



NT Voluntary Euthanasia Society Inc

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Newsletter

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Advance Care Directives for the Northern Territory

To bring the Northern Territory in line with the rest of the country, the Legislative Assembly recently enacted legislation covering advance directives which came into effect on 17 March 2014. *Natural Death Act* forms signed before this date remain valid but it is recommended that a new plan be made under this Advance Personal Planning legislation. The following information has been copied from a brochure produced by the NT government [notes by the editor].

What is an Advance Personal Plan?

An Advance Personal Plan (APP), also known as a 'living will', is a document that allows you to make decisions about your future health, financial and lifestyle preferences should you lose decision-making capacity in the future as a result of age, illness, accident or otherwise.

An APP can include any or all of the following three components:

1. Advance consent decisions - legally binding consent decisions relating to future health care
2. Advance care statements - details relating to your beliefs, views and wishes about how you want to be treated regarding any future health, financial or lifestyle matter
3. Appointment of substitute decision maker/s to make future decisions on your behalf should you lose decision-making capacity

You must have decision-making capacity to make an APP (as when you make a will), and it will only take effect when you lose decision-making capacity. Your APP ceases to have effect when you revoke it, regain decision-making capacity or pass away. It does not affect or replace your will. You can include any or all of the three elements (advance consent decisions, advance care statements, appointment of a substitute decision maker) in your Advance Personal Plan.

You may appoint joint substitute decision makers, or alternative substitute decision makers if your first choice, or choices, are unwilling or unable to undertake that responsibility.

So long as you have decision-making capacity, you can change, revoke or add to your APP at any time.

What should I put in my APP?

What you include in your Advance Personal Plan is entirely up to you.

Advance Consent Decision

These are legally binding decisions relating to your future health care. By completing an Advance Consent Decision as part of your Advance Personal Plan you will control what, if any, treatment you are provided with once you have lost decision-making capacity, including instruction relating to organ transplants, blood transfusions, chemotherapy, palliative care or life support. Medical professionals are legally bound to abide by your decisions. [Note: Euthanasia specifically **cannot** be requested.]

Advance Care Statement

You may also wish to make an Advance Care Statement, which will provide guidance about your beliefs, views and wishes to those who take care of you and/or who are appointed as your substitute decision makers. Your Advance Care Statement could include details about living arrangements, management of your financial affairs and day-to-day matters such as diet, entertainment, clothing and visits, etc.

Appointment of a Substitute Decision Maker

The appointment of a substitute decision maker is probably the most important part of your APP. It should be someone you trust to act in your best interests, for example, your spouse/partner, parent, adult child, close relative or friend. By choosing a suitable substitute decision maker who understands your wishes, it may be unnecessary to make an Advance Care Statement. You can place limitations on your decision maker's authority, or have separate decision makers for different purposes (eg. a person for day-to-day lifestyle decisions and a different person or institution to manage your financial affairs). [Note: it is not compulsory to appoint a substitute decision maker.]

If a substitute decision maker wishes to conduct any land transactions on your behalf, the portion of your plan which gives them the power to deal with land must first be lodged at the Land Titles Office. [Note: this lodgement entails a fee.]

How do I make an APP?

You can download the APP form from [www. advancepersonalplanning.nt.gov.au](http://www.advancepersonalplanning.nt.gov.au) Alternatively, you can visit the Office of the Public Trustee in Darwin or the Land Titles Office in Alice Springs. While it is not compulsory that you use the designated form, it is highly recommended. It is important that your plan is properly witnessed by a person authorised under the Act. Authorised witnesses include: Commissioner for Oaths, including legal practitioners, Justices of the Peace and Police Officers, Doctors, Nurses and other health professionals, Accountants, Chief Executive Officers of Local Government Authorities, Social Workers, Principals of Northern Territory schools. Once the document is complete, it should be stored in a safe place, perhaps with your Will.

Where can I register my plan?

It is recommended that you register your plan on the Advance Personal Plan register maintained at the Office of the Public Trustee. This registration is not mandatory but is highly recommended, so your plan can be quickly located if needed.

If your plan addresses health matters, it is recommended that a note is included on your eHealth record detailing you have made an Advance Personal Plan.

