



# VOLUNTARY EUTHANASIA SOCIETY OF NEW SOUTH WALES (INCORPORATED)

ACN 002 545 235

Patron: Prof Peter Baume AO FRACP FRACGP

Telephone: (02) 9212 4782

## NEWSLETTER

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## ANDREW HOLLO CLEARED

A respected Sydney doctor, cleared in November of trying to kill an elderly patient for her money, said he had been vindicated by the judgment.

A Downing Centre Local Court magistrate dismissed an attempted murder charge against Dr Andrew Hollo, a former director of the VES of NSW. The decision followed a five-month committal hearing. Magistrate Ian Barnett described Dr Hollo, who practises medicine in Double Bay, as a person of good character.

The judgment was met with emotional cheers from family, friends and patients of Dr Hollo who had filled the courtroom. Outside the court, Dr Hollo said the experience had been extremely traumatic for him. 'I am innocent and I have always maintained my innocence and I have been vindicated this morning by the judgment,' Dr Hollo told reporters.

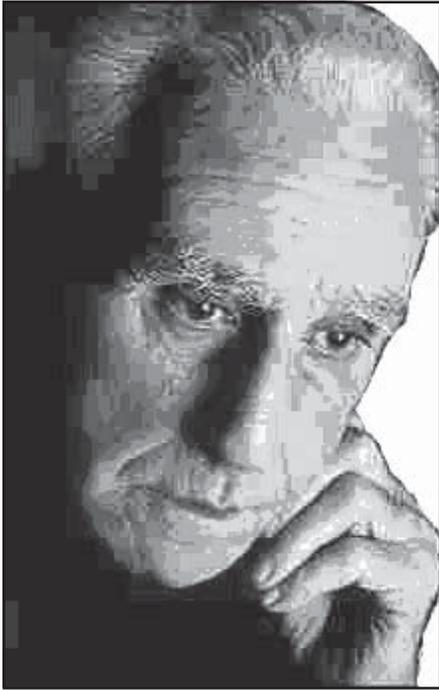
Asked if he was prosecuted because of his past stand on euthanasia, he replied, 'I can't answer that.'

Those who worked with Andrew Hollo on the Board of the VES in the early 90s will be pleased to hear that this fine man's reputation has been restored.

### REMINDER

**New date of AGM SUNDAY - 20th MARCH**  
**(not 27th as previously advertised - which is Easter)**

# MERCIFUL RELEASE



*Fred Thompson*

This headline in Gosford's *Express Advocate* of 27 January said it all. Fred Thompson, 71, of Toukley was found guilty of assisting his 63 year-old invalid wife, Katerina, to commit suicide, and sentenced to 18 months' jail. The jail term was suspended and Thompson ordered to pay \$63 court costs.

Alan Railton, magistrate at Wyong Local Court, found no evidence that Thompson acted from any motive other than love for his wife and a desire to accede to her wishes after being her sole carer for 16 years. Railton said there was 'no indication whatsoever that the defendant...had in any way tried to end the misery that his life had become'. Magistrate Alan Railton described the events before Mrs Thompson's death on August 12, 2002 as 'an incredibly unique set of circumstances'.

Mrs Thompson had suffered from multiple sclerosis for 35 years, had become paraplegic, had her bladder removed, was diagnosed with cancer, was half blind and had difficulty speaking.

Fred Thompson had gone to police and told them of giving his wife Valium tablets before

smothering her with a pillow. His wife had begged him to help her die.

Defence barrister for Mr Thompson, Peter Zahra, SC, told the court, 'He remained until the end. Not for a week, not for a month, not for a year. For 16 years he provided 24-hour care. One might need to reflect for a moment how one might feel after that degree of care after 16 years.'

Mr Railton noted the many character witness statements tendered, the comment of Thompson's daughter, who said that her father was obsessive in caring for his wife. Evidence was presented of Katerina Thompson's religious faith and her fears about being placed in a nursing home because of her husband's ill health.

Mr Thompson said after the court case that he did not regret admitting his involvement in his wife's death, but the stress of the 2½ years between that admission and the trial was clearly visible.

Fred Thompson had the support of the VES of NSW throughout his ordeal. John Doyle of the Central Coast branch was most helpful.

