

The Secretary,
Senate Legal and Constitutional Legislation Committee,
Parliament House,
Canberra, ACT 2600
LegCon.Sen@aph.gov.au

Dear Senators,

Submission into the provisions of the Criminal Code Amendment (Suicide Related Material Offences) Bill 2005 from the Australian Civil Liberties Union, PO Box 1137, Carlton, Vic. 3053.

Thank you for this opportunity to allow a submission on this Bill, the primary intent of which appears to be to make it a criminal offence to advocate suicide on the Internet.

To make it easier to assess my submission, I enclose a summary of some of the main points:

1. Suicide is not such a simple issue as one would expect. It expands into related areas, such as the suicide (or genocide) of the entire white race advocated in the anti-white race website <http://racetraitor.org/>; and into areas including euthanasia or physician-assisted suicide, in which there should be continued debate;
2. There are legal ramifications, too, in such issues as the current Terri Schiavo case in the United States, in which judges have allowed Terri Schiavo's life support system to be unplugged which, unless remedied, will lead to her death. There are signs of uproar in the United States about the legality and the morality of that, also raising the question to what extent the judges favour life over death. The legislators should consider what would happen if there is ever, in Australia, a "Schiavo case" in which judges have to decide to commit "judicial murder" (real or supposed) over this issue. But either way, a vigorous debate should be permitted as to the justice, legality or medical appropriateness of such action, as a sign of free speech in Australia.
3. These and other matters indicate that the Bill should recognise the complexities of the issues and allow some debate in cyberspace or elsewhere about the appropriateness of suicide, whether judicially or medically approved or not, and not seek to automatically suppress it. At the same time, it should aim to foster education designed to prevent suicide where possible, but it should be recognized that circumstances may arise that make the issue not so simple.

I go into more detail below:

If indeed, it is an offence to advocate suicide, how much more important it is to eliminate websites that go so far as to seek to take suicide to its ultimate and eliminate the suicide of the white race itself. This is the intent of the website <http://racetraitor.org/> which assures us that "The key to solving the social problems of our age is to abolish the white race" (no, Senators, I did not exaggerate) and though this is watered down by saying that they "really" mean to abolish the privileges of the white race, it is a matter for concern that they seem to allege that the white race are the only "racists" and if they ceased to exist, then "racism" would cease to exist, a position which is consistent with the hypocrisy of certain Australian Leftist groups who assert that the whites are the only "racists" and it is only a slight extension of this to claim that the abolition of the white race is the only "effective" remedy. By implication, they advocate the suicide of the white race itself, so such insane radicalism should also be a target of this legislation, when genocide is aimed at. So this website will, no doubt be closed down? And will those Leftists who seek to target the white race be prohibited from promoting such views? Or will the insanity continue?

Even if we confine our attentions to the immediate advocacy of suicide without advocacy of genocide, there are areas of greyness. One such area is mentioned in

<http://www.amsa.org/bio/pas.cfm> for physician assisted suicide, which debates the case for and against suicide. It mentions that certain physicians have, illegally, terminated peoples' lives which is, in effect, physician-induced murder, which even if agreed to by the patient, is a slight extension of suicide. It raises the issue of euthanasia. If a website advocates euthanasia, is it in breach of the law?

The above article raises the ethical issue about when medical care shades into medically endorsed suicide, which may or may not be judicially approved:

"They (doctors) do not disagree with the idea of comforting patients at the end of their death, but they do think sedating someone to death is ethically problematic. The claim is that terminal sedation is equivalent to a slow euthanasia. If one sedates someone to a deep sleep and then withdraws food and water, does this ethically follow the guidelines of right to refuse medical treatment? The physician is putting the patient in a position where artificial support can be legally removed. Dr. Orentlicher claims the court rejected the idea that terminal sedation "is covert physician-assisted suicide." He also claims that in rejecting a right to physician-assisted suicide they embraced a direct form of euthanasia, which can be easily abused.³¹ While terminal sedation can be abused and at best there is still debate on the permissibility of terminally sedating a patient and withdrawing life support, the courts have upheld a right to palliative care, as long as the primary purpose of the sedation is to relieve pain and not hasten death."

