



NT Voluntary Euthanasia Society Inc

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Newsletter

September 2004

DRAFT FEDERAL LEGISLATION OUTLAWS SUICIDE INFORMATION

Earlier this year, Senator Chris Ellison, Minister for Justice and Customs, introduced draft legislation designed to prevent the distribution of child pornography via the Internet (Crimes Legislation Amendment {Telecommunications Offences and Other Measures} Bill 2004). Attached to this legislation was a section on suicide promotion material. In August, the suicide section was removed and placed in a separate bill, the Criminal Code Amendment (Suicide Related Material Offences) Bill 2004.

The new subsections of the Criminal Code are:

474.29A Using a carriage service for suicide related material

Briefly, under this subsection, a person is guilty of an offence if the person uses a carriage service to access material, transmit material, publish or distribute material that directly or indirectly counsels or incites suicide and the person intends to use that material to counsel or incite suicide.

474.29B Possessing, controlling, producing, supplying or obtaining suicide related material for use through a carriage service

Under this subsection, a person is guilty of an offence if the person has possession or control of material, or they produce, supply or obtain 'suicide promotion material' with the intention that the material be used personally or by another in committing an offence against section 474.29A above.

Philip Nitschke, Director of *Exit*, acknowledges that this bill is specifically directed at the activities of *Exit*. In the *Deliverance* newsletter he states "If passed, this legislation will have the effect of severely restricting many *Exit* programs, including the Constructional Workshops and will effectively force us to relocate these services offshore." And he says "Under the legislation every supporter of Voluntary Euthanasia is at risk."

VES Victoria thinks Dr Nitschke's statement about the risk is a gross exaggeration. They see no real problem with the proposed legislation. In their May newsletter they say "VESV does not at any time display specific advice re suicide. We do argue for the legalisation of medically assisted dying, which includes terminally and hopelessly ill people taking their own lives with medical assistance. This is a very different matter."

VES New South Wales sent the following submission to the Senate Legal Committee responsible for the inquiry into the proposed amendments:

"The aim of the Voluntary Euthanasia Society of NSW is to promote legislation which, with the proper safeguards, entitles any person suffering severe pain or distress, with no reasonable prospect of recovery, to a painless, medically assisted and dignified death in accordance with his or her expressed direction. Over decades our society has shown itself to be an example of responsible and informed debate on this increasingly important issue for the Australian community.

We believe that an informed debate about suicide results in harm minimisation. A person aware of all their options will often extend their life by not acting prematurely. Unsuccessful suicide attempts often lead to unintended physical or mental harm. In a democracy, censorship of the free distribution of information restricts rational debate.

We respectfully ask that members of the committee satisfy themselves that the Criminal Code Amendment (Suicide Related Material Offences) Bill 2004 does not prevent (intentionally or otherwise) the ongoing debate.”

Frances Coombe, President of South Australian VES sent a similar submission expressing concern about certain points including the following:

“If a person uses a carriage service for suicide related material that “counsels or incites suicide”, the person is to be guilty of an offence. This phrase is ambiguous and could be taken to mean “counselling” which is a legitimate activity of voluntary euthanasia societies and of EXIT International. Competent adults have a right to end their own lives. It is most important that those who see this as a possibility should have access to counsel to ensure that they do not act irrationally or by inappropriate means. Counselling can lead to a change of mind or at least prevention of a disastrous attempt at self-deliverance. I strongly recommend that the phrase be changed to “promotes or incites suicide”. This would capture the Internet chat rooms for example that have been known to intentionally promote and incite people to suicide, devoid of compassion and without regard for rational thinking. I have a concern with the term “directly or indirectly”. The provision of information by EXIT International workshops or by voluntary euthanasia societies is clearly not intended to promote suicide, or incite people to commit it. It can and has had the reverse effect. It would be regrettable for this useful service to be hampered by allegations that indirect effects were intended.”

Western Australia VES sent a more strongly worded submission, starting with:

“Western Australia Voluntary Euthanasia Society objects to the proposed Criminal Code Amendment (Suicide Related Material Offences) Bill 2004 and submits that it is undemocratic, unethical, inhumane, unfeeling and shows an alarming ideological bent of mind.”

They point out that suicide is no longer a criminal offence and that those contemplating suicide need help and sympathy, require information and advice, not condemnation and contempt.

They conclude with:

“We do not have to point out that this bill will be an attack on free expression, freedom of information and will be tantamount to censorship. Is that what Parliament has in mind? The Minister has assured us that the Bill will in no way affect the debate on law reform regarding voluntary euthanasia. This is indeed reassuring, but will the Parliament also assure us on any unintended consequences of this legislation? We do not know how this legislation will be used by an unsympathetic authority to stifle debate and discussion. We are concerned that this legislation will affect our ability to communicate, advise, discuss and generally have a meaningful debate on the subject of legalisation of voluntary euthanasia. We submit that this Bill has been the result of wilful ignorance and has been put up as an act of deliberate cruelty. It is dogmatic fundamentalism at its worst. It should be nipped in the bud before it creates more mischief.”

