

**Bulletin No. 21**

**January 2020**

**Meeting Dates**

Meeting dates for this year are as follows. Please put them in your diary keeping in mind that the 22nd of October may be subject to change if our guest speaker cannot make that date.

<b>General Meetings</b>	<b>Time</b>	<b>Committee Meetings</b>	<b>Time</b>
AGM 30 April	10.30 a.m.	27 February	10.30 a.m.
General Meeting 22 October	10.30 a.m.	26 March	2.00 p.m.
		28 May	10.30 a.m.
		25 June	10.30 a.m.
		27 August	2.00 p.m.

At the last AGM members asked for more meetings to occur in the mornings. Please note both meetings for the full membership will occur in the morning this year. Meetings for the committee are a mix of afternoon and morning times to fit in with the bookings at the Grant Cameron Community Centre and to cater for the possibility that committee members may not always be able to make all morning or all afternoon meetings. All meetings will be held at the Grant Cameron Community Centre unless otherwise notified. Members are welcome to attend committee meetings as observers.

**Membership Renewal**

Members who have not yet renewed their annual membership will be receiving a reminder from our treasurer Tony Whelan soon. Please renew as a good number of members helps the committee to convince our politicians that a good death is something they should provide us with. The Elective Death model defines a good death as a peaceful, pain free and quick death.

**Committee vacancy**

Once again I want to remind you that the role of secretary is now vacant. So please think about whether you have some time to commit to this role. It does require a computer and a telephone. We are also keen to invite other members to join the committee. Interested members can ring me on DWD's phone 51040920 (only those callers who leave a message on the answering machine indicating the reason for their call will be responded to) or email me at [president@dwdact.org.au](mailto:president@dwdact.org.au)

**New Developments**

At the end of last year ACT Chief Minister Andrew Barr gave MLA Tara Cheyne special responsibility for policy on Euthanasia. I was in contact with Tara a number of times last year. I passed on to her information I received from DWDV about the inadequacies of the Victorian law to meet the needs of its dying citizens. She responded by informing me that Andrew Barr has written to all Federal politicians around the country to repeal the Euthanasia Laws Act. This first step must occur first before the ACT can develop its own law. It seems to me that these are the two most positive steps that an ACT government has taken to initiate action on this matter.

### **Search for legal support**

I have continued to search for a law firm that would help us to take legal action on either the Federal or the local level. The reason for my lack of success was summarized by Geoffrey Robertson in his response to an email from me asking for his help. He was unable to help because he does not practise law in Australia but he wrote;

I wish you well with it and am sorry that you have had such a negative response from lawyers thus far. Unfortunately, most are timid souls who think these decisions are matters for politicians, whereas, of course, they are matters of justice.

Best wishes,

Geoffrey

**Geoffrey Robertson QC**  
Barrister

Current law exists that not only challenges the Euthanasia Laws Act but also Section 17 of the Crimes Act that makes it a crime to assist another to die; but essentially the response from the at least 15 lawyers I have discussed this matter with or written to none would help except to provide me with negative advice. The negative advice assumed that the High Court judges would not want to rule in favour of a challenge to the Constitution. In the ACT the inconsistency of The Human Rights Act with the Section 17 of the Crimes Act which I raised years ago with the Human Rights Commissioner and members of the Labor Party was considered a matter for politicians despite the suffering of thousands of ACT citizens each year. The conclusion all this work leads me to is that the Australian legal system is protecting our parliamentarians from their own wrongdoing. The rights of all ACT citizens in relation to their deaths are not protected by the law. On the contrary, unlike in Canada where Dying with Dignity groups were able to challenge the Canadian government through their Human Rights Legislation, our rights are further breached by the failure of the legal system to protect us from our own government's bad laws.

### **Passage of law**

The passage of law making provision for assisted dying in two Labor States suggests that those people now going into the Labor Party are less bound than past ALP members by beliefs that prevented them from reforming the law. Alternatively it is possible that they are less committed to imposing their beliefs on others who don't share their beliefs. However the group that was YourLastRight is now re-forming and will meet in March to discuss ways to encourage expanding access to euthanasia in the current laws in Victoria and WA as well as in future laws in other states and territories.

