

Submission on Criminal Code Amendment (Suicide Related Material Offences)
Bill 2005 prepared by Richard Egan for the Coalition for the Defence of Human Life
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The Coalition for the Defence of Human Life strongly supports this Bill because we believe it addresses in a useful way the threat to innocent and vulnerable people posed by material that counsels or incites suicide or promotes or instructs in methods of suicide.

We have some proposals to further strengthen the Bill.

1. Advertising for sale or supply devices designed or customised to be used by a person to commit suicide.

It is unclear whether this activity would be covered by the existing provisions of the Bill if the advertising does not directly or indirectly counsel or incite suicide or promote or provide instruction on a particular method of suicide. Perhaps this could be clarified by adding as subsection (2) (d) to Section 474.29A the following:

Material which advertises for sale or supply a device or substance designed or customised to be used by a person to commit suicide is material which promotes a particular method of committing suicide.

2. Advertising meetings at which instruction in methods of suicide will be given.

It is unclear whether this activity would be covered by the existing provisions of the Bill if the advertising for the meeting does not directly or indirectly counsel or incite suicide or promote or provide instruction on a particular method of suicide. Perhaps this could be clarified by adding as subsection (2) (e) to Section 474.29A the following:

Material which advertises a meeting at which instruction in one or more particular methods of suicide will be given is material which promotes a particular method of committing suicide.

3. Penalties

There ought to be a stiffer penalty for cases in which a person actually commits suicide or attempts to commit suicide as a result of the activities of other persons which are offences under this Bill. The following new Section 474.29C should be added. The penalty is consistent with penalties under State laws for aiding or inciting a person to commit suicide.

474.29C Using a carriage service to induce a person to commit suicide or attempt to commit suicide

(1) A person is guilty of an offence if, as a result of any of offence in Sections 474.29A or 474.29B committed by that person, another person commits suicide or attempts to commit suicide.

Penalty: Imprisonment for 10 years

4. Internet Service Providers

As explained in the Second Reading speeches on this Bill it will not penalise ISPs for transmitting the relevant material because the necessary intent will be lacking.

Unfortunately this means that the Bill will fail to adequately deal with suicide promotion and instruction material transmitted from websites, chat groups, etc. located overseas.

There needs to be a provision in the Bill that requires ISPs to block access by any of their subscribers to any URL of a website, etc. that contains or regularly features suicide promotion material.

The following new Section 474.29D should be added:

Section 474.29D Internet Service Providers and Internet Content Hosts liable in certain circumstances

(1) A person commits an offence if:

- (a) the person is responsible for an Internet Service Provider or Internet Content Host; and*
- (b) the person has been informed that a particular URL contains material which*
 - (i) directly or indirectly counsels or incites suicide;*
 - (ii) promotes a particular method of committing suicide; or*
 - (iii) provides instruction on a particular method of committing suicide; and*
- (c) the person does not put in place reasonable measures to block access to that URL through the ISP or ICH for which the person is responsible.*

Penalty: 1,000 penalty units.

5. Public discussion or debate about euthanasia

We do not believe subsections (3) and (4) of 474.29A are necessary. The offences in subsections (1) and (2) can only be committed if the person has the necessary intention. Subsections (3) and (4) simply repeat that the offence is not committed without the necessary intention.

There have been proposals for a specific amendment to protect the implied constitutional right to political speech. This amendment should be opposed because it is unnecessary and could create uncertainty. No Commonwealth legislation can remove Constitutional protections. There is no need to single out discussion on euthanasia and suicide as requiring particular protection. To do so appears to give such speech a particular privilege. This Bill is very precise in its offences and clearly places no restriction on political communication regarding laws relating to euthanasia or suicide.

