

NT Voluntary Euthanasia Society Inc

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Patron: Mr Marshall Perron

Newsletter No 2 - Feb 1996

AMENDMENT BILL PASSED, AND REPEAL BILL DISALLOWED. On Tuesday 20 February, the Northern Territory Legislative Assembly passed the Amendment Bill to remove the final obstacles to the operation of the NT Rights of the Terminally Ill Act 1995. An attempt by an opposition Member to debate a Bill to repeal the Act failed. The Government Working Party are well advanced in their development of Regulations and the voluntary euthanasia legislation is expected to become operational within the next couple of months; Hopefully by April as anticipated by the Attorney General last year and reported in our last Newsletter.

EFFECT OF THE AMENDMENTS

The Amendment Bill will have to be updated by the Parliamentary draftsman to incorporate the changes agreed to in Parliament, but the essence of the changes can be read in the Information/Comment article on the next page.



THE MEDIA COVERAGE

Some members may be concerned about the very mixed media reporting in recent weeks, particularly the coverage by the NT News. Several Editorials have appeared in support of the legislation, but otherwise their 'news' coverage has been extremely negative and seems biased towards several of the vocal opponents.

Rest assured, as supporters, we were providing information to them as well, but very little was published.

If any of our readers have experienced the same problem, please don't give up. It pays to keep sending letters and providing information even if only a small percentage see the light of day. Certainly the vocal opponents will not give up and we need to keep highlighting our support for the legislation.



A MESSAGE FROM OUR PATRON

Following passage of the amendments to the Rights of the Terminally Ill Act, there is nothing that should prevent the Government bringing the law into effect very soon.

That it should be the Northern Territory where world history is made by this overdue social reform is not so remarkable.

Being one of the youngest self governing democracies in the world, the Territory is not bound up with institutionalised structures and powerbrokers that can exert overbearing pressure on politicians and political parties. We are relatively free of influential intellectuals who would dictate the parameters of social change.

Also relevant is the fact that representing electorates of four thousand voters makes a politician a lot more responsive to community wishes than hiding amongst ten times that many.

These same circumstances were no doubt applicable when as part of the fledgling self governing colonies, the tiny colony of South Australia passed ground breaking legislation to give women the right to vote and stand for parliament for the first time anywhere in the world.

Detractors predicted disaster and chaos would flow from such irresponsible legislation. What actually happened was that the whole western world followed suit!

My initiation of a bill decriminalising voluntary euthanasia had nothing to do with creating history; nor did I know at the time that eighty percent of the non aboriginal population would support the proposal.

I believed then, as I do now, that even if only a small minority wanted control over their end of life decisions and there were doctors willing to assist, the law should not prohibit helping an individual to die in appropriate circumstances.

Credit for commencement and implementation of the Rights of the Terminally Ill Act goes to many people, in particular the politicians who voted in support and the small but dedicated team of citizens who comprised TIAP and now the N.T. Voluntary Euthanasia Society. I thank you all again. Unfortunately your task is not over and probably never will be. Opponents to VE will not rest their campaign to have the law overturned and your continued interest and input to our politicians is imperative.

MARSHALL PERRON

THE NT RIGHTS OF THE TERMINALLY ILL ACT INFORMATION & COMMENT - FEBRUARY 1996

The following material was provided to all MLAs prior to the Amendment Bill debate on 20 February. It was also provided to the NT News but never published. Even though a little 'after the event' I thought our readers might find it of interest.

So many words have been written about the implementation of the NT's voluntary euthanasia legislation. However very little has been said which is of value to interested people in the community who want to obtain a better understanding of the current issues.

THE AMENDMENT BILL - WHY IS IT NECESSARY?

On the night of 24 May 1995 a number of amendments were incorporated into Marshall Perron's original Bill. One of these, an amendment to define the psychological/psychiatric qualification, was introduced by Brian Ede (Labour leader, and supporter of the Bill). The change was supported and explained by Dr Richard Lim (CLP member and opponent of the Bill).

