

Submission to the Senate Legal and Constitutional Committee, re: provisions of the Criminal Code Amendment (Suicide Related Material Offences) Bill 2005

Having read through the proposed provisions of the bill and the amendments, on the face of the proposals the intent appears honourable, albeit seeming to be intentionally vague in terms of Subsection 474.29B providing that an offence is deemed to have occurred if a person is in possession or control of suicide related material, providing the intent to "*use the material concerned to counsel or incite suicide, or to promote or provide instruction on a method of committing suicide*" can be proven to exist. Otherwise the intents of Subsections 474.29A(1) and (2) apply with what appears to be complete disregard for the base assumption of innocence in the face of irrefutable proof to the contrary in relation to the INTENT of the supposed crime. I am not a qualified legal person, so I dare say my understanding may be faulted, however, I note the following from the explanatory memorandum:

"This is because no-one should have a defence available to them if they intend, in engaging in particular conduct, to, for example, incite a person to commit suicide"

My one question to that statement is quite simply, why should anyone be denied a legal defence simply on the basis of a piece of legislation? Every set of circumstances, every situation has a viable reason for existence which may or may not be accepted by a court of law and jury of peers as a suitable defence. Simply legislating that no defence is possible does not make it so.

To my mind this Bill seeks purely and simply to close loopholes in Criminal Law which currently permit the open discussion and promotion of Voluntary Euthanasia by the likes of Dr. Phillip Nitschke, and ability of persons to obtain for their own use, in their own time, at their own behest and expense, from reputable and responsible medically qualified persons the necessary information, counselling and means to effectively end their own existence as and when they see fit.

There are those who will promote this legislation on the grounds of increased teenage suicide statistics; however that is a weak and false premise upon which to base a case, especially when such statistics should rightly be addressed by greater collective societal involvement as opposed to legislative stop gaps such as this Bill. Just whose consciences are meant to be salvaged by this legislation escapes me. The time is long past when politicians with ideological and/or theological baggage should be promoting this kind of legislation. There are other ways and means to address these issues. Legislation outlawing the right of persons to seek their own exit from this life, with grace and dignity, will simply drive the proponents underground. The practice will not cease. It will simply become more difficult, for those who so desire, to achieve creating more pain and misery for those people, and ultimately placing a wholly unnecessary burden on the rest of society. Each and every human being has an undeniable right to decide what does and does not impact on their life, including the ending of it. This Bill effectively attempts to restrict that right, and in a democratic nation like Australia, such things must not be countenanced. The Bill should therefore be refused passage.

Neil D. Cook
ALEXANDRA HILLS QLD