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Our Ref: **GAS:SRC:CRCC2004-001(711)**
 (PLEASE QUOTE OUR REFERENCE ON ALL CORRESPONDENCE)



19 August 2004

Mr Phillip Bailey
 Acting Secretary
 Australian Senate Legal and Constitutional
 Legislation Committee
 Parliament House
 CANBERRA ACT 2600

BY FAX: (02) 6277 5794

20 AUG 2004

Dear Mr Bailey

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

The Law Society's Criminal Law Committee is of the view that the *Criminal Code Amendment (Suicide Related Material Offences) Bill 2004* should be withdrawn from Parliament, on the bases that the legislation is unnecessary and places limitations on the personal freedom to seek information and discuss an important issue.

Offences relating to aiding or abetting, or inciting or counselling suicide already exist in each Australian jurisdiction. These existing offences can be committed using the internet. Having legislation that makes specific reference to offences perpetrated on the internet will not assist the policing of the offences, especially where content is posted overseas.

Accordingly, the *Suicide Related Material Offences* legislation is unnecessary.

Much of the information about suicide posted on the internet provides guidance to people seeking to be informed about voluntary euthanasia. The Society's Criminal Law Committee is particularly concerned about the potential for the legislation to limit free speech and political debate. The potential exists for the legislation to impact on the right to campaign for law reform relating to voluntary euthanasia. If it is determined that the legislation should proceed, this issue must be satisfactorily addressed. The Committee understands that the Labor Party proposes an amendment in this regard.

Finally, the Criminal Law Committee regards the focus of the Government about this issue is misdirected. The legislation will not operate to protect vulnerable people who are at risk of committing suicide. The major factor leading to suicide is despair, which can be triggered by tragedy such as personal despondency, loneliness, depression, mental illness, family breakdown or death of a loved one, poverty, unemployment, financial

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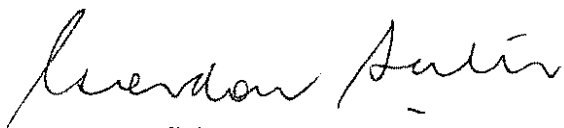
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ruin, substance abuse or the chronic pain of a terminal illness. People at risk, in particular young people, require far more pro-active measures to address the causes of suicide and to help them rebuild their lives.

Thank you for the opportunity to contribute to this inquiry.

Yours sincerely



Gordon Salier
President

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