The qualification wording was subsequently shown to be incorrect, being a former valid qualification but no longer awarded. Because the supporters of this amendment were from both political parties and represented both sides of the euthanasia debate, there is no reason to suppose it was any more than a very regrettable error. While the error probably would not have invalidated the Act, it was considered desirable to introduce a simple amendment to correct it. The change resulted in a need for two doctors and a psychiatrist to be involved in the process. The amendments reflect other wording changes necessary as a result, including a definition of 'psychiatrist'.

In addition to the above, a new amendment to the qualification requirement for interpreters is being proposed. In May '95 Brian Ede introduced an amendment which required any interpreter to hold "a Level 3 accreditation...or such other interpretative qualifications as are prescribed...". The Amendment Bill proposes the removal of these words, and substitution of "hold a prescribed qualifications for interpreters in the first language of the patient." Because of the "or" clause in the existing Act, the removal of the Level 3 accreditation would appear to have little effect on the intent of the Act.

The original Bill, as amended on the night of 24 May '95, has been passed, assented to, and is now law. Any subsequent amendments such as those discussed above, have to be made by introducing an Amendment Bill. It is important to understand that what is to be debated in the Parliamentary sittings commencing 20 Feb '96, is an Amendment Bill, not an amended Act. All that is being considered is the proposed new amendments - the Rights of the Terminally Ill Act 1995 is already law.

A CONSCIENCE VOTE ON THE AMENDMENT BILL

A conscience vote on the proposed new amendments is apparently to be exercised by both political parties. Given the strong contrary views on the original Act this probably isn't surprising. However as there are no sensitive social issues in the amendment wording (that I can see) it is difficult to imagine that Members would be justified in voting against the Bill.

If any Members do vote against the Amendment Bill, I think it would only be an attempt to subvert and delay

the implementation of what is already valid Northern Territory Law. Even the Prime Minister has confirmed to us that the Rights of the Terminally Ill Act 1995 is a valid law of the Northern Territory. The community now has an expectation that the Government will make the law useable.

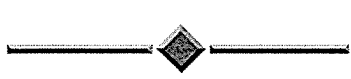
The following discussion may help to illustrate my point.

Bishop Appleby, the Anglican Bishop of Darwin has said that passage of the Amendment Bill would "put wheels on the Act". Extending this metaphor I can only assume that he likens the NT Rights of the Terminally Ill Act with a vehicle. Does he equate it to giving terminally ill people a car that will enable them to control their own direction and destination? Does he believe the church should be the sole chauffeur to eternity? - and does he also believe that although terminally ill people have already been given a car, it's OK as long as it doesn't have wheels?

The Bishop's objection to the Amendment Bill on the grounds that it would put wheels on the Rights of the Terminally Ill Act just doesn't make sense. The original Bill, its debate and eventual passage after amendment, by a clear majority of 15 to 10 (as recorded in Hansard) was intended to give the people a useable vehicle. And if we find there's something wrong with it, the Legislature has an obligation to provide a bit of after sales service.

WILL THE ACT BE OPERATIONAL THIS YEAR?

Yes. I think it is the honest intention of the Government to pass the Amendment Bill, and complete (through the Public Service Working Party) the regulations and guidelines which will enable the Act to be operational very soon - hopefully by April as anticipated by the Attorney General in Parliament in November '95.