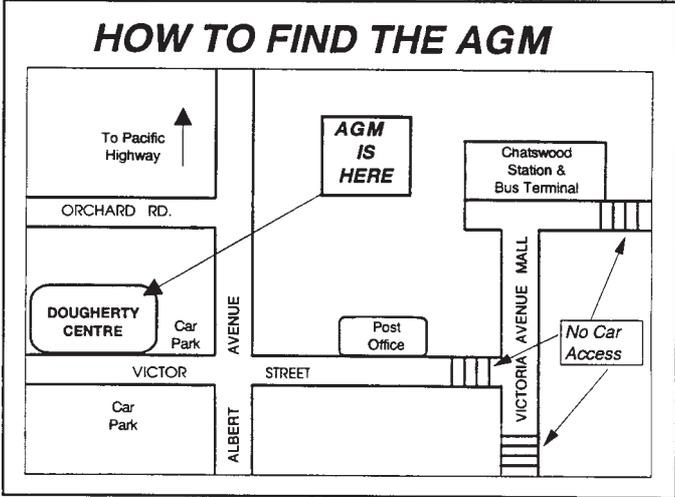
Kep Enderby, VES President, was in the courtroom with other supporters. Mr Enderby, a former Attorney General in the Whitlam government, pointed out that Thompson had to be sentenced after pleading guilty, but that the suspended sentence imposed was the right one. He said that the actual costs of the case, personal and financial were high. 'Because of the cruel law we have in NSW this farce went on for over two years at great human cost to Fred,' he said. He had been in very close contact with Fred Thompson and found him to be an emotional and religious man who loved his wife, and she had asked him to do it to relieve her suffering.

Mr Enderby said cases like this show the need for legalised voluntary euthanasia under properly supervised conditions.

The VES of NSW wishes Fred all the best of peace and good health for the future.

# FOR YOUR DIARY

## Meetings

- **PLEASE NOTE:** Because of Easter, our Annual General Meeting has been moved forward to **Sunday 20 March 2005, 2pm in the Dougherty Centre, 7 Victor Street, Chatswood.** The speaker will be **Julie Letts**, Senior Analyst with the Quality & Clinical Policy Branch of the NSW Department of Health, who will talk about where we stand with Advance Care Directives and the Guidelines for Decision Making at the End of Life.
- 
- **Book Launch:** Join Dr Philip Nitschke to celebrate the launch of his book *Killing me Softly* written with Dr Fiona Stewart and have your copy personally signed at a special VES gathering in the **Dougherty Centre, Chatswood** on **Wednesday 30 March**, 1pm to 3pm. Tea and coffee will be served.
  - **Central Coast.** The meetings in 2005 will be held on the **third Friday in April (15th), August (19th) and December (16th)**, from 10am in Meeting Room 3 at the **Gosford Senior Citizens' Centre, 217 Albany Street, Gosford.** Members who wish to could stay on for lunch at the food hall at the top of Gosford Marketplace. We will also try to hold a special public meeting in Gosford around 26 May 2005 to commemorate the 10th anniversary of the NT 'Rights of the Terminally Ill' legislation. 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 02 4229 2789. (Please note change of postal address.)
  - **Northern Rivers Branch** – Contact Bryan Milner on 02 6680 1961.
  - **Confidentiality:** VESNSW does not provide information about individual members or give the membership list to any person or organisation under any circumstances.
  - **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)
  - **EXIT International** – have a new website, [www.exitinternational.net](http://www.exitinternational.net) For details about their Introduction and Construction Workshops, please send an email to [info@exitinternational.net](mailto:info@exitinternational.net), fax to 08 8983 2949 or phone Kerri Dennis on 0500 831929.
  - Visit the VESNSW web site at [www.vesnsw.org.au](http://www.vesnsw.org.au)

# VE IN THE UK, 2004

The disruptive outcome of bitter disagreements within the UK VES regarding leadership and direction, the results of a VES-sponsored survey, and the support for and opposition to Lord Joffe's Assisted Dying for the Terminally Ill Bill kept the issue of voluntary euthanasia in the spotlight during the second half of 2004.

Dr Michael Irwin, a retired GP, stepped down as chairman of the Voluntary Euthanasia Society in February, following his arrest over the death of his friend, Patrick Kneen, who was suffering from prostate cancer. In 2003 Dr Irwin, a retired GP from Surrey, had planned to help Mr Kneen to suicide by supplying a fatal dose of sleeping tablets. However, when he arrived at Mr Kneen's home on the Isle of Man, his friend was already too weak to swallow the tablets and so died a natural death in October 2003.

Dr Irwin told reporters in June that he had advised several other people on travelling to Switzerland, where the Dignitas euthanasia clinic would be likely to provide suicide assistance, on provision of medical reports stating that there was no hope of recovery from their condition.

One of these, a woman in her 40s who had advanced liver failure, did complete the process of joining Dignitas, obtaining the necessary medical reports, and travelling to Switzerland where she later died in the clinic after taking the lethal drugs supplied. A further four people told how they received Dr Irwin's assistance in gaining information about the Dignitas project. Assisted suicide is not illegal in Switzerland and Dignitas gives members the use of a flat and the necessary drugs to suicide, when documentation of their terminal illness is provided.

At present the maximum jail sentence for assisting a suicide is 14 years, the most stringent in Europe apart from Ireland. However, after questioning, it was decided that Dr Irwin would not be prosecuted and he was released.

