to see the quest for voluntary euthanasia spreading from the State VE Societies and interested politicians into the broader Australian community through the activities of individuals such as Professor Carson. I urge those, who can help in her quest, to do so. Be assured that your committee will follow her progress with interest and assist where required.

Murray Hindle

'End of Life Choice Bill'

The main points of the New Zealand bill proposed by Maryan Street MP (see page 1):

Eligibility criteria that must be met:

- The patient must be adult (over age 18)
- The patient must be mentally competent as attested by two doctors separately.
- Two doctors separately must conclude that the patient has had no coercion placed on him/her.
- The patient must be suffering from a terminal illness with less than 12 months' life expectancy
OR
- must be suffering from an irreversible medical condition, physical or mental, that renders life unbearable in the opinion of the patient. This must be attested by two doctors separately.

Patient request:

- The request must be made by the patient to the first doctor in writing where possible.
- A cooling off period of 7 days after the first written request must be observed.
- After 7 days, the request must be re-made to the first doctor, in writing where possible.
- An End of Life Directive can serve in lieu of a written request if the patient is unable to communicate or is mentally no longer competent and if the End of Life Directive was made less than 5 years previously and while the patient was still mentally competent.

Process of two doctors:

- If willing to assist, the first doctor must certify that the patient is eligible by way of examination and application of criteria to the case.
- The first doctor must advise the patient of all other possible options of relief including palliative care and must recommend that the patient receive counselling before proceeding.
- If the patient declines all other options and wishes to proceed in spite of or without counselling, the first doctor must make out a detailed certificate to that effect and must refer the patient to a second doctor for confirmation.
- The second doctor must follow the same process as the first doctor (examination, ensure that eligibility criteria are met) and must confirm by way of certificate.
- If all is in order, assistance can be given by the first doctor to hasten death.
- The patient may choose to swallow medication unassisted, but if assistance is needed the doctor will administer the drug or may delegate this to a loved one expressly requested by the patient to assist in the administration of the drug.
- Registrar of End of Life Directives and Medically Assisted Deaths to be appointed by the Minister.
- The first doctor must report the procedure to the Registrar within 14 days.

Review Body:

- The Minister will appoint a Review Body comprising 11 individuals, representing the NZ Medical Council (2), NZ Nursing Council, the Chief Coroner, the NZ Law Society, the Human Rights Commission, the Health and Disability Commissioner, medical schools, senior citizens' advocacy, Maori, Interchurch Bioethics Council.
- The Review Body will enquire into all medically assisted deaths and report on compliance with the Act to the House of Representatives.

Ann David

To read and download the Bill:

http://www.parliament.nz/en-NZ/PB/Legislation/ProposedBills/0/5/5/50HOH_MEMBERBILL090_1-End-of-Life-Choice-Bill.htm

WA State Elections - Are we asking the right questions ?

It is still another six months until E-day but preparations are already under way at WAVES for the next West Australian State election, which will take place on Saturday 9th of March next year. The Committee will be very busy getting our message across.

This is also the time when we will have to make up our minds individually about who to choose to become our personal representatives for both houses for the next four years. They must be worthy of our votes. But how do we go about this?

There will be 36 seats in the Legislative Council and 59 in the Legislative Assembly to fill, with all parties contending for places. Even though VE law reform does not show up on any party's platform, would any of their candidates' pro-VE stance tip the balance in their favour?

It really comes down to which candidate will stand up for our concerns about VE and is willing to get involved to promote our case. A listing of current MPs who are openly supportive is available on page 3. But it will also help to do research on the internet. When it is clear who will nominate in our region or district, we can get to know the candidates by visiting their own or the official (Parliament or Party) websites.

The next step is to talk to them in person. They should all be very willing to meet with us. It is important to prepare and write down our questions, keeping in mind that we are not trying to 'push' our view of VE. KISS – 'keep it short & sweet' is good advice.

Some examples of open questions (after a bit of a friendly introduction) :

** "I'm looking for a representative in Parliament to vote for in the next election. Amongst other things, I'd like to know what you think about voluntary euthanasia. I personally believe that every competent individual, who is terminally ill, should have the right to decide how, when and*

where to die and that the community (the law) should respect this right and make it possible. What do you think?"

