

Australian Senate, Legal and Constitutional References Committee Legislation Committee

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

The Voluntary Euthanasia Society of Victoria, (VESV) wishes to make a submission to the Senate Legal and Constitutional Legislation Committee because it is concerned about the wording of the bill.

The definition of (474.12) of *suicide promotion material* (means material that, directly or indirectly),

- (a) promotes, counsels or incites suicide, or
- (b) provides instruction on how to commit suicide

It is this definition which particularly alarms the VESV. Whilst we do not encourage suicide we are a law reform organisation that seeks to allow, within a regulated medical framework, for responsible advice and assistance in dying for terminally ill patients, at their request.

In our endeavours to inform and influence opinion, both in general and within the political arena it is necessary to encourage debate about voluntary euthanasia which may well include arguments about the merits of allowing the self administration of lethal substances by a rational, terminally ill person in order to relieve their suffering.

It is noted that Mr. Slipper MHR in moving the bill says:-

‘Advocacy of, or debate about, law reform on voluntary euthanasia or suicide related issues that takes place on the Internet will in no way be affected by the proposed offences, because these types of communications would not carry the **requisite intention**. For the same reason, the offences are unlikely to capture material such as research papers dealing with suicide related issues or suicide prevention, or support material.

We feel that to prove that one did not have the requisite intention not to encourage suicide whilst at the same time one is discussing the possibility of medically assisted dying would be very difficult. We do not feel that the voluntary euthanasia societies should be inhibited in such a way. It cannot be too difficult to differentiate material which advocates suicide and that which discusses questions of physician assisted dying in the context of someone being in intolerable pain and not wishing to prolong their life, but to be assisted in their dying in a humane and dignified manner.

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