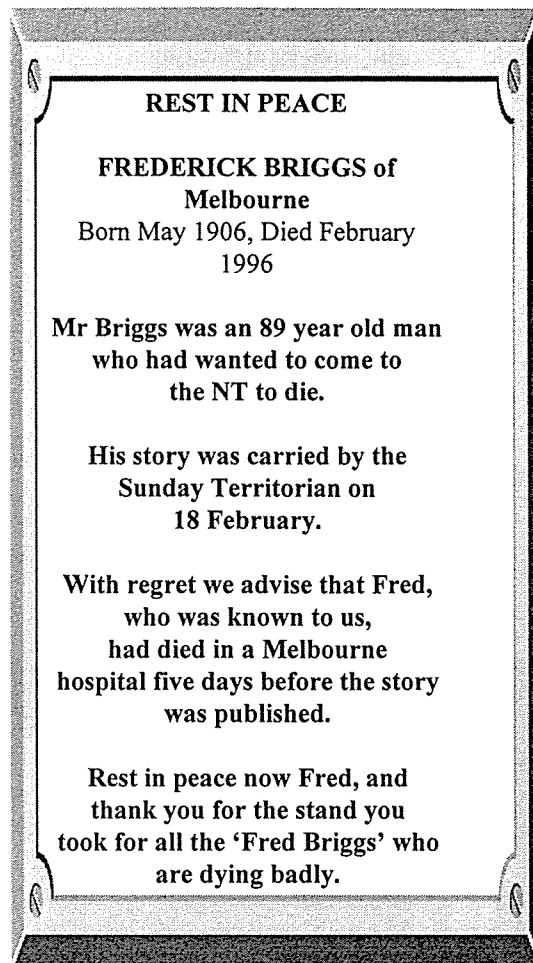


PLEA FOR ASSISTANCE

We need some people and services. Can you help?

IN PARTICULAR we need:

- A Treasurer. Low work load
- A Newsletter Editor with layout software and skills
- A friendly (read cheap) printer
- More members and more dollars \$\$\$\$



FRED'S STORY IS AN INTERESTING ONE. His heartbreaking letters over the last six months have reminded us of the realities of those terminally ill people who are in great distress. Fred's first letter to me after explaining his pain and illness ended with "I have out lived my usefulness and look forward to a merciful rest. Please help me!"

Until the NT - and hopefully other States - have operative laws to enable such terminally ill people to choose voluntary euthanasia if they wish - there is little we can do.

In Fred's case we tried, through the Victorian Health Minister, to get his case reviewed so that improved palliative care could be offered if necessary. Reports since suggest that he may have been one of the few cases where even the best palliative care was not enough.

I would also like to assure our readers that we did not wish to use Fred's terrible situation to support our voluntary euthanasia campaign. The story in the Sunday Territorian was picked up from a Melbourne source - resulting from an interview given independently by Fred. In fact we are appalled at the insensitivity of the reporting which implied that Frederick Briggs was still alive five days after he had died.

CORRESPONDENCE WITH THE PRIME MINISTER, the Hon. Paul Keating.

Members may recall a full page advertisement which was placed in the NT News in December by Dr Chris Wake on behalf of the NT Branch of the Australian Medical Association.

The advertisement was a copy of a rather amazing letter which he had sent to the Prime Minister, asking the Prime Minister to use his 'residual Commonwealth powers over the Northern Territory' to advise the Governor General not to accede to the passage of the law. Dr Wake told the Prime Minister that the Northern Territory had acted beyond its powers in passing the NT Rights of the Terminally Ill Act 1995.

This Society in turn wrote to the Prime Minister asking him to refuse Dr Wake's request.

The Prime Minister's Reply. Several weeks ago on 12 February we received a reply from the Prime Ministers Office. Written by a Senior Advisor, the letter says in part "Thank you for your letter to the Prime Minister of 10 December 1995 concerning the Northern Territory *Rights of the Terminally Ill Act 1995*. The Prime

Minister has asked me to reply to you on his behalf, and I apologise for the delay in doing so", and goes on to say

"The Commonwealth Government believes that the *Rights of the Terminally Ill Act 1995* is a valid law of the Northern Territory and that it is up to the people of the Northern Territory to express their views on that legislation, rather than the Commonwealth."

With this unequivocal reply we can be sure that Dr Wake received no support for his requests for the Prime Minister's intervention.

Given that it is not a Federal issue, and we are in no way a political organisation, I should explain why the NTVES sought to obtain the views of NT candidates in the Federal election.