** "It is a well-known fact that VE law reform is strongly opposed by church groups and affiliations, and that behind the scenes they try to influence our policy makers. Conscience votes are 'hidden' votes; should MPs be using this option to override their constituents wishes?"*

** "Considering that various polls across the nation show at least 70% majority in favour of law reform, would an independent State referendum (as on daylight saving and late night shopping), to confirm the community's preference once and for all, assist law-makers in their decision-making?"*

** "VE is a legal choice for dying people in many countries overseas, where the procedures have been proven humane and successful. Would you support a Bill that, provided all necessary criteria were met, would make VE a legal option in WA?"*

Let's make sure **we** also know the answers to **their** questions?

About the meeting itself: even though VE legalisation is high on our list and we are eager to share it with our potential MP, this is not the time to try to convert someone. People cannot be cajoled into agreeing with our point of view; trust must come gradually. So best to relax and let him/her do the talking. And don't forget to make notes!

When it finally comes to voting, hopefully by that time we will have figured it all out. We'll ignore the preferences on the 'How to vote cards' - we'll be ready to choose our own.

Pat on our back: good work! ;-)

Tina Christensen

Check out these useful websites:

<http://www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/index>

http://en.wikipedia.org/wiki/Western_Australian_state_election,_2013

http://www.waec.wa.gov.au/elections/state_elections/

<http://boundaries.wa.gov.au/2011/Find-your-Electorate/>

<http://walabor.org.au/wa-labor-people/wa-labor-state-candidates-2013>

<http://www.wa.liberal.org.au/members-profile/state-members>

<http://wa.greens.org.au/content/meet-us-1>

Notice Board

Membership Matters

We remind members that our current membership year runs from 1 July 2012 to 30 June 2013.

The address label on your copy of WAVES News shows the **date of expiry of your subscription**.

Please make sure that, when paying directly into WAVES' Bank account, your NAME is printed on your payment slip as 'Reference'. Otherwise we have no way of knowing who has paid and for what – subscription or donation. Even better: send us a copy of your bank receipt, or email or post us the details: your full name, address and details of payment.

Please let us know if you require a receipt, as we normally do not issue one. Donations are not tax deductible.

Thank you for your support.

www.waves.org.au

Have you visited our new website lately? Here you can access all our information, newsletters, forms, references, and connect to other sites using the many Links provided. We do our best to keep it up-to-date, but this may not always be possible. Bear with us?

If you have any suggestions to improve the site or any questions, please contact :

Bill O'Brien - wkob@bigpond.net.au

Tel 08 93257575 or Mob 0466997575

We are in the process of obtaining additional letter boxes, but for the time being, any articles or letters, please send to info@waves.org.au - Att. Editor

West Australian Voluntary Euthanasia Society (Inc)

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Email: info@waves.org.au

MEMBERSHIP RENEWAL FORM

Membership year runs from 1st of July to 30th of June of the following year

Standard Rates

- Single \$ 20
 Double \$ 30
 Life Single \$ 200
 Life Double \$ 300
Donation \$

Pensioner / Student Rates

- Single \$ 15
 Double \$ 25
 Life Single \$ 150
 Life Double \$ 250

(Rates effective from 1st July 2009)

Payable to WAVES at the above address or at any BankWest branch:

Account **WAVES - BSB no: 306-061, account no: 419 8239**.

Please complete this form and forward it to us, or bring it with you to the meeting.

Mr&Mrs Mr Mrs Ms Miss Dr

Please print clearly

Initials Surname

Address

Postcode Phone Year of birth:

Email

EXIT News

EXIT International welcomes WAVES' members to join their organisation and points out that only Exit members are allowed to attend the meetings.

Please phone Carol O'Neil on 0429 039 167 for further details.



W.A.V.E.S has no religious, professional or political affiliation. Its membership comprises a wide range of people - some from a variety of professions, including medical

and nursing; some from religious denominations and some politicians. Many have publicly expressed their support for the legalisation of voluntary euthanasia, both passive and active.

PARTICIPATE IN OUR CAUSE

You can help us make
Voluntary Euthanasia a legal choice.
Explain it to your friends and family.
Write, phone or visit your State MP.

Make your views known ?

WEST AUSTRALIAN VOLUNTARY EUTHANASIA SOCIETY Inc

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Hon Secretary: David Kelly

Hon Treasurer: Tina Christensen

Committee Members

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(Membership), Bill O'Brien, Ranjan Ray, Brian Ross,
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