SOUTH AUSTRALIA

NTVES made a donation to South Australian Voluntary Euthanasia Society (SAVES) in support of two candidates standing in the March election. The following note was received from SAVES.

The Independent *Legal Voluntary Euthanasia* group standing in the recent South Australian election for the Legislative Council, with Stephen Kenny and Amy Orange as candidates, received 0.4% of the total vote. While this was not enough to secure a seat, their standing did highlight the issue and motivated people to support the campaign and beyond.

A key part of the SAVES supporting campaign was the distribution of a flyer “Meet the Miseries” which featured Members of Parliament, seeking re-election, who had spoken in opposition to VE. Their photos and quotes from Hansard were displayed; they are indeed Pro-Miseries, enforcing misery by opposing the legalising of VE.

During the campaign our members were a tower of strength – volunteering even more so than in the past and we had non-members asking to help. We also had more new members in that period than in any other time over at least the last 4 years.

We are now embarking on the work needed over the new parliamentary term, writing to all our members informing them of the name & contact details of their MPS, asking them to request meetings or communicate their support for VE law reform.

I want to thank the NTVES for its generous donation towards our campaign. It is very heartening to have your support.

With appreciation
Frances Coombe
President SAVES

TASMANIA

Tasmania also had an election in March. Margaret Sing, President of Dying with Dignity Tasmania, sent the following assessment of the new situation there.

Impact on Voluntary Assisted Dying Law Reform from the March State election

The results of the Tasmanian State election held on 15 March 2014 were not positive for voluntary assisted dying law reform in the immediate future. In the last Parliament, there were 12 MPs of the total of 25 in favour of the Voluntary Assisted Dying Bill 2013. That is now down to only 8 votes in favour that we can be sure of, 5 of the 7 Labor MPs and 3 Greens. Unfortunately, one Labor and two Greens MPs who voted for the Bill lost their seats. While two Labor members who voted against the Bill lost their seats and the third one retired, the two new Labor MPs seem to not be supportive.

We remain optimistic that the reform will come and believe that the additional 5 votes are there but only after considerably more work before the next Bill. Lara Giddings, the former Premier, and Nick McKim,

former Leader of the Greens, who jointly sponsored the 2013 Voluntary Assisted Dying Bill were re-elected as MPs. They both have a strong personal commitment to re-introducing a Bill and we will be talking to them about the best timing and approach over the next 12 to 18 months.

In the majority Liberal Government of 15 members that was elected, there are 10 MPs who were in the last Parliament and who all spoke and voted against the Bill. However, some are not die-hard religious opponents. There is one new religious right Liberal MP who will strongly oppose it and whose extreme views may be of more benefit than harm to our cause. We don't know what the views are of the other four new Liberal MPs because they did not respond to our pre-election contact but we would hope for some support among them.

Voluntary assisted dying law reform was not an issue in the election campaign. We chose not to try to make it one because it was very clear what the outcome of the election was going to be. It was fought largely on strongly polarised issues such as forestry and general issues of the State's economy and jobs that crowded out any social issues. We decided on a process of providing information, making our presence known to new candidates and seeking information that could be provided to members and friends. DwDTas contacted many of the candidates asking what their position was on voluntary assisted dying law reform and sent them a Fact Sheet with key points. The response was much stronger than we have ever had in terms of the number of candidates who replied and the number who were strongly supportive.

This included positive responses from four Liberals. We will be following up with them to try to get them to initiate and encourage debate within the Liberal Party where we know there is grass roots support. The opinion poll we had done in September last year before the Bill showed that 74% of the Liberal voters who were surveyed agreed there should be doctor-provided assisted dying. 55% strongly agreed. (This compared to the overall support of 80%, including 62% who strongly agreed.)

With the wonderful support we received from all over the country in the lead-up to the 2013 Bill, and our media campaign through TV and radio ads and social media, we have built a new and bigger support base and audience, including among young people. We will continue our focus on MPs, working with supportive MPs, promoting the values and principles of compassion and respect and continuing to counter the fear-mongering propaganda about the law reform. We will also continue our work to promote the importance of end-of-life and advance care planning and provide practical assistance with it.

REMINDERS

2014 AGM

The AGM will take place on Saturday 9 August 2014 at 10 am.
Please renew your membership before then.

World Federation of Right to Die Societies conference is happening in Chicago 16 to 21 September 2014.