

INQUIRY INTO THE PROVISIONS OF THE CRIMINAL CODE AMENDMENT (SUICIDE RELATED MATERIAL OFFENCES) BILL 2004

Dear Senators,

Exit International has a number of serious concerns about the proposed legislation. These concerns fall into two main categories:

- a) that the legislation in its current form will adversely effect the health and well being of many elderly Australians
- b) that the legislation in its current form will exceed the authority and scope of the Parliament of Australia

EXIT International has been in existence since the loss of the worlds' first voluntary euthanasia legislation in the Northern Territory In 1997. Since this time our organisation has grown strongly and indicates a growing interest by the elderly in our society in establishing real end-of-life options irrespective of their access to voluntary euthanasia legislation.

The average age of our 3000 members is 75 years. Just over 5% of our members live overseas. Most of our members are well. Our Internal research shows that most join Exit to obtain specific information on practical end-of-life choices.

#### 1. A WELL INFORMED ELDERLY POPULATION MAKES FOR HEALTHY PEOPLE

Recent research, commissioned by Exit and carried out by Dr Fiona Stewart & Dr Wendy Gunthorp, (soon to be published in the medical literature) clearly establishes that access to accurate information on end-of-life options is important contributor to the individuals perception of their well being. Put simply once people know there options, they stop worrying and live longer. Well, healthy people is a goal of EXIT International.

To advance this goal, EXIT runs workshops in all Australian states and territories and in some overseas locations. These are consistently booked out ahead of time. To date over 2000 people have attended Exit workshops in Australian and New Zealand.

The operation of these workshops is made possible by extensive use of the Internet. Although there is no general publication of any Exit material, our members are contacted, venues organised and briefing materials made available to our members by way of the internet. Enactment of the proposed legislation will seriously restrict our ability to run these programs and as a consequence will directly and adversely effect the good health and well being of a growing number of the elderly who benefit from this program.

#### 2. EXCEEDING PARLIAMENT'S AUTHORITY

On the issue of exceeding the Parliament of Australia's authority, I would draw attention of the Senate to Part V the Constitution and the Legislative powers of the Parliament. This states that the power is given to Parliament "to make laws for the peace, order and good government of Australia".

The proposed CRIMINAL CODE AMENDMENT (SUICIDE RELATED MATERIAL OFFENCES) BILL 2004 goes much further than this, and in its current form will restrict and control the flow of information to many outside of the jurisdiction of the Commonwealth of Australia and will effect their lives and their well being.

For example, the provision of specific information by email to an elderly individual in New Zealand would be in breach of the proposed law. Such requests by email from overseas members of Exit are common. I have reproduced one such email request below:

Rosemary XXXX

At 01:18 PM 5/05/2004 +1200, you wrote:

I have had Multiple Sclerosis for 16 yrs, am now classed secondary progressive, and have the fear of losing my dignity and any quality of life, which I am faced with. I live in a Resthome in Oamaru at present where I see other MS sufferers bedridden, some being tube fed, unable to talk or swallow etc, totally incontinent, and I know I do not want to end up like that.

At some point I may want to end my life as peacefully as possible - and while I am still able to do it myself. Although this may be some years away, with this disease there is no reliable prognosis, so I feel I must be prepared now.

I am planning to shift back to my home town of Christchurch, where I might possibly be able to attend one of your workshops, if you're planning to have any more there?

I realise that the proposed law in Australia might soon prohibit your doing this by email or phone.

I am of course an Exit member.

Many other non-Australians will be will be directly effected by passage of this legislation.

### 3. REQUEST FOR THE OPPORTUNITY TO PRESENT IN PERSON TO THE LEGAL & CONSTITUTIONAL LEGISLATION COMMITTEE

I would ask for the opportunity to expand on these issues by addressing the Senate committee in person. I would also ask that I be given the opportunity to provide video information on the EXIT workshop program to better explain to the Senators the basis for my claim that passage of this legislation In Its current form will directly and adversely effect the health of many elderly Australians.

I am available to address the Committee and make such a presentation at short notice

A print form of this submission is available

Dr Philip Nitschke MBBS PhD  
Director, Exit International  
Darwin, 19 August 2004.