

## **Submission to the Criminal Code Amendment (Suicide Related Material Offences) Bill 2005**

It is appropriate that the above bill is now separate from the Crimes Legislation Amendment (Telecommunications Offences and Other Measures Bill 2004).

The Explanatory Memorandum of this new proposed legislation states that use of a carriage service to advocate, discuss or debate law reform on euthanasia and/or suicide related issues is not to be an offence. This is sensible, acknowledging both the importance of debate to our democracy and the approximately 80% Australian support for assisted dying legislation.

However, I forward this submission to express deep concerns about points of the new proposed legislation.

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 read “promotes or incites suicide”. This would capture 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.

The bill also seeks to censor information on suicide related material. EXIT International provides a range of information, including that of palliative care. It does not promote a particular method of committing suicide or intend the material to be used by another person to commit suicide. People have a right to information. To censor information on suicide related material it would be necessary to also preclude a carriage service from being used for the producing of books about self deliverance. People have a right to choose their reading material. It is important to note that the increasing interest in such material is being driven directly by the lack of responsible legislation that would permit the option of a medically assisted death in face of intractable suffering.

The term “directly or indirectly” is also of concern. 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.

Our concerns over the possible adverse impact of the proposed legislation have not been alleviated by the two additional subsections 474.29A (3) and (4). Voluntary euthanasia societies, Exit International and indeed all people have a right to engage in not only public but also private discussion and debate in their advocating of law reform relating to euthanasia and suicide. This discussion could involve the provision of information about suicide methods without any intention to incite or promote suicide.

I strongly urge you to alter the bill’s terminology so that only those who intentionally incite or promote suicide are guilty of an offence.

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