

VICTORIAN HUMANIST

Monthly newsletter of the Humanist Society of Victoria Inc.

July 2010

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COMMON WEALTH RATHER THAN COMMONWEALTH

We Humanists tend to seek illumination on the left side of the political spectrum, and identify easily with simplistic slogans such as 'cure inflation: tax the rich'. If we take pride in our recourse to reason, we need to enquire and think more deeply. For better or for worse, we live in a federal democracy. By comparison with many other forms of government, our own seems at least satisfactory. Nevertheless our government is neither perfect nor indefinitely stable.

Our system of government is in many ways similar to – indeed modelled upon – that of the United States. We often say (half in jest) that the United States gets the best president that money can buy, but not necessarily a suitable president. The influence of money on politics in Australia is probably not (yet) as great.

Money talks, nevertheless. Many in this state have formed the view that developers' political donations have undue influence on planning decisions. Big money shouts or even screams. The money may be that of wealthy individuals or corporations. Frequently it is that of a government trumpeting its (often dubious) claims; your taxes are at work, getting the government re-elected. The responsible citizen has to deplore both the unreasonable influence of money on the politics of a democratic society and the misuse of public funds for political purposes.

Democratic government is not a natural state. The natural state is more probably for the strongest to seize power, share it only in so far as necessary, and maintain power at all costs. Democratic government is maintained because the overwhelming majority agree to maintain it, imposing it upon dissident minorities. Thus the great majority in Australia vote in elections, accept the elected government as legitimate, obey the laws, respect the authority of the courts and of the police, and respect the rights of their fellow citizens. If a substantial, forceful minority behaved otherwise, our democracy would probably collapse, just as German democracy collapsed in the 1930s.

Democratic government is necessarily consensus government. Lesser matters may be resolved by simple majority, but major changes need substantial majorities and hence the construction of agreements by persuasion and negotiation. The upper houses of parliaments serve as a brake upon imposition of major change by a simple majority of the lower house (and are sometimes castigated as unrepresentative swill when they fulfil that function).

Australia's system of government is a federated democracy, with all the strengths and weaknesses of a federal system. The responsibilities of government are divided between the Commonwealth on one hand and the states and territories on the other, according to the provisions of the Constitution. The limits on abuse of the power by the central government are a strength of our system.



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HSV Monthly
Public Lecture

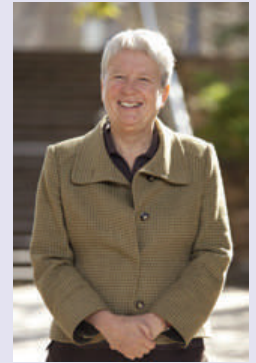
TUESDAY

27 July

7.30 for 8.00pm

Balwyn Library Meeting
Room

336 Whitehorse Rd, Balwyn
(Melway map ref. 46 E8)



**Sheila
Jeffreys**

(Professor of feminist
politics, University of
Melbourne),

on

**'Desecularisation
and women's
equality.'**

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Submission Feedback

Responding to our submission on racism in Australia (see report VH May p.4) the Federal Attorney-General, the Hon. Robert McClelland, made these main points.

- It is appreciated that an organisation such as HSV seeks a safe, tolerant and humane society.
- Racism in any form, from any individual, is unacceptable. We do not discriminate among our citizens according to colour, cultural background or race. We are all equal.
- The Australian Government takes very seriously its reputation as a safe destination for international students and will not tolerate discrimination and victimisation of them. All victims of crime are equally entitled to the protection of Australian law.
- The recent attacks on young Indians studying or working in Australia have been publicly condemned by the Prime Minister and Premiers of NSW and Victoria. All levels of government have committed to action to bring perpetrators to justice and protect students and others in the community.
- Responding to the particular issue of education to change racist attitudes, McClelland wrote, 'In addition to a range of existing measures to promote human rights already undertaken by the Government, on 21 April I was pleased to launch Australia's Human Rights Framework. The centrepiece of the Framework is a comprehensive suite of education initiatives to ensure all Australians have access to information about human rights. This reflects the key recommendations of the report by the National Human Rights Consultation Committee that education must be "the highest priority for improving and promoting human rights in Australia".'
- The Framework contains practical initiatives for human rights education, such as toolkits and guidance for primary and secondary schools, community and Commonwealth public sector. \$6.6 million will be invested by the Government for this purpose, a further \$3.8 million to improve human rights awareness in the Public Service.
- NGOs will have an additional \$2 million to promote greater understanding of human rights. (See <http://www.ag.gov.au/humanrightsframework>.)
- 'Last year, I also wrote to the Australian Human Rights Commission and requested it to further investigate how to combat racism in cyberspace. As part of its work in responding to that request, the Commission in association with the Internet Industry Association, convened a Cyber-Racism Summit on 27 April.' This Summit brought together content providers like Facebook, My Space, Telstra, with academics, educators, advocates, regulators and students to discuss a better response. Vindaloo Against Violence, and others dealing with cyber-bullying, work to deal with racism and contribute to develop a range of practical measures to benefit the community.

