



# VOLUNTARY EUTHANASIA SOCIETY OF NEW SOUTH WALES (INCORPORATED)

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## NEWSLETTER

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## CAMERON MURPHY - AGM GUEST SPEAKER

Our President, Kep Enderby, introduced Cameron Murphy, President of the NSW Council for Civil Liberties and the Secretary of the Australian Council for Civil Liberties, unpaid and voluntary positions that he has held since the year 2000. He was appointed as a full time Tribunal member of the Consumer Trader and Tenancy Tribunal of NSW in 2003 and also holds an appointment as a statutory board member of the Anti-discrimination Board of NSW since February 2003. He was formerly a policy holder of the Legal Aid Commission of NSW and has worked as an advisor to Ministers and members of parliament in the Commonwealth and the NSW parliaments. He has been extensively involved in civil rights campaigns, particularly in the areas of law and order, gender discrimination, privacy, terrorism and drug law reform. Kep pointed out that in fact Cameron has been a champion of human rights and civil liberties for as long as Kep has known him.

Cameron began by thanking the society for inviting him to speak to us as he considers voluntary euthanasia to be one of the most fundamentally important human rights issues and challenges that we face in NSW at the moment. He expressed the view that it is inhumane for politicians to refuse to recognise this right.

In October 1978 at the AGM of the NSW Council for Civil Liberties, the following motion was passed:

The CCL recognises the right of a terminally ill patient to decide the time and the method of death.

For 30 years it has remained the constant and consistent policy of the NSW Council for Civil Liberties to support the rights of individuals to die, and to do everything it can do to advance debate on the issue of voluntary euthanasia.

Cameron told the meeting that he proposed to speak on a subject that relates to the issues faced in efforts for VE law reform, and how some

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of the recent decisions in matters related to voluntary euthanasia fit into a broader theme of open government, decision making and freedom of speech.

First, he outlined events from the 1960s when Australia suffered under a regime of censorship decisions designed to prohibit anything subversive from being freely available.

While these were primarily directed against communism and political in nature, they also led to the banning of D.H. Lawrence's *Lady Chatterley's Lover* and other things. Even *The Trial of Lady Chatterley's Lover* in the UK, was banned! These books were banned because they conflicted with the desire of the government of the day to suppress anything that was overtly sexual – they had a moral imperative to prevent that even being discussed. The latter book was banned, of course, because it discussed the merits of overturning the ban in the UK. It was only in 1966 that these books, after campaigning by the public and groups like the Council for Civil Liberties, became available in Australia.

We also saw such things as the 1971 production of *Oh! Calcutta* being banned by the government because it was too overtly sexual in nature; it contained a little bit of nudity and that was enough to ensure that it came across the censor's desk.

This was a time when governments exercised their power through customs regulations. They simply prevented anything coming into Australia that didn't agree with the views of the government of the day. What they tried to do was to ensure that the expression of ideas that rallied against the establishment's moral codes and political ideas, were banned.

Cameron went on to explain how we then saw, throughout the late 1970s and the Hawke/Keating era, the progressive relaxation of censorship, leading up to 1995 when the whole process of censorship was ultimately changed and revolutionised to a new process of classification.

By 1995 the community came to recognise that we needed more objective standards to judge the matters that censorship was designed to judge. Instead of the government of the day imposing its own code on the populace, we needed independent reflection and a more objective community standard. The result was a shift away from a system of censorship to a new system of classification. Amongst other things, the new classification of publications, films and, more

recently, the Computer Games Act 1995, required a broader range of considerations to be taken into account by the decision maker when reaching its decision.

Section 11 of the Act sets out the following matters that are to be taken into account on the classification of a publication, film or computer game. First, the standards of morality, decency and propriety generally accepted by reasonable adults. Second, the literary, artistic or educational merit, if any, of the publication, film or computer game. Third, the general character of the publication, film or computer game, including whether it is of a medical, legal or scientific character. Next the persons or class of persons who, or amongst whom, it is published or is intended/likely to be published.

Emerging out of this transformation from censorship into classification, was the idea that reasonable adults should be free to decide for themselves what was appropriate reading, viewing and listening. But another set of values also underpins this transformation, namely, at the same time, the idea that decisions of government should be exposed to scrutiny and subject to law. In fact, the revolution of our understanding of classification occurred concurrently with other developments that sought to achieve open government and independent decision making.

For the first time, the Act introduced a concept of natural justice into the classification process. It created an independent review board to make decisions about classification and those decisions of the Classification Review Board for the first time would be published and would be subjected to judicial view under the Administrative Decisions Judicial Review Act. So it was a whole new system designed to reduce the influence of government and increase the influence of objective community standards.

The purpose behind these measures, in particular the establishment of the Independent Classification Review Board was to distance censorship from government, remove total government control and to allow the objectives of community standard to prevail.