At least six British people have killed themselves at the Dignitas clinic during the year to July 2004.

None of their relatives have been prosecuted for aiding and abetting a suicide. Dr Irwin called for the Crown Prosecution Service to act on the matter, to test the British law on euthanasia.

'At the moment we have hypocrisy and double standards in this country about assisted suicide,' Dr Irwin said. 'We have a law against aiding and abetting suicide, and yet people who have travelled with their relatives to Dignitas and helped them to die are not being questioned or prosecuted. I would like to see the law tested on cases where a person is travelling abroad for assisted suicide.' Dr Irwin believes it is possible that many other doctors are turning a blind eye to the issue while providing medical reports to terminally-ill people, knowing that they plan to fly to Switzerland.

Within the Voluntary Euthanasia Society, the dispute over Dr Irwin's actions eventually led to his membership of the society being withdrawn. The split caused a ripple effect with the resignation of the president, veteran broadcaster Sir Ludovic Kennedy, followed only days later by Jean Davies, a director and former chairman. Sir Ludovic was furious at the result of the vote in which he did not, as president, have a vote. Four members voted against Dr Irwin's expulsion while six elected to oust him. Ms Jean Davies, also resigning in protest, told the press, 'Dr Irwin should not, of course, have offered to "ease the passing" of a dying friend. He resigned from the VES board, knowing that although the patient died without his help, he had, in effect, offered to break the law. To pursue him to the point of expelling him from the society was out of all proportion to his offence.'

The British VES has now distanced itself from Dignitas and will not give callers to its helpline any information or advice about the Swiss organisation.

Moves are afoot among the 15,000 VES members to propose a motion calling for Dr Michael Irwin to be reinstated as a board member. Dr Irwin, disappointed by his expulsion, said, 'We should be able to debate these issues, rather than stifling discussion,' he said.

A statement issued by the society reads: ‘...The society regards Dr Irwin’s stated objectives to be a distraction from our dedicated efforts to work within the law to bring about its change.’

In Britain, as elsewhere including Australia, campaigners are divided over whether it is best to support organisations such as Dignitas, or simply to continue advocating Advance Care Directives that state a person’s wishes about the withdrawal of treatment in their final days, while lobbying for changes to the law.

## UK SURVEY RESULTS

Released late last year, the results of a new survey show that 56% of British doctors would support the legalisation of assisted dying under stringent safeguards. 27% of doctors have been asked by a patient to assist in suicide or voluntary euthanasia, and 45% believe that some health professionals in the UK currently accede to those wishes. 56% of doctors agreed that stringent legislation covering assisted dying would be the best way forward.

The poll suggests that 47% of the people surveyed are ready to break the law to help terminally ill loved ones die. Since the death in 2002 of campaigner Diane Pretty, general support has not altered, 82% of the 790 people surveyed being in favour of the right of terminally ill people to assistance in dying.

When asked the question whether they would want a doctor, friend or family member to assist them if they were terminally ill and suffering unbearably, 51% answered yes and 37% answered no.

50% of all Britons said they would consider going abroad to receive medical assistance to die if terminally ill.

Talking to BBC Radio 4, Chief executive of the VES, Deborah Annetts, said, ‘By saying they would be prepared to break the law if a terminally ill loved one asked them to, the public are sending a clear message to our law makers that the law needs reform. The choice they have is between secret, unregulated assisted dying and a regulated system with the strictest safeguards in the world. These

safeguards would protect the doctors and also the vulnerable.’

‘This is an important survey. It puts beyond doubt the fact that the current law victimises both compassionate doctors and dying patients. Doctors are faced with the awful choice of either respecting the wishes of their terminally ill patients and helping them to die in the full knowledge that they could be prosecuted and face imprisonment, or abandoning their patient to yet more suffering at the end of life,’ Ms Annetts said.

Predictably, pro-life groups maintain that the survey does not represent the public’s view. Ignoring the fact that we need both choices, Julia Millington, political director of the ProLife Party, said “What we haven’t been shown are the many patients who are benefiting from first rate palliative care and who completely reject the idea of euthanasia.” The small size of the survey has also drawn criticism.

The poll results were released on the day the British Medical Association (BMA) and the General Medical Council gave evidence to the House of Lords committee considering the Assisted Dying for the Terminally Ill Bill.

## HOUSE OF LORDS EXAMINES NEW BILL

Put forward by human rights lawyer and former chairman of Oxfam, Lord Joffe, the Assisted Dying for the Terminally Ill Bill would ‘enable a competent adult who is suffering unbearably as a result of a terminal illness to receive medical assistance to die at his own considered and persistent request’.

Among the first to give evidence was the VES, handing more than 80,000 messages of support to the committee.

