



NT Voluntary Euthanasia Society Inc

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Patron: Mr Marshall Perron

Newsletter No 3 - August 1996

VE law survives two challenges

The Rights of the Terminally Ill Act which became operational on 1 July 1996, has since survived a challenge in the Northern Territory Supreme Court, and a repeal attempt in the Northern Territory Parliament. When has any law been confirmed by both the Court and the Parliament within its first two months?

And still the opponents refuse to give up! Wake and Gondarra have filed for special leave to appeal the Supreme Court decision in the High Court of Australia. And on 9 September Kevin Andrews will introduce a private members bill (with the Prime Minister's support) into the Federal Parliament to try to negate the NT legislation.

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HELP!

The threat of our voluntary euthanasia legislation being overturned in the Federal Parliament is **very real!!!**

Any help the NTVES members can give by writing to their federal politicians (both house of representatives and senate) would be very much appreciated.

Tell them you want to have the choice of VE if and when you may experience unrelievable pain and suffering from a terminal illness.

Tell them that Territorians are NOT second class citizens. We want to be able to make, and live by, our own laws without looking over our shoulder all the time to see if Canberra 'approves'.



REMINDER!!!

**ANNUAL GENERAL MEETING
SATURDAY 21 SEPTEMBER**

**SEE PAGE 4 FOR DETAILS
PLEASE BE THERE**

1 July 1996 - the world's first voluntary

euthanasia legislation is born - The last step in the Northern Territory legislative process was completed when the Administrator, by notice in the Gazette, declared 1 July 1996 as the day on which the NT Rights of the Terminally Ill Act would come into effect.

Supreme Court Challenge - On 1, 2 July the full bench of the NT Supreme Court heard a challenge to the law by Dr Chris Wake and Rev Gondarra. A press release from the AMA on 20 June said the legislation was to be challenged on the following grounds:

1. *The Rights of the Terminally Ill Act 1995 is unconstitutional because it offends against fundamental rights underlying the Australian Constitution;*

2. *Euthanasia was not one of the powers given to the NT Government under the Northern Territory (Self Government) Act 1978;*

3. *The Act is unconstitutional because it is inconsistent with the rule of law and the doctrine of the separation of powers in that it purports to bypass the Courts and sanction the infliction of death without any form of judicial supervision or control; and*

4. *The Act is beyond the power of the Northern Territory Government and it has been invalidly assented to by the Administrator.*

The action was dismissed by a majority of the full bench in a decision delivered on 24 July 96.

Repeal Bill fails - At 3.45am on Thursday 22 August, the NT Parliament by a 14 to 11 vote, rejected a private member's bill to repeal the Rights of the Terminally Ill Act.

Members voting in favour of repeal were:

| | |
|---------------|----------------|
| Peter Adamson | Brian Ede |
| John Ah Kit | Tim Baldwin |
| Neil Bell | Denis Burke |
| Richard Lim | Terry McCarthy |
| Mike Reed | Maurice Rioli |
| Syd Stirling | |

Members voting against repeal were

| | |
|---------------------|----------------|
| John Bailey | Loraine Braham |
| Barry Coulter | Fred Finch |
| Steve Hatton | Maggie Hickey |
| Daryl Manzie | Clare Martin |
| Phil Mitchell | Mick Palmer |
| Noel Padgham-Purich | Eric Poole |
| Rick Setter | Shane Stone |

What an eye opener this issue has been for us 'politically naive' constituents!

(New members of the NTVES may wish to read the history up until June provided in later pages)



A WARM WELCOME TO OUR NEW MEMBERS

We are delighted to tell you that our 100th Member signed up early in July, after only 10 months of operation

All the best efforts of the committee have little impact unless they are backed up by a strong membership base. We welcome in particular those people who live in other States who have joined our society as a way of supporting our endeavours.



AND APOLOGIES FOR THIS LATE NEWSLETTER

We had the best of intentions of publishing a newsletter every three months. In May, most members would have received advice of our plans to hold off on publication of this issue until late June.

We had hoped to have more positive news by then of the start-up details of the legislation, but as you now know, further intervention by the legislation's opponents continued to 'muddy the waters'.

In the end, we decided to skip the May publication and make up for it with this bumper August issue.