Cameron told us that what we have seen over the last two years, however, are various attacks on our freedom of speech by the commonwealth government, and we have seen a concerted effort to regress to the censorship of ideas that are out of step with today's government policy. It is not an overt attack – we do not see the government generally banning specific items; what we do see is the government pretending that

these are confidence matters or the government allowing other groups, such as the Right to Life Association, to do its fighting for it. The refusal to classify *The Peaceful Pill Handbook* is symptomatic of these developments, in that the Attorney General, Philip Ruddock, referred it to the Classification Review Board, but it was not the Attorney General advocating its refused classification, but the Right to Life Association doing the government's bidding.

'When a publication is refused classification, it means that it is not an offence to have it in your

possession,' Cameron explained. 'If you already have a copy of the book, you are entitled to keep it. What is an offence is to publicly display it – to offer it for sale – to give it to others – to read it in public. Privately, you are entitled to do that, but in a public forum like this, it may be an offence if someone were to pick up a copy of the book and read out extracts. That is an offence that is punishable by up to seven years in prison. That is a very serious offence. The effect of the decision is to criminalise this access to

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## FOR YOUR DIARY

### Meetings

- **PLEASE NOTE NEW VENUE: 2pm Sunday 5<sup>th</sup> August 2007** at the **Sydney Mechanics' School of Arts, 1<sup>st</sup> floor, 280 Pitt Street, Sydney (Corner of Pitt and Bathurst Streets)**. This venue is just one short block away from Town Hall Train Station and George Street bus stops. Please note that as someone will be at the street entrance to let you into the building, it is important that you arrive prior to 2pm. This will be a general members' forum to permit discussion on the future directions and aims of the Society, and a chance for members to get to know each other better. Also, following suggestions in the last newsletter regarding the possibility of a name change, there will be further discussion on this issue, including Committee Members' strong arguments for keeping our current name (see details elsewhere in this issue).
- **ACT Branch** – contact Jeanne Arthur: [jeanne\\_arthur@yahoo.com.au](mailto:jeanne_arthur@yahoo.com.au)
- **Central Coast Branch** – The next meeting for will be held on Friday 17<sup>th</sup> August, starting at 10am in **Meeting Room 3 at the Gosford Senior Citizens' Centre, 217 Albany Street North, Gosford**. One further meeting in 2007 will be on Friday 21<sup>st</sup> December. Contact: Romaine Rutnam, particularly if you would like a lift to and from the meetings.
- **Illawarra Branch (Support Group)** – For information please contact VES Illawarra Branch, PO Box 8, Keiraville NSW 2500, or phone 4229 2789.
- **Northern Rivers Branch** – Contact: Bryan Milner, 6680 1961.
- **Email:** Readers of this Newsletter are asked to help to get as many VE supporters as possible to send in their email addresses. Email is the quickest and cheapest means VESNSW has of keeping members informed. If you or your friends would like to be contacted by email please send us your email address to: [mail@vesnsw.org.au](mailto:mail@vesnsw.org.au)
- **Confidentiality:** VESNSW does not provide information about individual members or give the membership list to any person or organisation under any circumstances.
- **EXIT International** – Phone 1300 103948. Website: [www.exitinternational.net](http://www.exitinternational.net)
- **Coming Exit workshops:** Newcastle 3<sup>rd</sup> October, Chatswood 5<sup>th</sup> October. Dependent on the timing of the Federal election, workshops will also be held in Lismore, Wollongong and the ACT (keep in touch with Exit for details)

information.’

Cameron described a series of steps have been taken by government, that are designed to control the decision-making process and to guarantee the outcomes that suit them. In his view, appointments have been made to the Classification Review Board of people who publicly hold views that are consistent with government policy. There would be few dissenters on the Board and they don't get a chance to sit on controversial matters. As a result, over the last five years, we have seen the Board refuse classification in a number of prominent matters. People may remember films such as *Ken Park* that were refused classification, again in a regressive step, on account of their actual depiction of sexual activities – something that harks back to the 1960s. He said that these films are freely available in all of the rest of the western world – in every other western nation you can rent them from video stores, they are displayed in cinemas. It is only Australia where these films are banned.

‘Around 18 months ago, the Board itself was moved, by the Attorney General, from an independent location with its own operations, into the Attorney General's Department itself. Since that time, the Board has produced some interesting decisions,’ Cameron told the meeting. ‘As Kep has already explained, it is a process where the Classification Board first makes a decision and then the Attorney General can direct a review of that decision to the Classification Review Board, previously an independent body.’

Then Cameron went on to tell us of a couple of the decisions that have been made and why they impact on the work done by the Voluntary Euthanasia Society. The first of these was a decision to refuse classification of a computer game called *Get Up*, published by Art ara, designed to be used with a Play Station. Classification was refused on the basis that the game instructs players to commit a crime, that crime being graffiti. Similar logic applied to *The Peaceful Pill Handbook*, banned on the basis that it instructs the commissioning of a crime, that is, assisting someone to commit suicide.