Halina Strnad

Common Wealth rather than Commonwealth

(Continued from page 1).

The continual aggregation of the power of taxation in the hands of the central government, whilst leaving the responsibilities of expenditure in the hands of the federated states, is a great weakness.

Above and beyond the necessity for consensus in a democracy and the need for fiscal balance between commonwealth and states, we Humanists also expect leadership that calls on our finer emotions not our baser instincts. We do not want a leadership that punishes asylum seekers, resorts to the pork barrel and bribes us or others with tax cuts. We recognise that government faces a matrix of problems and opportunities, and we seek a holistic approach to these. We cannot applaud leadership of Jack Horner quality.

Taking account of all the above, let us deliver some bouquets and brickbats. Firstly a bouquet is awarded to the Howard government. Many of that government's actions were unacceptable, even repugnant, to Humanists. Yet in introducing a goods and services tax to Australia, amid much disapprobation, it addressed to some degree the growing financial dependence of the states on the commonwealth by allowing the states the whole of the proceeds of the GST. A brickbat is awarded to the Rudd government for clawing back much of the GST proceeds as a condition of making greater provision for healthcare.

Secondly, the Rudd government is awarded a bouquet for building a consensus on the significance of the climate change problem. With the bouquet go two brickbats: one for trampling on state rights to mineral royalties by an ill-defined and possibly ill-considered super-profits tax; and the second for failing to recognise the adverse climatic impact of thermal coal, instead of beginning to tax both domestically used and export coal (rather than minerals generally), progressively increasing that tax as rapidly as is consistent with Australia's economic interests.

Tom Mole

Philogag

Dimitri: 'I was talking with Zeus the other day, and he thinks you're a bad influence on me.'

Tasso: 'That's interesting, because I think he's a bad influence on you.'

Dimitri: 'In what way?'

Tasso: 'He makes you think the voices in your head are real.'

[Source: *Plato and a Platypus walk into a bar...*, by Thomas Cathcart and Daniel Klein, Abrams Image, New York, 2007.]

Dying with dignity—knowing your rights

HSV Public Lecture by Neil Francis, President and CEO, Dying With Dignity Victoria Inc., on 25 May 2010 at Balwyn Library. **Report by Jennie Stuart**

Research has shown that a majority of people would prefer to die peacefully, at home. However, in fact two-thirds of deaths occur in an institution, such as a hospital, after a prolonged period of illness.

In 1988 Victoria enacted the *Medical Treatment Act*. In tandem with the *Guardianship and Administration Act 1986* it means that Victorians now have the right to refuse medical treatment, such as a surgical operation, medication or a procedure, if that is their choice. This is a radical reform in the light of past practice. Even so, it is not legally acceptable to refuse palliative care, or, in other words, reasonable care that is offered to relieve pain, suffering and distress when an illness has become incurable. In 2003 a ruling in the case of BWV in the Supreme Court found that artificial feeding was technically classed as a medical procedure, not part of palliative care.

Forms are available from the Office of the Public Advocate to record circumstances under which treatment could be refused, or stopped. These are only applicable to a current medical condition, not a future possibility. In addition, old age, no matter how debilitating it may be, is not considered a medical condition for this purpose. If such a form is on record and treatment proceeds, despite it, the criminal act of medical trespass is deemed to have occurred.

Under the *Guardianship and Administration Act* you can give power of attorney to someone who may make decisions about your medical care, on your behalf, if you are no longer capable of doing so yourself. The Enduring Power of Attorney (Medical Treatment) form also has provision for two nominees. However, only one of them can be the decision-maker, with the second nominee acting as a substitute if circumstances necessitate. The nominated agent's power is superior to that of the family and other authorities, but can be challenged at VCAT (Victorian Civil and Administrative Tribunal), if a case can be made that the course of action decided upon by the attorney is not in the patient's best interest.

Advance Healthcare Directives (Living Will), though not legal documents in Victoria, give an indication of the individual's wishes with respect to treatment and would carry considerable weight in Court if a dispute about medical management arose. Forms for different conditions are available from Dying With Dignity. Neil

recommended that it would be prudent for everyone to fill out a General Directive. This would assist if an unexpected, catastrophic illness, such as a car accident or stroke, occurred. Other forms cover management of Alzheimer's disease, motor neurone disease, nursing-home care and HIV.