The Royal College of GPs (RCGP) and Royal College of Physicians (RCP) have now adopted neutral stances to the Bill. The RCP said it no longer opposed the Bill because of amendments introduced, including better safeguards. Professor Raymond Tallis, the RCP’s Ethic Issues in Medicine Committee chairman, said, ‘The ethical issues raised by the Bill are for society to consider. We

*continued p6*

feel our role is to advise on clinical issues. But we do not think a change in the law should be a substitute for good palliative care.' He admitted that the college's members would not be able to reach a unanimous decision. The RCGP also said it was neutral but added that more clarity is still needed. Dr Ivan Cox, RCGP spokesman on euthanasia, said: 'Like society as a whole, many GPs have moved from a position of outright opposition to a more measured agnostic stance. Evidence coming from the Netherlands and Oregon, where assisted suicide is now legal, is providing food for thought in the UK. However, we would like to see clarity on what is meant by terms such as "unreasonable suffering" and what type of doctor will be expected to carry out these assisted suicides.'

The British Medical Association, which represents 120,000 doctors, spoke against the Bill because, during debate at many conferences, its members have always been against the legalisation of euthanasia. However, Dr Evan Harris, Liberal Democrat MP and member of the BMA ethics committee, is calling on the BMA to look at the issue again. He said, 'I am not surprised that so many doctors want assisted dying to be properly regulated. When more than a quarter of doctors are being asked for help to die, and around half are willing to act on these requests, it demonstrates that the current law is both cruel and in part ineffective.'

Lesley Close, whose brother John went to Switzerland for an assisted death in 2002, said, 'It is incredibly sad that by offering no choice at all, the law forces the most vulnerable people in our society into such extreme and agonising choices. People want the law changed and Lord Joffe's Bill offers a much better way of dealing with these issues.'

Although the VES survey shows that a majority of doctors back a change in the law, the united support of the medical profession is not needed for the law to be passed.

The Church of England provided a small side-show, when Rowan Williams, Archbishop of Canterbury, sent his chief adviser, Canon Professor Robin Gill, to give evidence.

Gill acknowledged that the Church's views on euthanasia are divided and out of step with the majority of its congregation. 'Anglicans are not united on whether we should legalise euthanasia,' he said. 'The bishops have consistently shown they don't believe in changing the law, but the majority of churchgoers think it should be amended.'

'There is a very strong compassionate case for voluntary euthanasia,' Gill told *The Observer* later. 'In certain cases, such as that which involved Diane Pretty (the woman who was terminally ill with motor neurone disease and who campaigned for the right to be helped to die), there is an overwhelming case for it.'

Ms Annetts from the VES said she hoped that his words would encourage other members of the clergy to speak out openly in support.

However, the Archbishop has since insisted that human and ethical considerations mean that the Church of England cannot ever soften its line on euthanasia, and that his choice of Dr Gill as emissary does not signify any change in the church's stance. The Archbishop received the backing of the Roman Catholic Archbishop of Westminster, Cardinal Cormac Murphy-O'Connor.

Dr Hazel Biggs, director of medical law at the University of Kent and author of *Euthanasia: Death with Dignity and the Law* also gave evidence to the select committee. In an article submitted to the *European Journal for Health Law*, Dr Biggs claimed that British doctors help over 18,000 terminally ill people a year to die. Her figures are based on data from countries such as the Netherlands and Australia, which have published research into assisted dying rates, as well as evidence taken from British doctors. 'What this says to me is that we know these practices are going on, but they are completely unregulated. We don't know how many people are volunteers or non-volunteers, and maybe because of that the law ought to be changed so that people can give voluntary consent, which will give them more protection,' said Dr Biggs.

A recent poll of 100 MPs, commissioned by the ProLife Party, found four in five would oppose a change in the law to allow voluntary euthanasia.

## RUSSIAN MELODRAMA

Patriarch Alexis II of Moscow and All Russia has condemned euthanasia as a type of suicide and said it was Satanist propaganda.

‘We should claim that euthanasia is a kind of conscious suicide. According to religion, this is the greatest degree of the denial of God. The Orthodox Church regards the propaganda of euthanasia and suicide as concealed or open Satanism,’ the patriarch said at the eparchial meeting of Moscow’s clergymen on Wednesday. ‘The opinion that the man has the right to be the lord of his life is widely popular today. There are many proposals to legalize this sinful right and attempts to explain suicide by medical terms calling it euthanasia,’ Alexis II noted.

In his words, ‘the worst thing is that doctors whose duty is to take care of people’s life are supposed to commit murder.’

‘There is nothing worse than suicide, however, the number of suicide cases keeps growing,’ the patriarch said. In his opinion, the main reason of this most terrible sin is the lack of life goal and belief in the future life.

Source: *RIA Novosti, Moscow*

## ONE SMALL STEP FOR FRANCE

France has announced that in the future, patients will have a legal right to die with dignity.