This was done at the suggestion of several of our members who believe that a candidate's views on legalised voluntary euthanasia are "a measure of the man - (or woman)". Those readers who do not have a commitment to a particular political party, and wish to take personal qualities into account, may be interested in the responses.

QUESTIONS

1. Do you believe that a mentally competent, terminally ill adult, whose continued existence has become intolerable should have the right to request another person to assist in ending his/her life (i.e. seek voluntary euthanasia)?
2. If so, do you agree that voluntary euthanasia should be legalised and made available only under carefully controlled conditions, using standard procedures and according to strict guidelines?
3. Do you support the current Amendment Bill, and the subsequent implementation of, the NT Rights of the Terminally Ill Act 1995?
4. Would you support the introduction of comparable legislation in other states and territories of Australia?

ANSWERS

HOUSE OF REPRESENTATIVES

HOUSE OF REPRESENTATIVES					SENATE				
NAME	Q1	Q2	Q3	Q4	NAME	Q1	Q2	Q3	Q4
B BRIAN	YES	YES	YES	YES	G TAMBLING	Not a Federal issue -Unable or not prepared to answer			
N DONDAS	No reply				A COOK	No reply			
P NITSCHKE	YES	YES	YES	YES	R COLLINS	No reply			
W SNOWDON	A matter for the NT Govt		-not Federal	(See below)	S BRADLEY	No reply			
P GARDINER	No reply				M FRIEL	YES	YES	YES	YES
					I ELDRIDGE	YES	YES	YES	YES
					G CARR	YES	YES	YES	YES

Mr Snowdon says the issue of the current debate is the responsibility of the States and Territory Governments. However, he goes on to say that "Currently, the euthanasia issue is being examined Federally by the Model Criminal Code Officers Committee, a body established by the Standing Committee of Attorney's General to draft a model criminal code by the year 2000. This committee comprises representatives from the Commonwealth and all States and Territories. Any recommendation it makes will be the result of broad consultation with community interest groups such as yours from all around the country as well as the legal profession"

THE 'MARTA ALFONSO-BOWES MEMORIAL AWARD'

As advised in our first (November 1995) Newsletter, the NTVES Executive has been offered specific purpose funds to make a once-only Memorial Award in honour of the life and death of Marta Alfonso-Bowes. Marta, who was suffering from a terminal illness came to Darwin last year seeking assistance to end her life under the Rights of the Terminally Ill Act. When informed that the Act had not been implemented and assistance was unavailable, she committed suicide in Darwin on September 24, while still well enough to help herself rather than risk waiting for the legislation to come into operation.

In our November note on this subject, we suggested that poetry would be the most appropriate medium through which members might express their emotions on a topic relating either directly or indirectly to voluntary euthanasia. This suggestion was made because Marta wrote a considerable amount of poetry during her life. After further discussion, your Executive was persuaded that verse might be too restrictive a literary form and result in too few contributions.

Consequently, we have broadened the scope to include prose. ie: your entry may be in the form of either poetry or an essay of up to 4000 words. Your contribution should reflect personal experience, that of relatives or friends, or considered views likely to further the cause of voluntary euthanasia.

The competition is open to NTVES members only, but members do not have to be NT, or even Australian residents. As advised earlier, we had intended to make the award on May 24, 1996, the anniversary of the passage through the Parliament of the Rights of the Terminally Ill Act. However, in order to give both existing members, and the new members we hope to attract through advertising, sufficient time to prepare their contributions, we will not be able to meet the original target.

Instead entries will close on 30 June, with judging and announcement of the award to be made as soon as possible thereafter. The NTVES Committee will appoint a team of judges and are therefore ineligible to enter.

Entrants must give permission for their work to be published if deemed suitable, regardless of whether it is the winning entry. Completion and submission of the entry form in advance of the entry is encouraged.