USE OF THE INTERNET

The NT VES has the benefit of Internet electronic mail access, sponsored in recent months by the Western Australian Voluntary Euthanasia Society (WAVES). Our sincere thank you to WAVES.

As an indication of the Internet usage over recent months, there have been over 180 incoming messages to the society, over 300 messages sent out by the society, and a total of over 700 messages from others on an international right-to-die mailing list giving information and comment about what is happening in the movement worldwide.

Below are just a small sample of the recent messages received.

"Dear Lynda,

Mrs Gwen Marttinen, president of EXITUS Ry, the RTD-Society of Finland has asked me to pass along to you and all at NTVES her most sincere pleasure for the outcome of the challenge against the NT Terminally Ill Act. The NT Supreme Court made a right judgement in rejecting the challenge.

We all at Exitus join in sending you our best regards and good wishes for the continued successes in your efforts for the movement.

Sincerely
Olli Penttila
for EXITUS, Finland"

Dear Philip, Lynda and NT colleagues,

Here in America we are watching every move in your battle against the forces of darkness. Especially sickened by the Age story of July 5 about the specialists who are too 'chicken' to help Max Bell.

When you see him, give him my love and high regards. Max is an important pioneer in the worldwide movement for the right to choose to die in a manner, and by a means, of one's own choosing.

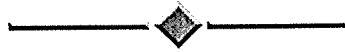
It can be depressing to be the object of so much criticism, but we've seen it here, too. Your cause is a noble one and your fight helps us all in the English-speaking world. On Tuesday (July 9) we are back in court in Portland trying to get the Federal Appeals Court to lift Judge Hogan's injunction which stops the Oregon Death With Dignity Act (1994) from operating.

Keep the faith, my friends. See you in October.
Best wishes.....Derek Humphry July 5, 1996"

[Euthanasia Guidance and Research Organisation (ERGO), Oregon, USA. Derek is also the author of the well known book 'Final Exit'. "See you in October" is a reference to the International Conference of the World Federation of Right to Die Societies to be held in Melbourne - See separate item for details]

"From: Luis A. Gallop

Lynda, great going. At least some place in the English-speaking world is showing some guts. LAG"



11th International Conference of the World Federation of Right to Die Societies - 15-18 October 1996, Melbourne Australia

The aim of the World Federation of Right to Die Societies is to promote cooperation between organisations working for the individual's right to self-determination in dying.

The NTVES aims to be represented at the conference, and our Patron Marshall Perron is one of a number of speakers, along with speakers from the United Kingdom, Switzerland, the United States and the Netherlands.

Some of the sessions will be open to member organisations only; however, there is a one-day public forum on Thursday 17 October. Bookings are essential and should be made through the Voluntary Euthanasia Society of Victoria, 70 Greville Street, Prahan, Vic 3181. Phone (03) 9521 3297 or Fax (03) 9521 3302.

ANNUAL GENERAL MEETING

The AGM of the NT Voluntary Euthanasia Society will be held at the Mirambeena Resort, Cavanagh Street, Darwin, on 21 September at 3pm.

Please reserve this date in your diary. It is critical for the future of our society to have a well attended AGM.

As well as electing office bearers and covering other matters of business we aim to make this an interesting meeting for you. **Marshall Perron has kindly agreed to be a guest speaker** at the meeting, and we will be showing some video material on VE which has not been shown to date in the Northern Territory.

As some of the office bearers/committee members have indicated they are not able to renominate, we would welcome your interest in serving on our committee over the forthcoming year.

Membership may be renewed at the AGM.

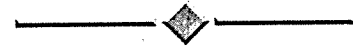
FUNDRAISING

Members may have heard or read recently of a national fundraising campaign. This has been an ongoing activity of the Society and will continue to have a high priority.

You will appreciate that with a \$15 per year membership fee, even with 100 members that still only provides \$1500 of operating funds.

If we are to be effective in holding onto this hard won legislation, there will be a continuing need for funding of media campaigns, lobbying of politicians, providing information to the community and so on. As an example, to respond in kind to an advertisement placed recently in the NT News by 14 specialist doctors opposed to the legislation would cost us approximately \$1000.

So if we seem to have gone a bit quiet of late, don't worry. We're working hard but don't have the dollars to do as much as we would like.



DEFINITIONS AND TERMINOLOGY

Much confusion is caused by the different terms used to describe variants of euthanasia.