France will maintain its stringent laws on ‘taking steps to kill’.

However, this new law will enable doctors, patients and their families to cease artificial life support in cases where no cure is possible, and medical staff will no longer be required to do their utmost to keep alive patients ‘for whom there is no more hope’. Up until now, French law held this action to be murder.

## EXIT CONFERENCE, SEPTEMBER ‘05

The 3rd Exit International conference will be held in Brisbane, 3-4 September 2005, with Australian and international speakers. If you would like further details, contact Exit as detailed in the Diary section of this newsletter.

## OUT OF OREGON

In the state of Oregon, where the Death With Dignity Act, 1994, permits physician-assisted suicide for the terminally ill (with guidelines), the number of patients who used the law in 2004 was 35, compared to 42 in 2003 and 38 the previous year.

Twenty-nine of these 35 were helped in some way by Compassion in Dying of Oregon. In its 2004 annual report, just issued, the Oregon group, which is the ‘steward’ for the public in implementing this law, says:

‘Of the 29 Compassion clients who hastened their death in 2004, sixteen were women and thirteen were men. Twenty-two had cancer; three had ALS (Lou Gehrig’s Disease), one had Emphysema, one had chronic heart disease and three had AIDS.

‘Twenty-four had family members present when they took their medication, sixteen had friends present, eighteen had a Compassion client support volunteer present, eight had their physician present, four had a hospice person with them and one person included his minister.

‘All the clients were Caucasian. Twenty one had some college and post-graduate education. The youngest client was 35 years of age and the oldest 84. Ten of the 120 Compassion clients who died in 2004 seriously considered a violent suicide, but due to Compassion’s assistance in aiding these people to obtain better end-of-life care, they chose not to take this course. Of Compassion’s clients who used Oregon’s law to hasten their death, five considered a violent suicide prior to contacting Compassion.

‘All clients who used Oregon’s law died peacefully. No one experienced a seizure, a couple of people regurgitated, and no one died alone.

‘The primary reasons stated by these people for interest in having Oregon’s law as an option were fear of loss of control over their life, dependence on others, and concern over loss of autonomy. ‘All held a long-time belief in the right to choose death with dignity. Twenty-three of our clients who took the medication to hasten their deaths were in hospice when they took the medication.’

Source: *George Eighmey, 31.1.05*

# NORTHERN RIVERS NEWS

As a footnote to the Federal election, Richmond sitting member, Larry Anthony, was the only government minister to lose his seat. The margin was only about 140 votes, so it only took 70 voters to change their minds. It is not out of the question that we brought this about by virtue of our mini campaign at the last minute. Indeed, had we been aware of the Labor candidate's pro euthanasia attitude earlier, we could have played a significant role at the polling booths via the Greens who would have handed out our material. Maybe we should be thinking about a role in at least the marginal seats at the next elections.

The guest speaker at our next meeting on 28th February, will be Dr Joanne Doran, Northern Rivers Area Director of Palliative Care. Due to the travelling distance factor, we will probably hold only three meetings a year. The following meeting will be on **Monday 18th July** at 10am at what is likely to be our permanent venue viz. the Lismore RSL Sports Club at Goonellabah. There will not be a guest speaker at this meeting as after a year's existence, it is time we had a member orientated meeting to allow members the opportunity to contribute their thoughts, experiences and questions. We will also have the opportunity to look at a committee structure. A number of us stay on at the club for lunch afterwards and everyone is invited to join us.

In December, I was invited to be the speaker at a local Rotary Club meeting. The talk went well, and everyone seemed to be supportive of our cause. I subsequently wrote to all of the other Rotary branches in the area offering my services and to date, have secured two more speaking engagements with a further two likely. I have one engagement with the local VIEW club and will be writing to other VIEW clubs in the area. In February, as a result of a VES member's suggestion, I was invited to give a one hour talk to the local U3A with questions afterwards. Again, I was very pleased with the positive response and the U3A branch has offered to see if they can get me engagements at other U3A branches. Although I did not envisage myself in this role initially, I have had the benefit of listening to such knowledgeable and persuasive speakers as Kep Enderby, Marshall

Perron and Philip Nitschke over the last twelve months and this has been of great benefit. If VES members of such organisations can get a VES speaker in the door, it can be a great help with our promotion of the issue.

Bryan Milner

## GROWTH SPURT ON NORTH COAST

Congratulations are in order!

The effects of hard work and dedication on the Far North Coast of NSW have really paid off.

In preparation for their 28 February '05 meeting, notices were sent out to all the local members, highlighting the fact that the membership in that area has doubled since their first meeting late in June '04.

Well done, Bryan Milner et al. Your efforts are much appreciated.

### MEMBERSHIP FEES DUE

Have you renewed your VES membership for 2005? Please send your subscription today if you have not done so already.

