

SUBMISSION: Inquiry into the provisions of the Criminal Code Amendment (Suicide Related Material Offences) Bill 2004.

Mr Slipper's Speech

Before setting out our argument against the above bill, we would like to question the validity of certain assumptions made in Mr Slipper's second reading speech. He claimed that there are "a range of easily accessible Internet sites/chat rooms that provide explicit instructions on methods of committing suicide and ..... sometimes contain actual discussions where one person or even a group of persons urge another to commit suicide."

We followed Mr Slipper's recommendation and looked up "suicide - means of", but didn't have the patience to wade through all the sites that argued against suicide, had plans to prevent suicide, theologically abominated suicide, etcetera. We could find not a solitary site that urged suicide or revealed a tinge of "destructive intent". "Easily accessible" ? Not to us. Perhaps the promoters of the Bill have the gift of making the inaccessible accessible. They should at least be obliged to name and document the sites they have in mind, so that the Committee of Inquiry can assess the veracity of their claims.

Mr Slipper goes on: "Studies have shown that in some cases such .....discussions have led to a person attempting suicide....." What studies ? What cases ? Where's the evidence ? If the statement is true, what does "have led to" mean ? Is there a causal, or only a chronological, connexion ?

Mr Slipper implies by the term "vulnerable" ("encourages vulnerable individuals to take their own lives"; "protect our most vulnerable") that a prerequisite of suicide is vulnerability. As any study of recent publicized suicides will show, the predominant spirit of those facing death is a steadfast determination to maintain their autonomy and free choice. Their strength, not vulnerability, is the striking factor. (The cases of Nancy Crick and Lisette Nigot spring to mind.)

Finally, the linking of the suicide clauses with paedophilia suggests an ulterior motive. It is a fairly obvious means of inducing vulnerable parliamentarians to pass the suicide provisions lest they be tarred with the porno brush. If the Committee makes no other recommendations, we would urge it to split the bill. Paedophilia and suicide should be considered separately; they have no relevance to each other.

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AGING

The aging of the Australian population has, among numerous consequences, an increasing number of people facing the physical and mental deterioration that precedes death. Medical advances have prolonged individual lives to the limits of their genetic capacity. Pain reduction in age degeneration, on the other hand, has not advanced much. Morphine still is, as it was a century ago, the main painkiller, with unpleasant side-effects. Other symptoms of deterioration - physical weakness, incontinence, breathlessness, nausea - are frequently uncontrollable. Relief from suffering may finally come only from complete sedation and an unconscious descent into death - a process sometimes described as 'slow euthanasia'.

A growing number of people are unwilling to accept a death preceded by physical and mental dissolution. They wish to control their dying. They observe that in a free society they are expected to make their own responsible

decisions about every important personal event in their lives, yet in the last event of all - their dying - decisionmaking is denied them.

#### LAW REFORM

During the thirty years that voluntary euthanasia societies in Australia have lobbied for the legal right of the incurably ill and suffering to have their lives ended, public attitudes have backed the move, with 75% of Australians whenever polled in recent years approving of legalizing, with adequate safeguards, voluntary euthanasia or physician-assisted suicide in such cases. Governments have just as consistently thwarted the will of the majority of their electors. The exception was the Northern Territory Bill, and for its pains the NT electorate was disfranchised on the matter by the Federal Government.

#### THE LAW NOW

The failure of governments to enact the will of the people along the lines of civilized communities such as the Netherlands, Belgium, Switzerland and Oregon has therefore thrown back the responsibility for controlling their dying upon those who insist on exercising their autonomy.

Being mature and rational people they prefer to die by civilized and non-violent means, preferably in the bosom of family and friends. This latter desire has till now been thwarted by the law on aiding suicide, which has meant suicide had to be a lonely act lest family be implicated. In the Nancy Crick case, however, the Queensland Police Commissioner asserted that the mere presence in the company of a person suiciding does not constitute aiding, etc. This may, nevertheless, still be tested in court.

To find means of achieving one's own death flawlessly, painlessly and with dignity requires knowledge, and this knowledge can come from communication with others of like mind.

#### CENSORSHIP

The purpose of the Criminal Code Amendment Bill is to censor personal communication.

Suicide is not a criminal offence, and physical intervention to prevent a suicide may arguably be, under common law, an assault. This Bill is certainly an assault upon the right of association between people sharing similar interests.

We can see no evidence that knowledge about civilized means of suicide is available on the net or, if it is, that it is available to all and sundry (the 'vulnerable'), or that any "destructive intent" is discernible, as Mr Slipper claims. An exchange of knowledge may have no 'intent' other than to share facts among those who want them. Mr Slipper's negative assertions may be merely furphies to attack the innocent research of rational people intent on conducting their lives according to their own lights.

And if the availability of explicitly described causes of death is such a threat to the "vulnerable", why bother with the net? Television provides enough explicit details of mayhem, rapine and murder to inflame the most psychotic.

Moreover, if the 'vulnerable' are to be protected from causes of death, should we not clear the hardware shelves of rope, knives and Ratsac?

Censorship is frequently argued on the specious grounds of protecting the vulnerable. The real reason for this Criminal Code Amendment may go back to the disfranchisement of the NT voters over their physician-assisted suicide bill. The zealots who organized that coup against democracy will not be satisfied until the proponents of 'good dying' are silenced.

The Crimes Act provides adequate provisions against aiding and abetting suicide. This Bill is redundant and offensive.

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