Dying with Dignity will shortly publish a new form, entitled 'Informing my Agent'. It will have ten items related to the end of life, enabling a broad insight into the individual's wishes and attitudes. For example, some of the areas covered are, what is the meaning and purpose of my life, what provides pleasure to my daily existence, which senses and capacities are important for me, who should, as well as who should not, be consulted, what is my attitude to resuscitation, to assisted dying, and so on.

The usefulness of any of these documents is limited if they are not known to the people taking charge of the situation. Therefore Neil emphasised strongly the importance of telling family members, doctors and lawyers that they have been drawn up and of providing copies. In the event of being admitted to hospital, he recommended that a copy be attached to the inside cover of your medical file, where it would readily be seen. If in doubt about the issues, he suggested consulting widely, with a number of different doctors if necessary, or by attending a seminar at Dying with Dignity.

The *Medical Treatment Act* entitles everyone to maximal palliation. However, if the circumstances are such that it is the individual's wish to die peacefully, it is important not to request euthanasia, as this is a criminal act. Maximal palliation, by contrast, is a legal right, even if one of its consequences might be to shorten life.

What may the future hold? Physician-assisted dying is not legal in any state or territory of Australia currently. Dying with Dignity is working hard at present for the option of physician-assisted dying, if it is the wish of someone suffering intolerably from an incurable illness, to be referred by the Attorney General to the Victorian Law Reform Commission. It is hoped that a new bill about this matter could then be introduced into Parliament after the elections. The Dying with Dignity website, www.dwdv.org.au, has directions for anyone wishing to support this legislative initiative and add their voice to the call for the Attorney General to act.

The website also has information about and copies of the forms discussed above, such as Advance Health Directives and appointment of a medical attorney. ▢

**humanist
society
scotland**



<http://www.humanism-scotland.org.uk/>

Special General Meeting

HSV (Reg. No. A0020272M)

Notice is hereby given of a **Special General Meeting** of the Society, to be held on **Sunday 8 August** at 11 a.m., at William Tresise Community Centre, 37 Bowler Street, Hawthorn East. *Any member may appoint another member as a proxy voter by lodging the requisite proxy form with the Secretary at least 24 hours before the meeting.*

AGENDA: Amendment of Constitution

Motion: *That the Humanist Society of Victoria Inc. alters its Rules by adopting the accompanying Schedule of Amendments.*

The Committee offers the explanations printed below. A copy of the Rules containing all the proposed changes may be obtained before the meeting by applying to the Secretary.

The meeting will be followed by the usual discussion and b.y.o. lunch.

Schedule of Amendments

Rule 2. Alter first sentence to read, 'There shall be several classes of members, each class to have its own annual membership subscription.'

Rule 3. Insert clause, '(5) The financial year of the Association shall begin on the first day of October.'

Rule 4. Alter to read, 'The annual subscription shall be determined by the members in annual general meeting as prescribed in these rules.'

Rule 5. Delete 'at the address of the Public Officer'.

Rule 7(2). Between 'cause to' and 'served', insert 'be'.

Rule 7(3). Alter '21 days' to 'twenty-eight days'.

Rule 8(4). Add clauses, '(c) to consider the appointment of an auditor of the financial accounts of the Association; (d) to receive and accept or reject any recommendation from the Committee varying the amount of the annual subscription; (e) to consider, at the discretion of the Chairman, other matters raised at the general meeting.'

Rule 8(5). Alter '1 days' to 'twenty-eight days'; after 'meeting', delete 'or by the 30 September, whichever is the later'; delete second sentence.

Rule 9(2). Alter to read, 'On the requisition in writing of not fewer than twenty-five members or one-sixth of the membership, whichever is the less, the Committee shall convene a special general meeting of the Association.'

Rule 19(1). Alter to read, 'A Committee of Management composed as prescribed in Rules 21 and 22 shall manage the affairs of the Association.'

Rule 20(2, 3 & 4). Delete.

Rule 21(1). Add item, '(c) up to two co-opted members appointed by resolution of the Committee.'

Rule 21(2). Alter 'Each ordinary member' to 'Each member'; before 'the annual general meeting' insert 'the conclusion of'.

Rule 21(3). Alter 'an ordinary member' to 'any member'.

Rule 21(4). Delete.

Rule 30(2). Delete.

Rule 31(1). Alter 'notice of any proposed amendments are' to 'notice of all proposed amendments is'.

Rule 31(2). Alter 'a resolution may be passed' to 'a motion to alter these rules or statement of purposes shall be passed'.

Rule 31(3). Delete.

NEW RULE 8 to be inserted as follows; old Rules 8 to 33 to be **renumbered** sequentially.