We acknowledge a brochure produced by the Voluntary Euthanasia Society of Victoria as the source of the following material (in italics).

What is voluntary euthanasia?

Euthanasia is derived from two Greek words - 'eu' meaning 'good' and 'thanatos' meaning 'death'. Voluntary euthanasia is the intentional termination of life by somebody other than the person concerned, at the request of the person whose life is being ended. Voluntary euthanasia can be active, where there is direct intervention, such as a lethal injection, or passive, where medical treatment is withdrawn or withheld. However, the withdrawal or withholding of treatment does not necessarily result in a 'good' death.

What is medically assisted suicide?

With medically assisted suicide, it is the patient who takes or administers the drug which has been prescribed by a doctor. (In America the term physician assisted suicide or p.a.s is more common)

The provisions of the Northern Territory Natural Death Act 1988 allow for passive voluntary euthanasia.

The NT Rights of the Terminally Ill Act allows for active voluntary euthanasia as well as medically assisted suicide.



PETITION

Darwin resident Mr Des Fong is calling on Territorians to protest against Federal government interference and political vandalism in NT Affairs.

In an advertisement for a petition which is being circulated he states "Given Community outrage

about certain members of the Federal Parliament seeking to make offensive pronouncements on the rights of Territorians and our elected representative to effectively govern our own affairs, we simply request equal rights and respect as citizens like the rest of Australia. As a committed Territorian I want to change people's perception and attitude that Territorians are second class citizens"

Please give the petition your full support. Mr Fong can be contacted on 8985 5977 or 015 612 947



SMILE WHEN IT HURTS

Ethical Behaviour for Patients

- 1. Do not expect your doctor to share your discomfort.**
Involvement with the patient's suffering might cause him to lose valuable scientific objectivity
- 2. Be cheerful at all times**
Your doctor leads a busy and trying life and requires all the gentleness and reassurance he can get
- 3. Try to suffer from the disease for which you are being treated**
Remember that your doctor has a professional reputation to uphold
- 4. Do not complain if the treatment fails to bring relief**
You must believe that your doctor has achieved a deep insight into the true nature of your illness, which transcends any mere permanent disability you may have experienced.
- 5. Never ask your doctor to explain what he is doing or why he is doing it**
It is presumptuous to assume that such profound matters could be explained in terms that you would understand
- 6. Submit to novel experimental treatment readily**
Though the surgery may not benefit you directly, the resulting research paper will surely be of widespread interest
- 7. Never reveal any of the shortcomings that have come to light in the course of treatment by your doctor**
The patient-doctor relationship is a privileged one, and you have a sacred duty to protect him from exposure
- 8. Never die while in your doctor's presence or under his direct care - This will only cause him needless inconvenience and embarrassment**

From the Canonical List Of Medical Humor
and subsequent printed in the magazine of VES Scotland

MEMORIAL COMPETITION IN HONOUR OF MARTA ALFONSO-BOWES

Thank you to the many entrants for your moving and thoughtful submissions.

All entrants should have received a letter by now advising that the winner of the competition is Hinton Lowe of Darwin

The nature of the entries varied considerably, and included well considered essays, poetry, and extremely moving personal stories. For many the process of writing was a cathartic experience. One entrant who phoned recently on another matter said "It did me such a lot of good to write it all down - somehow it completed a grieving process that's been going on a long time - the prize would be nice, but I feel like I've already got my reward"

While there can only be the one prize winner, I hope that many of you gained some similar benefit from composing your entries.

And our objective of honouring the life and death of Marta Alfonso-Bowes has also been met. Thank you again for all your entries.

Copies of the winning entry will be available at the AGM, and can also be mailed to members on request to the NTVES.

SOME FURTHER READING

There Has To Be A Better Way to Die. This 75 page book by our own NTVES Vice President Andy Chapman, is a moving account of his wife's death in Darwin from metastatic breast cancer. Margaret Joan Chapman died badly. Along with insightful discussion of the issues, Andy recounts in particular the last 60 days of Joan's life.

Written as a contribution to the debate on euthanasia (before Marshall Perron introduced the legislation), the book is recommended reading for students of the subject as well as those coming to terms with the death of their terminally ill relatives or friends.

Privately published, small stocks of the book may still be available in major Darwin bookstores, or can be ordered direct from the author Andy Chapman by phoning (08) 8927 2294.