MARTA ALFONSO-BOWES MEMORIAL AWARD - ENTRY FORM

\$1000 (First and only prize)

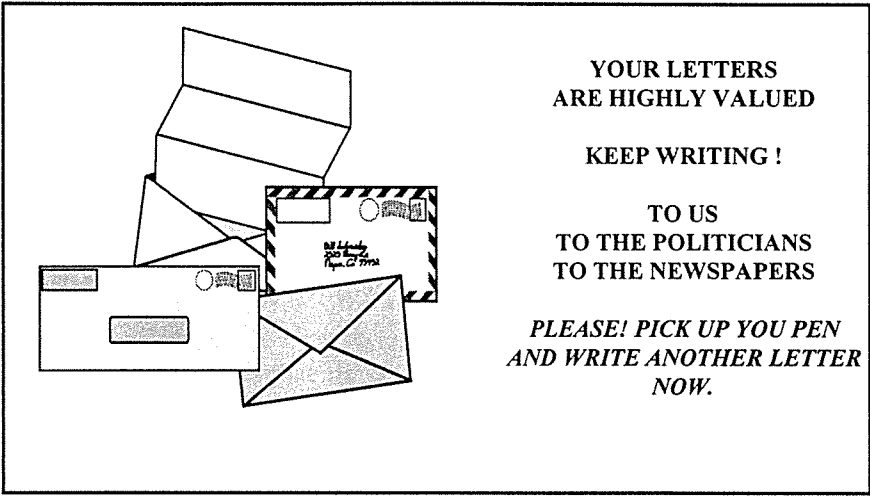
I,.....of.....
(Full name) (Full address)

.....
am a paid-up member of the NTVES / am applying for membership on the form overleaf
(cross out whichever statements do not apply)

My entry is attached / will be lodged with the NTVES before 30 June 1996

My entry has not previously been published and
I agree to the publication of my entry if suitable
(Signature)

All entries must be in English, preferably typed, and contain the entrants name on each page. Entries must reach the Northern Territory Voluntary Euthanasia Society, GPO Box 692, Darwin NT 0801, Australia before 30 June 1996. Entries can not be returned.



**YOUR LETTERS
ARE HIGHLY VALUED**

KEEP WRITING !

**TO US
TO THE POLITICIANS
TO THE NEWSPAPERS**

***PLEASE! PICK UP YOUR PEN
AND WRITE ANOTHER LETTER
NOW.***

<u>NT VES Committee</u>	
President	Lynda Cracknell Ph 45 4718
Vice President	Andy Chapman Ph 27 2294
Secretary	Robyn Lesley Ph 41 1911
Treasurer (Acting)	Robyn Lesley
Member	Phillip Nitschke
Newsletter Editor	Lynda Cracknell

AND IF YOU LIKE TALKING MORE THAN WRITING, REMEMBER THE VALUE OF TALK-BACK RADIO

THE NT VOLUNTARY EUTHANASIA SOCIETY OBJECTIVES

The Northern Territory Voluntary Euthanasia Society was formed in September 1995. Its objectives are to:

- Promote a knowledge and understanding of the Rights of the Terminally Ill Act, the Natural Death Act and other related legislation to the members and general community.
- Promote palliative care services in the Northern Territory to ensure voluntary euthanasia is not invoked due to poor palliation
- Cooperate with other associations with compatible objectives.
- Develop and maintain a relationship with the NT Government and other related interested parties/groups which enables the Society to provide effective and timely input to legislation and regulatory processes and policy development.

NT Voluntary Euthanasia Society - MEMBERSHIP APPLICATION

I,.....of.....

Telephone Home..... Business.....

hereby make application to become a member of the NT Voluntary Euthanasia Society. As a member I agree to abide by the rules and support the objectives of the Society.

My cheque/money order for \$15 is enclosed.

Signed

Date.....
Tick box if receipt required

Make cheque payable to NT Voluntary Euthanasia Society, and mail with completed form, to Treasurer, NTVES, GPO Box 692, Darwin NT 0801

Office use only: Approved/Not approved..... Receipt No.....