DISPUTES AND MEDIATION

8.
 - (1) The grievance procedure set out in this rule applies to disputes under these Rules between a member and another member; or a member and the Association.
 - (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen days after the dispute comes to the attention of all of the parties.
 - (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within ten days, hold a meeting in the presence of a mediator.
 - (4) The mediator must be
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement,
 - (i) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
 - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
 - (5) A member of the Association can be a mediator.
 - (6) The mediator cannot be a member who is a party to the dispute.
 - (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
 - (8) The mediator, in conducting the mediation, must
 - (a) give the parties to the mediation process every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
 - (9) The mediator must not determine the dispute.
 - (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

Explanatory Memorandum

The Committee recommends that the Rules be changed, as above, to enable improved management of the Society. The objects of the important changes are

- to incorporate provision for resolving disputes, as required by Registrar,
- to empower the Committee to co-opt members and
- to determine subscription rates by ordinary resolution of the annual general meeting of members.

Other proposed changes are less significant; superfluous provisions of the old rules are deleted, and minor errors are corrected. Further details follow.

- **Dispute Resolution.** The new Rule 8 is copied directly from the model rules.
- **Committee of Management.** Any casual vacancy may be filled by resolution of Committee. The nine members elected or appointed to fill a vacancy may be augmented by co-opting up to two other members of Society. Delete unnecessary provisions for election, term and casual vacancy of officers (i.e., president, vice-president, treasurer and secretary); for invited observers, and for each branch to elect a representative to Committee. Each member of Committee holds office until the conclusion of the next occurring annual general meeting (in November).
- **Annual General Meeting.** Expand ordinary business to include appointment of auditor; setting annual subscriptions; at the chair's discretion, other matters raised at the meeting. Allow special business on 28 days' notice.
- **Membership etc.** Financial year begins on 1 October (when annual subscriptions are due). The register of members is accessible to members on application to the Committee. If a member appeals against expulsion from the Society, a special general meeting shall be convened within 28 days. Clarify members' requisition of special general meeting.
- **Constitutional Amendment.** Delete unnecessary provision for rule interpretation.

By order of the Committee,

Mary Bergin, *Secretary.*

Ph. (03) 9852 1023, E-mail mlberg@optusnet.com.au.

Moral attitudes and ethics

The passage below comes from a recent book by UK philosopher, A. C. Grayling, in which he argues the humanist case for a good life that is both ethically responsible and pleasurable.

Questions about ethics, therefore, as against those having to do with more narrowly conceived morality, are questions about intelligent human flourishing – which is to say: human well-being and well-doing. They therefore seek answers not only to questions about what sort of people we should be, but about what sort of society we should have – so that the best we can aspire to be can have the best environment to

thrive in. Thus ethics and politics, as Aristotle saw, are continuous.

Grasping the distinction between morality and ethics is important because it helps us to promote the latter. Morality is about what is allowed and forbidden in particular realms of behaviour; ethics is about the character of one's personality and life, and what flows from both in the way of choices, relationships and action. Therefore the groundwork of ethics is not rules and codes, admonitions and sanctions, as in morality, but an education of character whose primary target is the inculcation of thoughtfulness, insight, taste, and tolerance. The admittedly utopian conviction thus embodied is that from success in such an enterprise ethical society will grow; and in such a society the permissions and prohibitions with which morality concerns itself will be unnecessary because already compromised in the mutual respect and tolerance constituting the relationships among its members.

I turn to these larger considerations later. The best way of showing why they are worth promoting is to work through the main moral (in the narrow sense) debates that bedevil Western societies. Discussing them shows that the moral problems we think we face change character when viewed from what in the end is seen as an ethical perspective. □



Friends of the ABC need support

The survival of the ABC as an independent public broadcaster that can report without fear or favour is crucial for Australian culture, the integrity of information the general community receives, the platform for public debate the ABC provides, and its scrutiny of governments and other powerful bodies.

Yet the ABC's healthy future is far from secure. And if Friends of the ABC does not receive more support, it will not have sufficient resources to continue its work to maintain the ABC as an independent broadcaster.

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Membership: Single member \$30 | Concession/Low Income \$15 | Households & Organisations \$50

To join HSV

Contact the Membership Secretary, Marie Hodgens, E-mail hmhodge@netspace.net.au, www.victorianhumanist.com

Tel. (03) 9833 4732 or write to HSV, GPO Box 1555, Melbourne Vic 3001.

As only half of HSV financial year is left, pay only half of yearly fee.

Annual fee individual \$30 [conc. \$20], Couple \$35, [conc. \$25] Ass member [publications only \$20]

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Despite the somewhat craven way in which most Australians complete their census forms, in truth we live in a society that is overwhelmingly secular and humanistic in its values while still retaining some vestigial nostalgia for its religious cultural traditions. At a funeral there is an all-pervading sense of sadness and loss; exhortations by the presiding clergy that we should rejoice that the departed has gone to heaven seem to have little emotional resonance.

Richard Walsh, 'Introduction', *Great Australian Eulogies*, (edited by R. Walsh, Allen & Unwin, 2008)