To help us understand the logic employed by the Classification Review Board, Cameron then explained the case of the *Get Up* game. ‘The plot of the game in summary is that the player lives in a city that is controlled and ruled by a tyrannical government. The tyrannical government has control over all the mass media – radio, TV and newspapers. The object of the

game is to topple the tyrannical government and replace it with a free and democratic government – that is the overall objective of this game. Because the tyrannical government controls all of the media, the only way to get your political message across in this game is for the players to skateboard around the city, spray-painting anti-government political messages in different locations – on bridges, billboards and other strategic locations. And they do this and gain points along the way for the complexity or difficulty of the message until it gets to a point at which the government topples due to the incited mass revolt. Now, it is certainly true that the game instructs on how to commit the crime of graffiti but the Classification Review Board cannot defend that the political message to topple a tyrannical government and restore democracy has been given satisfactory consideration by the Board. And, surely, that message should outweigh any of the minor infractions of this game; after all, there are many other games (there are games based on hijacking cars, committing other sorts of crimes, killing people, and so on) and these are freely available.

Another decision of the Board that the Council for Civil Liberties has been involved with is the decision to refuse classification on two Islamic books, which were refused on the basis that these books incite people to commit the crime of terrorism – suicide bombing. To put the books into context, the books themselves were written in the early 1980s in the context of the Russian invasion of Afghanistan – something that our government supported at the time. They have been for sale in Australia for more than 25 years and freely available. The decision has only been taken to refuse classification a couple of years ago. We are currently challenging this decision in the federal court and we await the decision so I am not able to talk about our arguments in any great details, only to say it is our view that there has to be a real possibility that a crime will occur from the distribution of the books before a finding of incitement can be made. Simply stating something shouldn't be enough on its own. The Attorney General only yesterday announced that he would be seeking to amend the Classification Act to expressly ban Islamic books that discuss terrorism.

The point of my talking about this isn't so much our process of appealing that decision on freedom of speech, but it is the way the government goes about dealing with discussion of these topics. Rather than



*Cameron Murphy*

waiting for the process to unfold and for a decision to be made, the government is already choosing to act to amend the law to ban all sorts of books in this area.

The Classification Review Board, as has been mentioned, has already recently refused classification of *The Peaceful Pill Handbook* on the basis that it instructs the commission of a crime, that of assisted suicide. It has made that decision and now, more than two months later, we are still awaiting reasons for the decision, so we don't know how they have come to that conclusion or what evidence they have relied upon. It might well be that our organisation appeals that decision to the federal court as we have others before it. We have to wait and see what the basis of the decision is.

All of these recent decisions of the Classification Review Board are directly relevant to the subject of voluntary euthanasia in that each one of them is going to provide a precedent for the limits of discussion of this issue. The Board has decided that discussion of an issue that is outlawed or advocacy in support of it, should be banned and that is the direct effect of the decision on the Islamic books. That decision is so wide in terms of what it captures about Islamic books that many other books are going to be caught in this process. Freedom fighters like Nelson Mandela and his biography talking about fighting governments – that would mean that it would also be banned if an application was made.

I think people are concerned already, particularly members of this organisation, about what can be discussed, what can be published, who you can talk to

and what you can say; and the clear objective of government is to limit that discussion, to prevent information from being published and distributed, and prevent the public from discussing ideas including voluntary euthanasia.

Kep has mentioned a few of the cases where the government has attempted to do this. It has also used means other than the Classification Review Board in cases where it has been unable to achieve its desired result through classification or other independent court processes. One that Kep mentioned is the new offence under the Telecommunications Act to transfer information. So this is the way the government, in my view, is going about stifling freedom of speech and stifling debate on this issue. When you are unable to speak and yet groups in opposition, like Right to Life Associations and others, are free to advocate their position, this is where it becomes difficult to get your message across to the general public.

In my view, it is not directly relevant at all whether or not a majority of Australians support voluntary euthanasia or oppose it. That is the point. In a democracy like ours it is essential that we preserve enough tolerance to allow freedom of discussion of the issue and it is imperative that all like-minded groups fight these moves to all this increased censorship. We all have an interest in preserving free and open discussion, even on issues that are not immediately our concern. We need to make sure that we fight moves to censor; we need to make sure that in a tolerant democracy there is a place for all ideas. That is one of the foundations of a democracy and it is something that distinguishes us from countries that aren't democratic. All ideas should have a place. Even those who fundamentally disagree with the concept of voluntary euthanasia would agree that the right of supporters to assemble, to discuss the advancement of their cause, should be irrefutable.

Part of the process of advancing that cause is to publish information such as *The Peaceful Pill Handbook* and other things that the government is seeking to ban. Free dialogue about unpopular or morally challenging issues is what sets democracy apart from other systems of government. If more people have access to information about voluntary euthanasia, more people can form their own views about the subject, and then I think it is more likely that the right of a terminally ill patient to decide the time and method of their death will become a reality in Australia.

