



# NT Voluntary Euthanasia Society Inc

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## 10<sup>th</sup> Anniversary to Culminate in National Day of Shame

The next twelve months mark the 10<sup>th</sup> anniversary of the rise and fall of Marshall Perron's voluntary euthanasia law, the first in the world. The Rights of the Terminally Ill Act (ROTI) became law in the Northern Territory on 1 July 1996 and was used for the first time on 22 September 1996. Four of Dr Philip Nitschke's patients were able to choose their time of dying before ROTI was overturned by Federal Parliament on 26 March 1997.

To commemorate this 10<sup>th</sup> anniversary year, Exit is planning a rolling campaign aimed at raising public awareness of voluntary euthanasia and the role of the Federal Parliament in ROTI's demise. The injustice done to the people of the Northern Territory needs to be remembered.

Exit is planning an event for 1 July 2006 (Enactment Day) in Darwin (details to be released later). On 22 September 2006, Bob Dent Day, Exit will host a one day "Remembering ROTI Conference" in Sydney at the Dougherty Centre in Chatswood. The conference, open to the public, will focus on VE law (past, present and future) and speakers will include politicians as well as VE activists. A major part of this conference will be the distribution of Condolence Books to the representatives of Australian VE societies. Supporters will sign the books, requesting that the Andrews bill be rescinded and ROTI reinstated.

The major event planned by Exit to mark this 10<sup>th</sup> anniversary is a "National Day of Shame" to take place in Canberra on 26 March 2007. On 26 March 1997, the Governor-General signed into law Kevin Andrews' private member's bill to overturn ROTI. Please set aside the weekend of 24-25 March and assemble in Canberra with Exit. One of the feature events of the National Day of Shame will be the presentation to Parliament of the Condolence Books filled with signatures from all over the nation.

### 'SUICIDE LAW' IN EFFECT

The Criminal Code Amendment (Suicide Related Material Offences Act) 2005 came into effect on the 6<sup>th</sup> of January 2006. It is now a crime to use a 'carriage service' (email, internet, fax and telephone) to access, transmit, make available, publish or distribute information or material that directly or indirectly counsels or incites committing or attempting to commit suicide.

The Act does state that a person is not guilty of an offence when using a carriage service for 'engaging in public discussion or debate about euthanasia or suicide ; or to advocate reform of the law relating to euthanasia or suicide'. However, it should be noted that terminology in the Act such as the words 'counsel' and 'incite' can be interpreted broadly. A full transcript of the Act is available at:

<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>

The Act is number 92 from the 2005 list.

On 5 January 2006, the Sydney Morning Herald printed the following letter from Marshall Perron

#### FREEDOM OF SPEECH IS DEAD WHERE EUTHANASIA IS CONCERNED

Tomorrow, those with terminal illnesses will be restricted in discussing the end of their lives. Australians have a long history of open ideas and frank discussion, both within and between governments but also in the community, despite having no constitutional right to free speech.

Yet the new Criminal Code Amendment (Suicide Related Material Offences) Act, which becomes law tomorrow, is set to change the cultural landscape by prohibiting free and open dialogue between Australians in a fundamental way.

The law will make it a crime to use a telephone, fax, email or the internet to discuss the practicalities of end-of-life options.

Passed by Federal Parliament in July with the support of the Labor Party (with the Greens and the Democrats voting against it), this law is a blow to the rights of the terminally ill and to the many elderly people who support voluntary euthanasia.

The act will exacerbate the concern of the elderly and the terminally ill about control over their lives, and deaths. It is only through knowing what lies ahead and what the options are that they can get on with living the here and now.

Since Kevin Andrews' private member's bill overturned the Rights of the Terminally Ill Act of the Northern Territory in 1997, Australia has gone backwards where it comes to basic human rights about the end of life.

Ten years ago Australia led the world in progressive but careful and well-considered legislation on voluntary euthanasia, yet it would seem that today we lead the world in something quite different.

My interest in and commitment to voluntary euthanasia comes from the belief that it is the fundamental right of every competent adult to have control over when and how we die.

Terminal illness comes in many forms and rarely is it pleasant. A decision that death is preferable to the life one lives, or faces, is one only the individual can make. If you have no overbearing religious belief which tells you that suicide is sinful, then it is to everyone's own conscience whether to make this most important of all decisions. However, there is more to my support for people's right to choose than the pain and suffering that comes with serious illness. My experience with Dr Philip Nitschke during the time of the Rights of the Terminally Ill Act and since has maintained my understanding of the upside of choice.