Dancing with Mr D. Notes on life and death by Bert Keiger, published by Doubleday, a division of Transworld Publisher.

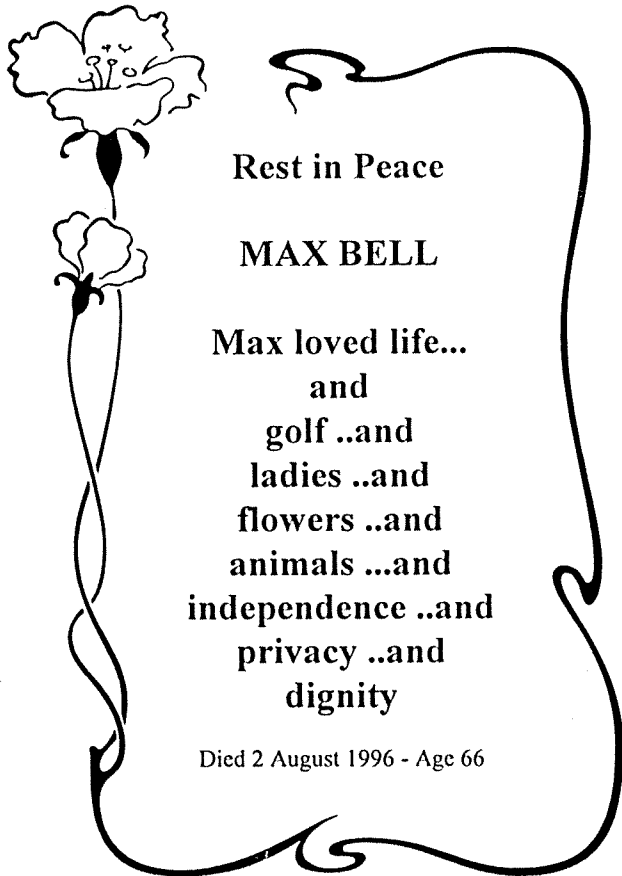
Bert Keiger is a doctor in an Amsterdam hospice and practises voluntary euthanasia. His book which describes his encounters with the dying has been a publishing hit in Europe. An extract from the book appears in the Focus section of the Weekend Australian of July 27-28, 1996.

RIGHTS OF THE TERMINALLY ILL ACT - INFORMATION KIT

Brochures on The Rights of the Terminally Ill Act, The Natural Death Act, and Palliative Care, can be obtained by phoning an NT Government service. Call

1800 815 982 from within the Territory; or
(08) 8999 2798 from interstate or overseas

A recorded message provides basic information, then you will be invited to leave your name and address. The information will be mailed to you.



Max even loved Darwin for a little while. But his single minded effort in coming to Darwin to use the NT's voluntary euthanasia legislation was in vain.

He went back to Broken Hill to die slowly and badly and without his loves around him. Especially not privacy and dignity.

WHAT WENT WRONG?

We'll probably never know for sure. Certainly Max's doctor Philip Nitschke was unable to get the necessary specialist doctor to provide the second opinion required by the Act.

The reasons why no specialists came forward is still one of the unknowns. Possible explanations include:

1. - ALL specialist doctors are opposed to voluntary euthanasia. This is unlikely. Surveys indicate strong support in the medical profession. A recent advertisement opposing

VE was signed by 14 specialists. However, twice as many (28) did NOT sign the advertisement.

2. - Specialists were deterred by the suggested threat of legal action in the event of the law being overturned by the Supreme Court. This is highly likely. When Dr Nitschke was seeking help for Max Bell, the Supreme Court decision was still outstanding. By the time the Supreme Court dismissed the legal challenge on 24 July, Max Bell had returned to Broken Hill.

Perhaps now the same problem would not arise. Or perhaps there is still nervousness because of further pending action in the Federal Parliament and in the Australian High Court?. Let's hope not. To wait for that would be like saying every NT law is useless because it might be challenged some time in the future.

3.- Specialists were nervous about helping Max because of the intense amount of media attention which was focussed on him - not all doctors want public attention given to their support of controversial issues.

To minimise the possibility of a similar tragedy occurring again, we must re-double our efforts to identify supporting specialists, and respect their wish for anonymity.