## CLERGYMAN SPEAKS OUT

A Melbourne Uniting Church minister has told a public meeting in Adelaide that high numbers of people from all religious denominations support the idea of voluntary euthanasia.

Dr Francis McNab said he believes governments are scared of voluntary euthanasia, due to concerns it will be misused.

But Dr Nab says support is clearly growing within the churches and wider community.

'There's been the view in the past that we have to preserve life at all costs and there are certain sections of the more conservative wings of the church which support that,' he said.

'But increasingly the wider community does not see itself belonging to that conservative group of the church, especially when it comes to this issue.'

Dr McNab says governments are not listening to public opinion.

Source: *ABCNEWS*

## LETTERS TO THE EDITOR

From Carmel Marjenberg, Co-ordinator of VES NSW.

The following letter, written by John Morris of Tweed Heads, was published in the *Sydney Morning Herald* on 1 February.

It has not been easy to get letters on the voluntary euthanasia debate accepted by the editor, so this might be a breakthrough.

We believe it would be a good idea for people to write to the editor to back up his letter and therefore continue the debate. If many of you do that, we should have a good chance of getting extra coverage.

We also notice that Bob Carr said in *SMH* - 'In my view, abortion is a matter responsibly left for discussion between a woman and a doctor and that's the position we will take in this state'.

Our Society would like to encourage him to take the same position on voluntary euthanasia.

The email address for the Letters to the Editor of *Sydney Morning Herald* is [letters@smh.com.au](mailto:letters@smh.com.au)

Thank you all very much.

The letter written by John Morris reads as follows:

'The Pope has urged Australian Catholic lawyers to defend "the inviolable dignity and rights of every human being from conception until natural death."' (*Herald*, February 1).

I have a dear friend whose body has decayed before his mind. He is in a nursing home, in close, noisy proximity to dementia patients. He can no longer control his bladder or his bowels. He can no longer feed himself. He often trembles so violently that he can't hold a book. Good Catholic lawyers, in his place, could you be dignified?

I have another friend who has been attached to an oxygen machine for four years and is kept alive by a daily cocktail of drugs. She knows that there is no chance of recovery. By these unnatural means she is denied a natural death that she desires. Good lawyers, in her fix, what would you wish?

The Pope is concerned about human "rights". Be honest, good lawyers, faced with my friends' problems, would you not, like them, consider it to be your right to be given the means to truly die with dignity?'

John Morris, Tweed Heads, February 1

## LAW PREVAILS IN FLORIDA

Fourteen years after Theresa Schiavo slipped into a vegetative state, Florida's highest court has said that Gov. Jeb Bush violated the constitutional tenet of separation of powers when he signed a law to keep Ms Schiavo alive against her husband's wishes.

The high court said that a law passed by the Legislature in October 2003, referred to as 'Terri's Law,' granted the governor unconstitutional power to overturn several court decisions that granted Michael Schiavo the authority to make a final decision on his wife's fate.

Mr Schiavo has wanted to remove feeding tubes that have kept his wife alive since she went into a vegetative state in 1990 when her heart stopped beating at the age of 26.

Mrs Schiavo, now 40, lives in a nursing home. Her

heart stopped beating temporarily one night in 1990, possibly due to an eating disorder, wiping out much of her brain function. Doctors have said she is in a persistent vegetative state; while she breathes on her own, she depends on a gastric tube for sustenance.

After a dizzying series of court rulings and orders over several years, a judge last October ordered that her feeding tube be removed. But days later, Mr Bush stepped in, saying his only interest was in protecting the sanctity of life. He said that being governor gave him the right and responsibility to intervene.

But now, the state's highest court has said he had no power to go against the courts.

Source: *NY Times*

## NEW BOOKS FOR YOUR LIBRARY

*Killing me Softly* by Dr Philip Nitschke and Dr Fiona Stewart, is a radical and compelling examination of the current euthanasia debate.

To hear Dr Nitschke speak, to purchase your own copy of the book and have it signed by Dr Nitschke and take part in a Q and A period, join us at the **Dougherty Centre**, Chatswood on **Wednesday 30 March**. Tea and coffee will be served.

*Rest Assured – A legal guide to wills, estates and funerals* by Rosemary Long and Trudy Coffey has been published in a 4th edition by Redfern Legal Centre Publishing. ‘Rest Assured is a straightforward, plain language guide to something that will affect every one of us: the procedures that accompany death.’

Julie McCrossin of Life Matters, ABC Radio National says, ‘It is a precious gift to the people you love to write a will and keep it up-to-date ... I’ve learnt the hard way that it can be really tough if you haven’t sorted these things out. This little book will help you with all these practical matters and so much more!’