# VOLUNTARY EUTHANASIA – THE CASE FOR KEEPING OUR GOOD NAME

The March issue detailed suggestions from the Central Coast Branch that the Society change its name. After considerable discussions, the Executive Committee present their reasons for favouring the retention of our current name:

- The term comes from combining the Greek words *eu* and *thanatos* to mean ‘good death’. This neatly and precisely expresses our aims but to prevent any misunderstanding we might add a subheading, such as **End-of-Life Choices** or **My Life, My Choice**

- Name changing is usually the work of spin doctors who replace something unpopular with a euphemism - recession becomes ‘economic downturn’, genocide becomes ‘ethnic cleansing’ – if we use such ‘Weasel Words’ it suggests we want to disguise the VE Society’s aims

- Searching the literature using the term ‘euthanasia’ will find relevant items only while a substitute phrase such as the search terms ‘dignity in dying’ will also retrieve topics such as palliative care and ethics

- The media like short, punchy sound grabs and say ‘euthanasia advocate Philip Nitschke’ and would probably still say this no matter what our name is

- When the Victorian VE society changed their name some baffled people phoned the NSW office because they thought it no longer existed in their state

- There is no agreed and better alternative – in the UK when the VES changed their name, they had received 200 suggestions which a group of staff and members reduced to two: Choice in Dying and Dignity in Dying, neither of which really conveys what our

Society stands for. So do we want this time-consuming polarization in our Society?

- Australian VE groups use many different names – we are not talking about changing VES (NSW) to a name which all Australian VE groups have adopted

- There was a furious outcry in 2006 when the UK Society became Dignity in Dying with critics saying the phrase was used by terminally ill people seeking a better quality of life – not asking for euthanasia or assisted suicide – see <http://news.bbc.co.uk/1/hi/health/4638766.stm> Do we want this controversy?

- Groups who are anti-VE will remain anti-VE – as shown in an article by the fundamentalist Catholic Wesley J Smith ‘New Name, Same Old Euthanasia Story’ published in the Right-Wing US Magazine *Weekly Standard* on 12 May 2003 – see <http://www.catholiceducation.org/articles/euthanasia/eu0024.html>

- If people don’t know what the name means, they might be just as puzzled no matter what name we use – this is an argument for education not name change

- Changing an organisation’s name is expensive and time-consuming: it should not be done unless there is a compelling requirement to do so

- We should not be mousy about our name and should demonstrate Euthanasia Pride by keeping it.

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## KEVORKIAN RELEASED

Whether or not we agreed with the 1990s activities of Dr Jack Kevorkian, released on 1<sup>st</sup> June after serving eight years of a 10-25 year sentence in Michigan, USA, we must all admit that he advanced the public discussion of euthanasia around the world, bringing to the notice of the general public the unrecognised suffering of many dying people and the fact that physician-assisted suicide was often their choice of dealing with it.

Despite numerous trials on charges of assisting suicides, only in 1999 after CBS 60 Minutes aired a

videotape showing him assisting in the suicide of Thomas Youk, was Kevorkian convicted and sentenced to jail.

Now aged 79 and in poor health, Kevorkian no longer holds a medical licence, and has made an undertaking not to assist in any further deaths, but he will continue to support efforts for law reform. The first weeks of freedom have been filled with media interviews for the man who famously said, ‘Dying is not a crime!’

# DOROTHY SIMONS:

## A Tribute to a Feisty 94-Year-Old Who has recently retired from the VES Executive Committee.

Dorothy is now 94 and has made an important and indelible mark in Australian crusades for civil liberties. Some highlights were listed in 2002 by the Women's Electoral Lobby (WEL) in recognition of her achievements: 'For inciting others to challenge the status quo - An award as Grand Stirrer'. Here is an extract from the citation:

Born in The Netherlands, Dorothy Simons migrated to Australia with a young family in 1949

● 1950s – she was involved in Adult Education for Women

● 1960s – she worked for immigration reform against the White Australia Policy

● 1972 – she joined WEL and made waves there. She and other feminists including Wendy McCarthy, Jan Aitkin and Alison Ziller, all joined and then took control of the Family Planning Association with Dorothy as President of the revitalized FPA Board.

Dorothy also played a key role in the establishment of the Preterm Foundation, which established Sydney's Preterm abortion clinic. This was against huge opposition from the Right to Life organization, associates of which continuously harassed women entering the clinic and she has been battling opposition from Right to Lifers ever since. She served on the Preterm Board from 1974-1994; during these years she was the WEL spokeswoman on fertility control.

She was the Editor of the WEL NSW Newsletter from 1979-1993, co-ordinating a collective (including Bob and Ashleigh Gallagher, Judy Wedderburn and Diana Wyndham) who edited and proof read the newsletter, typed it, arranged and

collated the contents – in the days before personal computer.

In the mid 1980s Dorothy became a pioneering stalwart of the Voluntary Euthanasia Society and for the next 20 years made a great contribution as a Board member, speaker and as a VE activist. Dorothy's energy, networking skills and her knack of finding excellent speakers and persuading them to give their expert advice has been a special bonus for members and the media, and she was instrumental in ensuring the overturning of the ban on the publication and distribution of Final Exit.