DEATH OF A VE CAMPAIGNER

LLOYD NICKSON died on Wednesday 28 August 1996. We knew him as a brave and outspoken campaigner for the Rights of the Terminally Ill Act. A man who often expressed his views on life and death with wry humour.

Lloyd's view of the NT voluntary euthanasia legislation, which were widely reported in The Australian and Time magazine in May last year, was that knowing such a procedure would be available would help terminally ill people to "get on with living their lives", without the fear of a bad death which otherwise causes miserable preoccupation.

We salute Lloyd as a key figure in the campaign for voluntary euthanasia. His contribution to the Operation TIAP campaign for the Rights of the Terminally Ill Act between February and June 1995 will not be forgotten.

**THERE ARE MANY KINDS OF HELP
NEEDED.
FUNDRAISING, COMPANY AND CARE FOR
THE TERMINALLY-ILL, RESEARCH,
WRITING, LOBBYING
- THE LIST IS ENDLESS -
WHAT CAN YOU DO?**

The following article is re-printed from the VES Scotland magazine, for the benefit of new members who may not be familiar with the history of the VE movement in the Northern Territory

THE NORTHERN TERRITORY VOLUNTARY EUTHANASIA LEGISLATION

(Printed in the VESS newsletter as "Delivering Death
Down Under")

by Lynda Cracknell

*Lynda Cracknell is the President of the Northern Territory Voluntary
Euthanasia Society*

A 'snapshot' as of 10 June

In the Northern Territory of Australia, those of us who have been closely involved in supporting our voluntary euthanasia legislation are anxiously pacing the floor like expectant parents awaiting the birth of a child.

However, there are those even closer to the issue than ourselves - the terminally ill people waiting and hoping for a lawful and merciful death when their suffering becomes too great to bear. What these final weeks of waiting and hoping must be like for them we can only imagine.

Two months ago, and after other earlier dates had been given and changed, the NT Government announced a commencement date of 1 July. This time it sounded for real - no ifs, buts or may-bes - a firm commencement date. This acted as a catalyst for some of the more hardline opponents to increase the tempo of their campaign. An opposition MP vehemently opposed to the legislation introduced a long foreshadowed repeal bill into Parliament; however, attempts to have it pass through all stages in the same sitting failed. The repeal Bill has been adjourned and is not expected to be debated until September, at least two months after the Act is scheduled to come into operation.

But will the Act become operational on 1 July as announced?

Perhaps by the time you read this, we will know the answer. We think it will, despite the biggest threat of all now hanging over us - the threat of a legal injunction against the Act. Within the last week, media speculation has been building that the Coalition Against Euthanasia (a group including the Australian Medical Association, the Catholic, Anglican and Uniting churches, and the various Right to Life Associations) is backing action through the courts. This has since been confirmed by the local Catholic Bishop, and a press conference is to be held on Tuesday June 11 to announce the details.

These rapid changes make it extremely difficult to write a current account of the legislation, because the only thing we can be sure of is that the ground shifts under our feet almost daily.

A brief history

In February of 1995, Marshall Perron, the then Chief Minister of the Northern Territory, foreshadowed the introduction of a Private Members Bill to allow voluntary euthanasia in controlled circumstances.

The Bill, called the Rights of the Terminally Ill Bill was introduced into parliament later the same month, and the media went wild. Some politicians immediately announced how they would vote on the Bill, but some kept their own counsel and it was impossible to anticipate how the vote would go. This didn't stop various reporters predicting different outcomes - seemingly aligned with their personal views on the matter and giving an impression of 'wish-fulfilment' rather than unbiased reporting.

There was no right-to-die organisation in the Territory at that time, but by late February a small community group had established itself, with the aim of circulating a petition to determine the extent of community support. The group called itself 'Operation TIAP' for Terminally Ill Act Petition, although it soon expanded in scope to include many other related activities. The opponents ran a similar campaign, enjoying the advantage of extensive funding through their powerful backers.

Prior to the parliamentary debate on 24 May 1995, Marshall Perron announced his resignation from Parliament - timed to ensure that no-one could suggest that his position as Chief Minister would influence the conscience vote to be exercised by members of his party. In the early hours of 25 May 1995, after a marathon debate, the legislation was passed by a vote of 15 to 10. No-one was more stunned than this writer, who sat through the debate in the public gallery with other members of Operation TIAP. As we went down the staircase towards the waiting media, I said to a friend "Thank goodness that's over". She looked at me wisely, slowly shook her head, and said "Lynda, this is just the beginning".