Once the elderly and the sick have options, they stop worrying. They stop being engulfed by an anxiety of an awful, undignified death which might, given age and illness, be round the next corner. As a 90-year old told me: "I do not fear death, I fear the way death will come."

It was no surprise to me, therefore, that of 1100 elderly people surveyed recently by Exit International, well over 80% reported feeling less worried about the future once their end-of-life choices had been explained.

And this is why this new law is so dastardly. Information is about providing choice. Information is not about encouraging rational people to suicide any more than family planning information is an incitement to teenagers to have sex outside of marriage.

In both cases, the intention of the targeted provision of information is to allow people the ability to make fully informed, rational decisions about important life (and death) issues. Ignorance is not bliss. And people are not stupid. This is a point that the politicians who voted for this new law seem to have missed.

Ministerial comment since the bill was introduced suggests that this is the Government's well-intended attempt to protect Australian teenagers from the suicide chat rooms of the online world. This objective is noble. But given that almost all teenage suicide websites are hosted outside Australia, the efficacy of abolishing a genre of internet use which was never widespread must be questioned. Ironically, this law leaves those who have nothing but evil and harmful intentions towards our children untouched and undeterred.

As a former politician, I know the trade-offs that it takes to make a good idea into law. On the flip side, I am also aware of the dangers of bad laws and the damage that can be done through unintended consequences. The Suicide Related Materials Offences Act is modern-day book-burning, yet history tells us that book-burning is the act of the ignorant.

The leading method of suicide of the over-70s is hanging. The proportion of these people who take their own lives due to illness and old age is unknown. What is clear, however, is that with access to information and assistance, this rate would almost certainly fall. Who then would not be better off? I ask you.

*Marshall Perron was Chief Minister of the Northern Territory 1988-95 and was the architect of the world's first voluntary euthanasia law.*

The following was sent out in March by Dying with Dignity Victoria, previously called the Voluntary Euthanasia Society of Victoria.

### **MEDIA RELEASE : 'Dying with Dignity' Law Reform Works!**

The lack of Australian law reform for terminally ill people's right to die with dignity has terrible effects for sufferers. Intolerable suffering -despite the best palliation- leads many to take their lives in an undignified and often violent manner. Hanging, a car crash, jumping in front of a train, attempted drug overdoses, car exhaust gassing and other methods are all used. They show the level of desperation that can be experienced in late illness.

In contrast, the **recently released *eighth* annual report on the Oregon (USA) Dying with Dignity law shows how compassionate law reform can help sufferers without placing the wider community at risk.** The 1997 Oregon law allows a

rational, terminally ill person to request a prescription to end their own life. They can use it at a time of their choice when suffering becomes intolerable. The law recently withstood a challenge in the US Supreme Court and is still in effect.

The most recent annual report clearly shows that the law is working very well and has not been abused. There has been no avalanche of assisted deaths during the law's eight years as predicted by some. In 2005, 38 Oregonians used their prescriptions. The average age was 70 and 84% of them had cancer. A further 15 who obtained a prescription died of their illness without taking the drug. Having control over the end of their lives proved to be sufficient palliation. Control makes a powerful difference to the suffering experienced by many terminally ill people by relieving anxiety about how much more they may have to suffer. Victorians Steve Guest and Pamela Bone are two of many sufferers to have made this abundantly clear.

The report confirms another year of a compassionate and effective law in action. Dying With Dignity Victoria (DWDV) proposes a similar law for Victorians. The proposal is documented in DWDV's Legislative Charter, which was **sent to all members of the Victorian Parliament this month**. The Charter, along with recordings of Steve Guest and Pamela Bone's views are available from DWDV's website at [www.dwdvictoria.org.au](http://www.dwdvictoria.org.au)

**The overwhelming majority of Australians believe in the right of the terminally ill to seek and obtain medical assistance to end their life with dignity.**

### **World Federation Conference 2006**

The 2006 Conference of the World Federation of Right to Die Societies will be held at the Sheraton Centre in Toronto Canada from 7 to 10 September, hosted by Canada Death with Dignity. See the website [www.worldrtd.net](http://www.worldrtd.net)

### **PRELIMINARY NOTICE**

NTVES AGM is to be held on Saturday 5 August 2006. Please mark this date in your diary now.

Further details about the AGM and Exit's event in Darwin on 1 July 2006 will be sent out to members in June.