*She has made a feminist difference – reforming one institution (the FPA), established another (Preterm Clinic) and advanced the cause of another (VE).*

Dorothy fought for the right to contraception and abortion as a young woman but, once she entered her seventies, began crusading for VE. Her interest in this started when she was a member of the Humanist Society which predated the NSW Branch of the Voluntary Euthanasia Society which was founded in 1973. One of my earliest memories is of Dorothy knitting at the Sydney Town Hall in the 1970s, happily letting her 'little old lady' image fool Right to Life activists at a pro-abortion conference. She has always been a superbly media-savvy lobbyist, telling one journalist in 1994 'euthanasia has as much to do with murder as making love has to do with rape'. She is brave and funny and has press-ganged more people to support her crusades than anyone I know.

Well done Dorothy and thank you for all you have done.

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## CALIFORNIA LEGISLATION FAILS AGAIN

Despite great hopes for its success, Assembly Bill 374 was shelved in early June 2007 due to insufficient support. Assembly Speaker Fabian Nunez had signed on as a joint author, but opposition to the bill remained intense. This hotly contested bill would have allowed doctors to prescribe fatal doses of medication to terminally ill patients.

Due to the size and population of California, if the so-called Compassionate Choices Act had passed it may well have influenced results in other states where efforts continue. In recent years, bills in Vermont, Hawaii, Wisconsin and Washington have also failed, leaving Oregon the only US state to have legalised Assisted Suicide.

# PRESIDENT'S REPORT

Kep Enderby welcomed everyone to the 31<sup>st</sup> AGM, stating that our membership has remained fairly static at 2500. He extending a special welcome to Angelika Elliott, the widow of Dr Elliott who went to Switzerland with her husband where he took advantage of the VE service offered there but not permitted in Australia.

'In January last year the Commonwealth made it a crime for anyone to use telecommunications to counsel suicide in Australia, to promote or provide instruction on any method of suicide or have in possession any such material or supply any such material intended to be used for any such purpose. Consequently Philip Nitschke and Exit International had to split their activities with political agitation actions being carried on from Darwin but electronic counselling services had to be moved to New Zealand. In 2002 the Commonwealth had amended its Customs Regulations to declare that any devices or documents that in broad terms similarly related to suicide were prohibited imports and exports.

'At our first meeting for the 2006 year our guest speaker was Bob McMullan, MP, Member for Fraser in the ACT who gave an excellent and interesting talk on how best to deal with politicians.

Our second meeting, in July, took the form of a general members' forum in which members were encouraged to offer suggestions for ways for us to move forward. Conducted by Giles Yates, it started with the 1997 video, '*The Dying Game*' about terminally ill Esther Wylde who was unable to use the NT law even though she had qualified for it, because it was overturned before she could use it.

'In August, there was an event that didn't happen in NSW but worth mentioning. Sandra Kanck, Democrats MLC in the SA Parliament made a speech in Parliament highlighting some of the dreadful ways people end their lives. Her purpose was to highlight the wrongness of the Commonwealth legislation regarding the use of electronic equipment to talk about suicide. An absurd result was that the SA Government removed her speech from the online version of their Parliamentary Hansard and said that the public would not be able to obtain a hard copy of the speech if it is thought the person concerned might use the information to harm themselves or someone else.

'Some 200 Members attended a combined EXIT

and VESNSW Conference at Chatswood in September celebrating Bob Dent Day. Speakers included Marshall Perron, Chief Minister in the NT Government who introduced the Rights of the Terminally Ill Bill that permitted VE into the NT parliament, Philip Nitschke, Dr Marion Maddox, Senator Carmen Lawrence, Senator Lyn Allison, Sandra Kanck MLC, my local MHR, Tanya Plibersek and myself. Senators Bob Brown and Amanda Vanstone sent videos. Also speaking were Judy Dent and David Mills, together with a speaker whose mother had used the NT legislation but wanted to remain anonymous. A highlight of the conference was a lunchtime street march through the shopping centre. Sandra Kanck launched Philip Nitschke and Fiona Stewart's latest book *The Peaceful Pill Handbook* and orders were taken. Copies could not be sold. 45 copies of the book were seized by Customs Officers when Philip Nitschke and others were returning to Australia from overseas. Legal opinion from The Public Interest Advocacy Centre acting as solicitor and Simeon Beckett as barrister was that a legal challenge to the seizure was unlikely to succeed. The book was then to be published in Australia and was submitted to the Literature 'Classification Board' who classified it as being able to be sold in Australia and, as with Final Exit, it couldn't be advertised or put on display. Two applications, in the nature of appeals, were then lodged with the 'Classification Review Board' [CRB], the first by the Federal Attorney General Phillip Ruddock on the ground that the classification was inconsistent with the Customs Regulations. A second application to review was filed by the NSW 'Right to Life Association.' In February 2007, the book was banned completely.

'There was no November meeting in 2006 but in December there was another combined Exit & VESNSW Xmas function in Chatswood.

