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To: [VAD Review Secretariat](#)
Subject: VAD submission
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To: VAD Review Panel University of Tasmania

As a clinical psychologist I have worked with terminally ill people and their families and with individuals trying to access residential Aged Care facilities. I am very concerned about the Conscientious Objection by Entities amendment that was proposed (and defeated) for Mike Gaffney's End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 in the Upper House, and which is likely to be proposed again in the Lower House. Our Tasmanian legislation differs in this aspect from the Victorian VAD legislation and keeps the focus on the person applying for the VAD process, rather than on giving even more legal ability to discriminate to religious entities in Tasmania.

The Southern Cross Care organisation, which I discuss at the end of this email, does seem to be supporting exactly what is legislated as a much better pathway in the present Bill than exists in the Victorian legislation. Ironically, the amendment (being entity-centric rather than patient-centric) would work against the likelihood of faith-based entities choosing the compassionate option in regard to voluntary assisted dying.

The safeguards in this Bill are rigorous and effective, with legal consequences supporting them. Initially, and throughout the process, the individual, the doctors, nurses, pharmacists, have the right to refuse to be involved in the process, "for any reason, including, but not limited to, because they have a conscientious objection to providing assistance to a person to die." So if anyone (doctor, nurse, carer, staff member) in a residential Aged Care facility objected to being involved in the voluntary assisted dying process, they have the legal right to refuse. Given that the majority of those individuals identifying as Christian do support voluntary assisted dying, there will be doctors, nurses and other staff in, or associated with, these residences, who would be willing to be involved in the process.

Religious Aged Care entities already have the right to conscientious objections in relation to their faith-based beliefs. We do not need to give them even more legal protection than they already have. The reality is that most residential Aged Care facilities in Tasmania are owned by religious organisations. So the few individuals who are likely to need access to the voluntary assisted dying process, are likely to be in a religious residence.

Are we really intending to be so deliberately cruel, that we would allow such organisations to force a dying person, who is suffering "intolerably", out of the place they consider their home? These are not people suffering from dementia. They are rational human beings who would normally die in the residence they live in. I doubt that many people consider the reality of the word "intolerable". It is someone who has been given the best possible palliative care that is no longer relieving their agony. It is people begging to be helped to die. It is people committing often horrendous suicides, terribly alone, to avoid a loved one going to jail. It is fragile bones breaking when they are moved; more fractures simply from breathing; it is hours of vomiting up blood and faeces. I cannot believe that any MP would pass an amendment that describes forcing such an individual from the residence that is their home as a "transfer"!

And then there is the issue of where the religious entity would send such a person. As a

clinical psychologist I was often involved in helping someone deal with the red tape of trying to get a family member into an Aged Care facility. Waiting lists were the rule rather than the exception. Sometimes the facility was hours away from family members who would otherwise have frequently visited. And the costs involved were frightening for many. Some had to sell their home. **In November, when such a "transfer" amendment was being debated in the Upper House, there were fourteen beds available in Aged Care facilities in the whole of Tasmania, some of which were shared rooms. As of today (December 21st), there are just nine nursing home vacancies in Tasmania; three in Launceston and the rest in Hobart. And the Refundable Accommodation Deposit, in current vacancies, can be up to \$650,000.**

Is any facility going to accept a dying person for a few days?

The Catholic organisation, Southern Cross Care, has residential Aged Care facilities across Tasmania. Their chief executive, Robyn Boyd, confirmed that they oppose the voluntary assisted dying legislation. "We believe in the Catholic tradition of the sanctity of life. Under that ethos we would not participate in voluntary assisted dying." However, Mrs Boyd said the organisation would not be able to go so far as to prevent residents from accessing VAD if it does become legal in Tasmania. "Southern Cross Care cannot participate in or provide VAD intervention," she said. "Everyone has the right to choose. But we would not participate or facilitate VAD in our homes. We would not be in the room with them." **Mrs Boyd said Southern Cross Care "will not and cannot force a resident to vacate if they wish to access VAD, should it become legal."**

The Catholic organisation Calvary Health Care, in Victoria, has stated that "they would never abandon any patient or resident, despite their choices in relation to VAD".

Such statements give hope that religious organisations will, in reality, treat their dying residents with compassion. That they will in fact do what Mike Gaffney's Bill currently legislates: they will allow those who do not want to be involved to withdraw, while allowing those who support the legislation to assist.

This amendment, in both legislative and practical implementation, would counter the inherent purpose of Mike Gaffney's End-of-Life Choices (Voluntary Assisted Dying) Bill 2020. The Bill's purpose is to ensure that the voluntary assisted dying process, above and beyond the protection of all those involved in it, ensures the protection of the person accessing this process, who remains the most vulnerable.

Thanking you for your consideration.

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