The full text of all submissions to the Senate committee may be found at:

http://www.aph.gov.au/senate/committee/legcon_ctte/suicide/submissions/sublist.htm

LATE BREAKING NEWS: The calling of the Federal Election for October 9 means this proposed legislation lapses and will need to be reintroduced after the election. If there is a change in Federal Government, this may never happen.

NTVES ANNUAL GENERAL MEETING

The NTVES AGM was held on 16 August 2004 and the following office bearers were elected unopposed:

<i>President</i>	J Dent
<i>Vice-President</i>	V Czernezkyj
<i>Secretary</i>	Y McNeil
<i>Treasurer</i>	S McKerrow
<i>Public Officer</i>	S McKerrow

FROM THE PRESIDENT'S REPORT

Democrats Senator Lyn Alison has introduced a Private Member's Bill to repeal the Euthanasia Laws Act 1997 (commonly referred to as the Kevin Andrews' Bill). Passage of her bill would restore the Rights of the Terminally Ill Act 1995 here in the NT. Judy Dent wrote to Senator Allison praising her efforts but neither of them expects her bill to be passed. However, its introduction does keep the euthanasia debate going.

Mission Australia is running a Federally- funded Work for the Dole project preparing web pages for non-profit community organizations. NTVES is hoping to have a web page constructed under this scheme.

The NT Government has amended the legislation covering *Associations*. Judy Dent attended three different training sessions to understand how the new rules affect NTVES.

Senator Chris Ellison has introduced amendments to the Criminal Code – see story on first page.

Judy will be attending the World Federation of Right to Die Societies Conference in Tokyo at the end of September. The theme of the conference is "Living Wills".

AROUND AUSTRALIA

QUEENSLAND

Police Commissioner Bob Atkinson announced that no charges would be brought against the 21 witnesses to Nancy Crick's death in May 2002. He said there was insufficient evidence to charge anyone in relation to her death. He told journalists "Being present when someone takes their own life does not in itself constitute an offence."

The Sunshine Coast Branch of VESQ is holding a Bob Dent Memorial Meeting on the eighth anniversary of his death under the Northern Territory's Rights of the Terminally Ill Act. Bob was the first of four who were able to use the Act before it was overturned by Kevin Andrews' private member's bill (The Euthanasia Laws Bill) in March 1997. Special guests at the meeting will be Marshall Perron, Philip Nitschke and Judy Dent.

SOUTH AUSTRALIA

The Dignity in Dying Bill introduced in SA Parliament by Australian Democrats leader Sandra Kanck has been defeated 13 votes to 8. The local society SAVES sent out a media release saying:

“The *Dignity in Dying* Bill has been railroaded and rejected by the Legislative Council. The majority of members are shamefully neglecting their duty, as lawmakers, to balance the harm and the good of this bill and provide the citizens with actual evidence of any perceived harm. Once again this has not been done. It is an irrefutable fact that some doctors are breaking the law, assisting their suffering patients to die by acceding to requests for voluntary euthanasia and by giving large doses of medication with the explicit intention of ending the patients’ lives. It is outrageous that doctors are being forced to become criminals – risking their personal and professional lives by responding compassionately to their patients’ intolerable suffering. It is outrageous that suffering continues to be forced upon those with a hopeless illness for whom even the best of medical care does not provide relief. The *Dignity in Dying* Bill would have given compassion, control, honesty, transparency, regulation, accountability. The present law against choice provides none of this. The present law is both cruel and dangerously inadequate.

AROUND THE WORLD

NEW ZEALAND

Jailed euthanasia campaigner Lesley Martin has failed in her second bid for home detention. The Parole Board rejected her request in July saying she posed a risk to the community because she was in a position of influence. In rejecting her second request in August, they said her undertaking not to engage in public or media activity until her sentence was up minimised its concern about risk. However, the nature of Martin’s offending and her inability to “unequivocally acknowledge the impropriety of her offending “ made her an unsuitable candidate for home detention.

OREGON

The 9th US Circuit Court of Appeals has upheld the appeal of Oregon to prevent the US Attorney-General prosecuting doctors who assisted patients to die. Thus the Oregon law stands firm.

GERMANY

Germany’s Justice Minister intends to legislate for ‘living wills’ to make it easier for terminally ill patients to refuse life-extending treatments.

BELGIUM

Official statistics show 259 cases of voluntary euthanasia in Belgium in the 15 months since its legalisation. Medical experts agree that the figures show the law had been a success. The incidence of voluntary euthanasia had not increased with the passage of the legislation.