'In November, 170 people attended the ACT Branch's very successful Forum entitled 'End of Life Options for Older People'. Many were not members but joined afterwards. David Swanton was particularly active. We congratulate Canberra.

'December saw the announcement in the USA that Dr Jack Kevorkian, now 78 years old and in gaol since 1999, will be paroled on June 1<sup>st</sup>, this year.'

Kep thanked the committee for their efforts during



the year and Rhonda Taylor for her great effort in continuing the editorship of the Newsletter. The office gets lots of positive feedback from members about how much they appreciate the newsletter. And Kep gave a personal thank you to Rhonda for driving him around as his wife is having health problems and he doesn't drive any more.

Kep told the members, 'Dorothy Simons who has been a member of the committee, a past president and vice president, will not be standing for the committee this year. The amount of work she has done over the years has been extremely invaluable. Bob Gallagher has been worth his weight in gold, not only with being Hon. Treasurer, but being available to help out with all the computer problems in the office and with the setting up of the newsletter, and Carmel has been magnificent.

'Branch Convenors were active during the year – Romaine Rutnam of the Central Coast Branch, Bryan Milner of The Northern Rivers branch and George Buckfield of the ACT branch. We sent condolences to George Buckfield, on the loss of his wife early this year. The Committee also notes the passing of Paul Kaufmann from the ACT who was a founding member of the VES in the ACT and sends its condolences to his widow.

## TREASURER'S REPORT

Bob Gallagher, our Treasurer, presented the annual accounts for the year to 31 December 2006.

The full audited accounts are available for inspection.

Bob gave some detail about the accounts, saying 'Looking at the Profit & Loss Account you will see there was a significant increase in our income. We received two bequests during the year – one of \$10,000 and another of \$200,000. The larger bequest came from Mrs Joan Hale-Kuchel. Her Will specified that we were to receive a much bigger amount well into the future (something like 20 years time). That was after provisions were made for her son during his lifetime. However, her son went to Court to vary the Will and the result was that we received the \$200,000 now, rather than having to wait.

'Expenses were pretty stable. There was a one-off legal expense of \$4,600 to defend our position with the disputed Will. We maintained our annual donation of \$10,000 to Dr Philip Nitschke's Exit International.

'Overall we had a surplus of \$224,000 and our Balance Sheet improved to \$720,000.

## Caren Jenning

Members will know from my earlier appeal for financial help for Caren Jenning that she and Ms. Shirley Justins have been charged with having murdered Shirley Justins' partner, Grahame Wylie, said to be an elderly dementia sufferer who for years had wanted to end his life using nembutal. The essential allegation against Caren, which she denies, being that she went to Mexico and bought the Nembutal there that caused Grahame Wylie's death. I am confident, that whatever Caren did, she committed no crime.

With the help of a friend, a copy of the appeal also went by e-mail to some 300 or 400 non members of the Society, who my friend thought would be sympathetic.

I also sent a copy to Cameron Murphy, President for the Council of Civil Liberties. Joan Kersey, a member of both VES and CCL, took it up there. CCL then sent the appeal to its members.

At the time of my writing the response to the appeal has been truly remarkable and a clear indication, not only of the high regard felt for Caren, but of the great support enjoyed by Voluntary Euthanasia in the community at large.

Donations have ranged from \$4 to \$10,000!

The committal hearing was to have started on 28 June but unfortunately did not proceed on that date and has been stood over to 16 August.

Kep Enderby.

Dear colleagues,  
My heartfelt thanks go out to all of you who have been so generous in response to Kep's appeal on my behalf.

These donations have grown to a stunning result, a truly wonderful moral support.

As well, I am now beginning to hope that I won't have to sell my unit to pay our legal representatives who are working so hard to see justice done.

Where notes of good wishes accompanied your donation, I have read each one with gratitude to you for your effort.

Thanking you for your sacrifice to the VE cause,

Caren J.

## CANBERRA BRANCH NEWS

The ACT Branch has been involved in a number of public awareness activities. Local members organised much of the program for the National Day of Shame on 26 March in Canberra, when VES NSW combined with Exit to mark that 10<sup>th</sup> anniversary.

Members have also spoken on radio and, most recently (1 June), on ABC-TV, when Stateline (ACT) gave extended coverage to voluntary euthanasia issues, focusing on conversations with two members, Thelma Hunter and David Swanton, who gave moving and articulate arguments for supporting new legislation for Voluntary Euthanasia.

We are preparing a report on recent ACT changes to Enduring Power of Attorney (Advance Directive) legislation, and hope to stimulate action for a national policy.

*from Beryl Rawson*

## CENTRAL COAST NEWS

The April meeting of 18 members and three guests, approved my proposal as follows:

That, subject to advice from VES NSW committee, I issue a media release saying I will read in public from *The Peaceful Pill Handbook* on Thursday 3 May in Gosford, in order to test the Federal Government's restricted classification of this book which may mean that public reading from it could be punishable by a seven year jail sentence (2 abstentions). (Note: for family reasons I have postponed this action until **12 noon Friday August 17**, after our next branch meeting, but please confirm date with me.)