How right she was. Since then we have had many months of work to hold the hard won ground. The government established a working party to develop regulations and guidelines for the operation of the Act, and 'Operation TIAP' became the Northern Territory Voluntary Euthanasia Society (NTVES) - with Marshall Perron as its Patron. Along with a number of other community organisations, the NTVES provided extensive input and feedback to the government working party. During this period the wording of the psychiatric qualification was questioned, resulting in an Amendment Bill being introduced in November. The Amendment Bill was subsequently passed in February 1996 - despite extensive efforts by some of the opponents to use the Amendment Bill as an opportunity to abort the Act.

During this time too, we saw our first sad suicides by people who could not wait for legal assistance. One desperate cancer victim, Marta Alfonso-Bowes, came to the NT after hearing that the Act had been passed, not realising that it was not yet operational. Marta attended the inaugural meeting of the NTVES in September and

suicided alone in a hotel room the following day. Her memory lives on in a memorial award currently being administered by the NTVES for a poem/essay on voluntary euthanasia.

A key campaigner throughout the last 15 months has been Dr Philip Nitschke. Dr Nitschke, an articulate medical practitioner (who also has a PhD in Nuclear Physics) with a strong social conscience, took up the baton on behalf of supporting doctors. As a result, a group of 22 doctors, calling themselves Doctors for Change, advertised their names and their support in Northern Territory newspapers. More recently, Dr Nitschke has received widespread attention for his development of a computer driven device which would enable a patient to have control over the actual injection of the death inducing substances. Dubbed 'the death machine' by the media, it is activated after confirmation by the patient in a dialogue with computer software called 'Deliverance'.

The Act

The following is a lay-person's overview of the Act and its proposed operation and no responsibility can be taken for errors or omissions. It is provided as a guide only. Interested persons should obtain a copy of the Act, and/or the explanatory brochure published by the Northern Territory Health Services Department.

Very briefly, the act allows for terminally ill persons, at least 18 years of age who are not suffering from treatable clinical depression, and who are experiencing pain or suffering, to receive medical assistance in terminating their life. A second doctor with prescribed qualifications in the illness must confirm the diagnosis and prognosis.

The assistance may be direct, such as a lethal injection given by the medical practitioner, or may be indirect - such as the medical practitioner prescribing the substances to be used. In either case, the doctor must be present during the

delivery of the assistance and must remain until death occurs and for a reasonable period afterwards with family/friends. Family and friends can be present if the patient wishes.

The patient must be advised of palliative care options, but as with any treatment has the right to refuse palliative care.

Doctors or other health care workers are not obliged to assist, and no reason need be given.

There are no residency requirements, although doctors may be less inclined to assist patients they do not know. Overseas people may face difficulties obtaining visas.

Where to from here?

As highlighted in the first section, the legislation is once again threatened by those who would cruelly impose their own values and beliefs on the rest of us.

But as Marshall Perron, in a message to NTVES members, after noting the conditions under which world history has been made by this overdue social reform, said

"These same circumstances were no doubt applicable when, as part of the fledgling self governing colonies, the tiny colony of South Australia [which then included the Northern Territory] 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!"

We hope detractors of this legislation will suffer a similar fate, and that in 100 years time we will find it hard to comprehend a society which did not allow a compassionate dignified choice in the manner of our death. When that day comes it will be inconceivable that the right be taken away.



THE NT VOLUNTARY EUTHANASIA SOCIETY OBJECTIVES

The NTVES objectives are:

- 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.

Robert Dent
40 Wagalara St
Tiwi NT 0810

POSTAGE IMPRINT
OF MAIL? USE A
POSTING QUANTITIES

DARWIN
MAIL CENTRE
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NT 0810

MANY MEMBERSHIPS ARE NOW DUE FOR RENEWAL - PROMPT RENEWAL WOULD BE APPRECIATED

NT Voluntary Euthanasia Society - MEMBERSHIP / RENEWAL APPLICATION

(Strike out as applicable)

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

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

hereby make application to become a member / renew my membership, 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 NTVES, 20 Wearing Crescent, Karama, NT 0812

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