

Senator Anne McEwen  
Chair  
Environment, Communications and Arts Legislation Committee  
Australian Senate  
Parliament of Australia  
Canberra ACT 2600

3 June 2010

Dear Senator McEwen,

I am writing to request a Citizen's Right of Reply in regard to comments made by Senator Stephen Conroy to the above Committee on Monday 24 May 2010.

The comments I wish a right of reply are:

Senator Conroy—The euthanasia debate is interesting because Philip Nitschke's book, *The Peaceful Pill Handbook*, promotes a veterinary drug called Nembutal as the peaceful pill and Nitschke helps people obtain the illegal barbiturate from Mexico.

A recent report by the Victorian Institute of Forensic Medicine found that six people in their 20s and eight in their 30s have died from an overdose of this particular drug. In only 11 out of 38 cases has a deceased suffered significant physical illness, deteriorating health or chronic pain. In 27 cases there was no reference to these factors, prompting some to speculate that these people had committed suicide because of psychological or psychiatric reasons.

Philip Nitschke's response to young people and those with mental illness accessing suicide instructions was that—and I quote: There will be some casualties—but this has to be balanced with the growing pool of older people who feel immense wellbeing from having access to this information.

The Rudd government does not agree that some casualties by way of the suicide of vulnerable people is an acceptable balance. It should be noted that it is currently illegal to use a telephone, fax, email or the internet to discuss or research assisted suicide ..."

What Senator Conroy omitted to include was the response from the Director of the Victorian Institute of Forensic Medicine, Professor Joan Ozanne-Smith to *The Age* newspaper's reporting of the findings. Professor Ozanne-Smith's reply was published in *The Age* on 23 February 2010. The reply places the report's findings in context.

She writes:

"It is incorrect to assume that only 11 of the 38 deaths with a completed coronial investigation involved a person who had a significant physical illness, deteriorating health problem or chronic pain. The report states that in only 11 cases could this fact be verified.

With much of the coverage of the NCIS report focusing on the deaths of young people, it is important to note that subsequent analysis of the data shows at least nine of the 14 individuals aged under 40 who died from pentobarbitone toxicity worked in a veterinary or animal laboratory environment - a detail not in the original report. Thus, these people may have had knowledge of the drug and/or access to it from their work experience or workplace.

We do not think the data supports the view that younger people are generally accessing Nembutal/pentobarbitone via euthanasia information, or that only 11 of the individuals who died from pentobarbitone toxicity had a physical illness or chronic pain."

In light of the explanation of Professor Ozanne-Smith, I believe that the results of the report in such a way by Senator Conroy, the result of which has caused damaged to my reputation.

I would ask that this matter be investigated at the Committee's earliest opportunity and for a reply by myself to be included in Hansard for the Committee and published on the Committee's website.

Yours sincerely,

Dr Philip Nitschke, MBBS, PhD