All readers of this newsletter who are interested in supporting my proposal – my public reading (a non-member friend has already suggested she wants to protest this curbing of our free speech by reading some of the words (or other ideas I have had since that meeting following discussion with members and friends across Australia) are urged to call me

as soon as

possible please, with your suggestions and advice.

*from Romaine Rutnam*

## NEXT ISSUE

Reports from Oregon USA and The Netherlands - no sign of a slippery slope!

## NORTH COAST NEWS

The 36 people who attended our last meeting in April, were fascinated by the guest speaker, Byron Bay marriage and funeral celebrant, Zenith Virago. Zenith informed the meeting of many practical considerations concerning the despatch of the dead. For example, it is not essential to use a funeral director service at all. The body can be kept at home for a period and family members can arrange transport and the burial/cremation arrangements themselves.

Coffins can be made for about \$100 of materials. Cardboard coffins can be purchased for about \$500. The relative expensiveness of cardboard is that they are at present, only made in fairly small numbers in Australia. A person can be buried in a private property depending on local council regulations.

Apart from many other practical considerations, Zenith shared with us some of her experiences with the dying, including one very ill man who insisted that he be taken home to die. The hospital co-operated and provided an ambulance to take him home. As he was carried out of the ambulance, in sight of his beloved garden, he gave an exultant thumbs up sign and died there and then. A lovely story.

Although our members are unlikely to call on the marriage service, a number were seen at the end of the meeting, seeking the speaker's card. It is hoped for the sake of our membership numbers, that Zenith was not too persuasive.

Other matters dealt with, were reports on the National Day of Shame, recent Exit developments and the NSW VES AGM. The chairman modestly advised he had been elected to the NSW committee.

Looking forward to the federal election, it was noted that the present member for Page, is retiring. We will attempt to sound out the various candidates' attitude to VE and support the pro VE candidates as we did at the Richmond electorate last time. Richmond is currently held by the Labor party's Justine Elliott, a VE supporter who has been re-endorsed.

*from Bryan Milner*

## CORRECTION

Sharp-eyed member, Bill Alcock, has pointed out an error in the email address given on page 2 of the last issue for Professor Peter Hudson – the correct address is peterh@medstv.unimelb.edu.au

# VE ISSUE AIRED ON TV

Two programs this year have featured voluntary euthanasia discussions in a very positive way.

Firstly, Jenny Brockie's SBS **INSIGHT** program, *Last Rights* on 3<sup>rd</sup> April, featured prominent figures and reflected the general support for voluntary euthanasia among the 60 or so participants.

Apart from a vitriolic and unhelpful attack on Dr Philip Nitschke by New Zealander Lesley Martin and the usual vacuous scare-mongering from Dr Nicholas Tonti-Filippini, the program had a positive VE slant, and only Christopher Pyne, Federal Minister for Ageing, really roused emotional responses from the other participants.

Mr Pyne, a conservative Catholic who was elected to represent Australians in general, showed his lack of knowledge with 'Suicide is illegal' and his patronising attitude with '...older people who feel they might be becoming a burden on their family and know that euthanasia is available might feel that it's their family who want them to be euthanased to take their own life, who might feel that pressure. Why should they be placed under that pressure when they are at their most vulnerable because that opportunity is available and they might misinterpret what their family are saying to them'. Marshall Perron replied, 'The Minister just mentioned, because you're old, supposedly your opinion doesn't matter any more and your decisions are not to be respected'.

The recent poll that shows 80% of Australians are in favour of voluntary euthanasia means nothing to our Minister for Ageing, who retaliated with the view that 'polls can be made to say anything' and that politicians will decide, and 'the politicians represent the public'. (*please explain, Minister...*)

Mr Pyne takes an either/or view regarding voluntary euthanasia and palliative care, boasting that his government has spent \$300 million since 2003 on palliative care because 'if you are a responsible member of parliament who is opposed to euthanasia, then you have to have some kind of focus on palliative care'. He clearly ignored the current dire shortage of palliative care when he said 'I think we could probably spend a great deal more in terms of the demand that might be there in the future'. What a shame Mr Pyne is not aware that supporters of voluntary euthanasia also believe that adequate palliative care should be available to all those who want it.

Secondly, our Society has had a marked increase in new memberships since May when the ABC aired their **FOUR CORNERS** story on the people who took part in Exit's drug-making exercise in the Southern Highlands. This program brought dozens of responses, mainly in regard to the comments by Dr Rosanna Capolingua, from the AMA's ethics committee (and, more recently, National President of the AMA).

Dr Capolingua told Four Corners that elderly people preparing to take their own lives must be relieved of the 'need and belief that they should have, and need to have, the right to choose death over continuing to live'.