It does not surprise me that this group is unhappy with the laws that have been passed. As a member of the Australian Education Union I did some training in how to negotiate with employers. What I was taught was to never go into a negotiation just asking for what you want. The employer will always be looking to give you less so it's important to negotiate from a starting point where you will arrive at what you want. That is why I developed the Elective Death model which asks for what we are actually entitled to by Section 16 of The Crimes Act.

That is, taking us from the point where the law states that suicide is no longer a crime. Therefore we are all free to end our lives. At that point the obligation of government was to provide us with a safe environment in which to do this. This obligation has been denied to us by the religious beliefs of the politicians we have in our parliaments both Federal and local.

Last year in May Robert Altamore and I went to speak to Bec Cody MLA who chaired The End of life Choices Committee. I gave her a table comparing ACT Human Rights law, The Euthanasia Act law and S 17 of The Crimes Act with the Elective Death model. We presented this table with the following recommendation which she agreed to present to the Labor Party caucus.

*Members of the Legislative Assembly, being elected by the people as their representatives have the responsibility as the representatives of the people to ensure that everyone dies consistent with ACT Human Rights law. DWDACT therefore requests the Assembly to adopt the Elective Death model which we have based on ACT human rights law as its preferred model for assisted dying and to commit to implementing the Elective Death model when the Euthanasia Laws Act 1997 is repealed.*

This year I plan to follow up this recommendation to the Assembly with a letter to the Chief Minister and Tara Cheyne asking that the ACT Assembly move 1) that Section 17 of the Crimes Act and The Euthanasia Laws Act are inconsistent with the ACT Human Rights Act; and 2) asking them to make a challenge in the High Court to The Euthanasia Laws Act as a breach of section 116 of the Australian Constitution which states that the Federal Parliament may not make law to impose religious observances.

The Pope's Declaration on Euthanasia clearly outlines the observances expected at death by the religious. The Euthanasia Laws Act forces those observances on us whether we like it or not or whether they are consistent with ACT Human Rights law, and Section 16 of the Crimes Act, which they are not.

The speaker at our last General Meeting, Robyne Hingley, a palliative care nurse at The Canberra Hospital provided us with some very interesting information about the number of people dying in the hospital each week (from memory about 5 people each week). The End of life Choices Committee recommended that the government should look into establishing its own Palliative Care unit. The hospital could justify its own palliative care unit with these numbers which in turn could be converted to an Elective Death unit when the law allowed it.

The suffering Robyne described as part of her work that the slow death by disease that the current laws (The Euthanasia Laws Act and Section 17 of The ACT Crimes Act) force on us certainly warrants an Elective Death unit. An Elective Death is defined as a voluntary decision to die at a time of an individual's choice. This definition does not exclude palliative care but does include euthanasia as a choice. I recommend that you look at our website address at the head of this page for further information about the Elective Death model.

### **Surveys**

Two DWDACT members have approached me about surveys they have conducted and hope to further conduct with the ACT population and the international membership of dying with dignity groups. They are in negotiation with their respective target organizations at the moment. Both surveys are worth responding to because they will give both DWD groups and governments information about the views of their populations on end of life choices. Eventually you may find one or both sent to you. If that happens please respond and be part of this information collection process.

### **The International scene**

The World Federation of Right to Die Societies is preparing for the bi-annual conference which will be held in Mexico in October. The theme for the Conference will be *End of life Options: a bioethical approach*. I hope to attend and to speak. It will be my last conference as a member of the WFRtDS committee. I look forward to giving up this responsibility but where possible I hope to be in a position to attend future conferences.

My reading of what is happening internationally is that everywhere euthanasia law is implemented people are continuing to push to improve and expand the law to give people more access to a good death. The first steps are merely that: first steps. This push is inevitable because people across the globe no longer accept that we are the property of God or our governments. They now know that our bodies belong to us as individuals. People who take on the challenging task of going into governments of whatever type will inevitably be forced to change their approach to lawmaking to reflect that new global understanding.

Jeanne Arthur  
President  
DWDACT  
17 January 2020