## QUOTES NOW AND THEN

From the German Society for Dying in Dignity, (DGHS) 2001:

‘The state must protect the dignity of the individual and must not permit a person to become the subject of someone else’s definition of human dignity. If a person thinks he is losing this dignity, he should have the right to shorten a dying process seen as being without dignity.’

From Mahatma Gandhi, October 1928:

‘Just as a surgeon does not commit himself when he wields his knife on his patient’s body for the latter’s benefit, similarly one may find it necessary under certain imperative circumstances to go a step further and sever life from the body in the interest of the sufferer.’

## DEMISE OF HEMLOCK SOCIETY

The Hemlock Society, begun by Dr Derek Humphry, is no more.

Faye Girsh, who headed Hemlock/End of Life Choices for the past five years, said in December, ‘I regret that Hemlock has disappeared after 23 years of revolutionizing America’s thinking about dying. With the help of others I started the Caring Friends program in 1998; it has served as a worldwide and unique model of community-supported dying, though it too has now changed... The new organization, Compassion and Choices, has a lot of energy and dedicated, capable people. I wish it well and am sorry not to be a part of its new thrust.

‘Our movement has receded onto the back burners of public attention,’ Faye Girsh said. ‘Our issue — the right to a peaceful death — should be up there with same-sex marriage, the war in Iraq, and social security. I hope all of us who care about this will speak boldly and often about the importance of deciding about how our lives will end.’

Compassion & Choices is the new name of the merged organizations Compassion in Dying and End-of-Life Choices.

## LESLEY MARTIN OUT OF JAIL

After serving half of her 15 month sentence for trying to kill her terminally ill mother in 1999, Lesley Martin was released in December. After being greeted by her family and Australian euthanasia advocate Dr Philip Nitschke, Ms Martin said she was ‘very, very, pleased’ to be out.

She hoped her experience would help lead to a change in the law. ‘The day’s not too far off when we’ll have humane legislation in New Zealand. Voluntary euthanasia is an issue that affects all New Zealanders.’ Ms Martin is expected to continue to campaign for change.

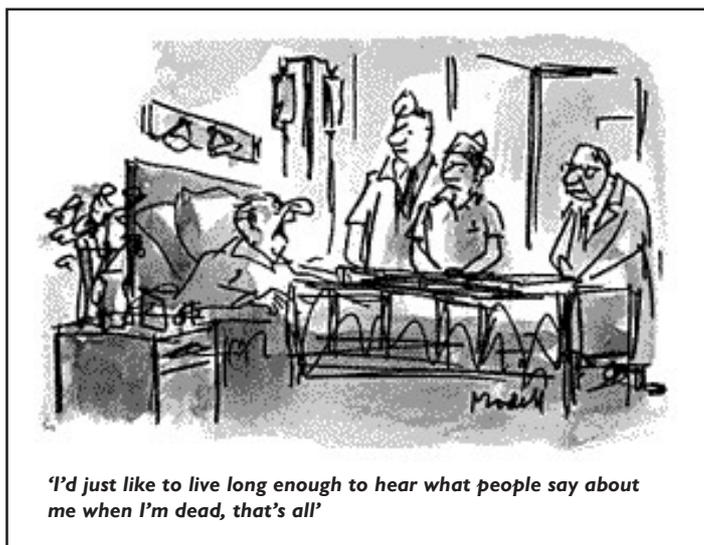
## ASSISTED SUICIDE PLEA

In November 2004 a High Court Judge in the Royal Courts of Justice in London was to hear the bizarre case of a chronically sick woman who is unable to travel unaided, but wants to travel abroad for an assisted suicide.

A local authority had been notified of the woman's plans, and wanted the court to decide what their duty is in these circumstances. The Department for Constitutional Affairs took the unusual step of alerting the press that the judge and the parties involved agreed that, because the case raises issues of public importance, it should be heard in public.

The judge was to decide whether a local authority should intervene and prevent anyone from helping the unidentified woman to travel, 'on the basis that an offence of assisting a suicide would otherwise be committed'.

Details of the court decision have not been reported.



## NEW FINDING ON MORPHINE

*The Times, UK, 5.10.04*

Giving very high doses of morphine to dying patients does not, in fact, hasten their death, says a study in *Cancer (2004: 101; 1473)*.

The study of more than 650 hospice-at-home patients found exactly the opposite -that patients on high doses lived on average ten days longer than those who had been put on lower doses. This runs contrary to the belief of many practitioners who feel that giving high morphine doses might, in effect, constitute a form of euthanasia by default.

## SPANISH FILM SPARKS DEBATE

At the Venice Film Festival 2004, *Mar Adentro (The Sea Inside)* was awarded a Special Jury Prize and its star, Javier Bardem, was voted Best Actor.