**Dr Peter Arnold, VES member and former NSW AMA President**, said later that AMA policy was to 'encourage doctors to respect the patient's autonomy' and that Dr Capolingua's comments 'clash with this (AMA) clearly worded policy'. Dr Capolingua herself later clouded the waters somewhat by saying that she still believes the people manufacturing Nembutal in illegal backyard laboratories – who planned to suicide when faced with going into a nursing home – ought to be prosecuted. 'It was not about euthanasia; it was about suicide,' she said. (*Does Dr Capolingua know that suicide is not a crime?*)

**VES member Dr George Quittner**, wrote to Dr Capolingua saying:

'Dear Dr Capolingua, I want to kill myself. Before you start worrying about me...I feel fine. In fact I FEEL GREAT!! I love my life and I love my work. I have a great family. I live in the best country in the world.

With respect YOU HAVE MISSED THE POINT.

I watched you in dismay on Four Corners last night as a group of vibrant alert CHEERFUL old people fought for their right over their lives. Instead of supporting them, you would condemn them to a life which made them miserable. This is no less than tragic. I wonder what motivates you?

This morning on ABC Radio you wondered what makes people 'so desperate' to kill themselves... MY GOD IT IS YOU.

I am going to kill myself because THAT IS HOW I PREFER TO DIE. I am not desperate. I am not depressed. I have no ill will toward anyone (except those who would harm others). I have watched enough

people die to know EXACTLY what I am doing, and how and why.

Now if you have your way I will have to jump in front of a train and cause a lot of grief to a lot of people. I would prefer if you held my hand gently and gave it a final squeeze before injecting the barbiturate into my vein. But that would require a level of humanity which you appear unable to grasp.

I am sorry if this sounds personal... but yes, it is.

Your attitude affects ME PERSONALLY. Your beliefs would condemn me to die slowly and in distress. What causes ME distress is for ME to decide, not you. My beliefs do you no harm at all. None of the people on Four Corners would hurt a fly, yet you would hurt them. You can take as long as you like to die of motor neurone disease or dementia. What gives you the right to insist that I do likewise?

Please rethink your position.

The AMA needs to get right out of this issue. Surveys repeatedly show most doctors agree with voluntary (IREPEAT, VOLUNTARY) euthanasia. You are misrepresenting your members.

I will take my life. You cannot stop me. You can only try to make it more difficult. Now what kind of evil is that?

Yours sincerely,  
George Quittner

(Just a normal, happy family doctor, no sign of desperation whatsoever)

And the following response came from **Bernie Klein, of Ann Arbor, Michigan USA**: 'Damned if Dr Rosanna Capolingua's words don't read like something one would find in the satirical *Onion*, an American publication. The good doctor says, 'We have to solve what the desperation is about. We have to relieve them of the need and the belief that they should have, and need to have, the right to choose death over continuing to live'.

C'mon doctor!! You said that with a straight face? Perhaps thinking like yours is part of the cause for desperation by your countrymen. And talk about stereotypical doctor arrogance! How dare anyone think they 'have the right to choose death over continuing to live'. Just who do they think they are?

And, good doctor, just what is your plan on how you would relieve them of the need and belief that they have any control over their own dying process??

And this lady is on the medical ethics committee... wow, my heart goes out to all you people Down Under.'

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## 2007 Menzies VE Campaign

With the Federal election to be held later this year, Exit Director Dr Philip Nitschke has announced his intention to stand as an Independent candidate against the sitting Liberal Party Member Kevin Andrews in the Victorian seat of Menzies. It was the Kevin Andrews' Private Member's Bill that led to the overturning of the Northern Territory's Rights of the Terminally Ill Act in 1997.

Philip has twice challenged Kevin Andrews. As an Independent in Menzies in 1998, Dr Nitschke attracted nearly 10% of the primary vote, forcing Andrews to preferences for the first time. Donations to the campaign from VE supporters were in the order of \$120,000, more than any other independent candidate in the election

In 2001, Philip was not a candidate, but challenged Kevin Andrews with a campaign titled 'Put Kevin Andrews Last' and set out to remind voters of Andrews' interference in the our efforts.

In this 10th anniversary year of the overturning of the world's first VE law, and given the ground-swell of dissatisfaction with the Howard government, Exit considers it timely for Philip to stand again against this staunch opponent of end-of-life choices.

As in previous campaigns, Dr Nitschke will again leave preferences undirected. Exit is not a party-political organization, but this is an excellent way to send a message to our elected representatives that the issue of VE is here to stay.

If you can help in any way please complete the purple form inserted in this newsletter. Help us see the back of Kevin Andrews, once and for all.

### **VOLUNTARY EUTHANASIA SOCIETY OF NEW SOUTH WALES**

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### **SUBSCRIPTION AND BEQUEST INFORMATION**

Membership subscriptions to VESNSW are \$30 single and \$50 for a couple. Concession rates of \$18 single and \$30 for a couple are available for pensioners and students. Life membership costs \$550 single and \$800 for a couple.

Many loyal friends have found that a bequest is one way they can make a significant gift to further our Society's efforts to change the law and to educate the community. A bequest form is also available from the Society's office.