This film about the true-life suicide of 50 year old Ramón Sampedro, a charismatic quadriplegic sailor, caused new debate over whether Catholic Spain should legalise euthanasia. Sampedro, paralysed from the neck down by a diving accident at 25, became famous and adored by many Spanish women during his long battle for permission to kill himself. Spain's Catholic Church has conducted a ferocious campaign to prevent euthanasia getting anywhere near the statute books.

On opening night in Spain, this film drew most of the Spanish cabinet and the prime minister, José Luis Rodríguez Zapatero.

Senior members of Zapatero's party, backed by some opposition groups, want him to deliver on an election pledge and set up a parliamentary committee to investigate legalising euthanasia.

Zapatero has said it is time for a proper debate. 'The film, paradoxically, is a hymn to life,' he said. 'The defence of the freedom to die is itself a hymn to life.'

Source: *The Observer*

Editor: Since the time of the Venice Film Festival, this movie has won accolades everywhere. Two Golden Globe nominations, awarded Best Director and Best Actor in the European Film Awards, Washington DC Film Critics Best Foreign Film nomination. Now two Oscar nominations

From the *New York Daily News: The Sea Inside* If this true story of a Spaniard's legal battle for the right to an assisted suicide doesn't convince you of the humanity of euthanasia, see it again! What to watch for: Javier Bardem will own your heart.'

*The Sea Inside* will be well worth seeing... it is due for release by Greater Union/Birch Carroll & Coyle on Thursday 21 April.

VES NSW hope to organise a special night out for *The Sea Inside*.

'The film, paradoxically, is a hymn to life. The defence of the freedom to die is itself a hymn to life.'

José Zapatero, Spanish Prime Minister

# EVELYN MARTENS NOT GUILTY

In Canada, Evelyn Martens walked out of court a free woman in November, after a Supreme Court jury pronounced her not guilty of helping two women kill themselves.

Outside the courtroom, the 73-year-old great-grandmother told reporters she was no longer a member of the Right to Die Society and wanted to get on with her life. 'Very good, very good, justified,' she said when reporters asked how she was feeling. Martens said she had worried the jury might convict her. She faced a maximum of 14 years in prison on each count.

Martens was charged with two counts of aiding or assisting someone to commit suicide. The first count was connected to Monique Charest, a 64-year-old former nun discovered dead in her apartment in January 2002. The second involved Leyanne Burchell, a 57-year-old teacher found dead in her Vancouver home in June 2002.

While testimony and evidence clearly indicated the women committed suicide — Charest with a plastic bag specially designed to deprive the user of oxygen, and Burchell through a cocktail of drugs — the plights of the two were vastly different. Burchell, doctors and pathologists testified, was terminally ill

with stomach cancer, in excruciating pain and had only weeks to live. Charest suffered excruciating back pain from incurable, degenerative arthritis and was reportedly obsessed with death, although she was not terminally ill.

The jury heard a tape-recorded conversation where Martens told an undercover RCMP officer posing as Charest's bereaved goddaughter that she was with Charest when she committed suicide, but Charest 'did it herself.'

After the not-guilty verdict was delivered, Crown prosecutor Neil Mackenzie said it was too early to consider whether an appeal will be launched. The Crown has 30 days to decide.

But Mackenzie said he doesn't believe the verdict will have any effect on Canadian laws that make assisted suicide illegal. 'The case for the Crown was always about the facts of the case.'

Defence counsel Catherine Tyhurst agreed, saying the evidence 'simply wasn't there' to convict Martens. The case will, however, reinforce the narrow legal definition necessary for a conviction, she said. To be found guilty, the accused must be an active, direct participant with the clear intent of helping someone commit suicide.

## YOUR FUTURE STARTS NOW - PLANNING FOR A BETTER LIFE

The NSW Ministerial Advisory Committee on Ageing, Public Trustee NSW and The Benevolent Society, are jointly hosting a free seminar for older people during Seniors Week 2005 about planning for later life. The seminar is on **Wednesday, March 16** at the Wesley Conference Centre in Pitt Street, Sydney from 9.30am-

12.30pm. Find out what's involved in planning for later life and what would be right for you. To RSVP please ring Nancy Brunetti on 8270 2154 or email [maca\\_info@dadhc.nsw.gov.au](mailto:maca_info@dadhc.nsw.gov.au). Bookings are required.

Their web site is [www.maca.nsw.gov.au](http://www.maca.nsw.gov.au)

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

Patron: Prof Peter Baume AO

Suite 401, 3 Smail Street ULTIMO 2007 PO Box 25 BROADWAY 2007

**Tel** (02) 9212 4782 **Fax** (02) 9211 1498 **Email** [mail@vesnsw.org.au](mailto:mail@vesnsw.org.au) **Web Site** [www.vesnsw.org.au](http://www.vesnsw.org.au)

Editor: Rhonda Taylor Layout: Bob Gallagher Printer: BEE Printmail, 1/5 Waltham St Artarmon 2064

### **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.