But this comes into sharper focus with the issue of "judicial murder" advanced now in the United States with the Schiavo case. This amounts to a kind of judicially approved "suicide". The item below is taken from "Time" magazine in the United States:

Posted Sunday, March 27, 2005 (from Time magazine)

"Pat Robertson called the removal of her (Schiavo's) feeding tube "judicial murder," and House majority leader Tom DeLay described it as an "act of medical terrorism."

"Representative Christopher Shays of Connecticut, one of only five House Republicans to vote against Congress's emergency legislation throwing the Terri Schiavo case into the federal courts, declared that "this Republican Party of Lincoln has become a party of theocracy." Operation Rescue founder Randall Terry, acting as spokesman for the parents of the severely brain damaged woman and making even his counterparts on the conservative right wince in embarrassment, inveighed in a mass e-mailing that Florida State Circuit Court Judge George Greer, who approved the request by Schiavo's husband to let her die, "has shown more courage in trying to kill Terri Schiavo than Governor [Jeb] Bush has shown in trying to save her." Just a few days before Easter, Brother Paul O'Donnell, a Franciscan monk and spiritual adviser to Robert and Mary Schindler, Schiavo's parents, said, "We pray that this modern-day crucifixion will not happen."

"With Schiavo's life hanging in the balance, and people on both sides of the case holding strong beliefs about her right to live or die, passions were understandably running high. But as the endless barrage of inflammatory rhetoric and sometimes blatant posturing continued, the Florida woman at the center of the bitterly fought case seemed to have become a sideshow. "This is not about Terri Schiavo," says George Annas, chairman of the health law department at Boston University School of Public Health. "I think this is about abortion and stem cells. Congress wants to say that we need pro-life judges because the judiciary is out of control and favors death over life." If that comment is true, it could happen also in Australia, and there should be free speech to act against "judicial murder".

Most Americans disapproved. ."

For more information, click on
<http://www.time.com/time/covers/1101050404/story.html>

To what extent does this judicial endorsement of murder constitute approval of suicide? What would happen if the Australian judiciary had to deal with a Schiavo case in Australia: would they be in breach of the law if they condoned suicide in the form of judicial murder?

There is much dissent in the United States about the rightness of such judicial murder. For example, the item at
http://teknosis.typepad.com/teknosis/2005/03/save_terri_schi.html

suggests, rightly, or wrongly, that her case has been wrongly handled. The writer claims that Michael Schiavo wants Terri Schiavo to die and is suppressing information that would show she is not a "vegetable" but is suffering from hydrocephalus, which he maintains is a treatable condition. He alleges that medical evidence has been distorted to allow "judicial murder". He claims that, if she were treated by a Dr Hammesfahr, (<http://www.hnionline.com/>) described as "the first physician to treat patients successfully to restore deficits caused by stroke" according to Judge Susan Kirkland of the Florida Department of Health (<http://www.hnionline.com/pressrelease.htm>) who pioneered a new method of treating stroke and brain injuries and that Dr Hammsfahr is being denied the chance to treat Terri Schiavo, who seems to now be dying, as life support is withdrawn. Could this writer be suppressed as in "contempt of court" by challenging this decision? I certainly hope not, because the tradition of free speech must be maintained.

The earlier item on physician assisted suicide seems to make a good case for more education on the issue:

"the public needs to be educated about the different legal options concerning the end-of-life care and the consequences of any changes in laws governing such care."

How is this relevant to the Bill? It is relevant because it shows that suicide is not just a simplistic issue, but is an area of continuing debate. Government agencies concerned with preventing suicide are laudable and should receive encouragement. I certainly do not like the idea of suicide, mainly on religious grounds, but there must be continued debate on the issue, in cyberspace and elsewhere, which must take into account issues that are an extension of it, such as "judicial murder", "euthanasia", and philosophical debates for and against. And this is the way to go: to encourage those organizations that are against suicide to flourish and to spread their ideas freely on the Internet, and certainly websites such as <http://racetractor.org/> which advocate the genocide of the white race should be suppressed as evil, but there is a "grey area" in which suicide as an issue shades into more complicated areas such as euthanasia, physician-assisted suicide and judicial murder, so that there should not be a total ban on discussion of such matters and one should be aware of the implications for the judiciary in case something like the "Schiavo case" in the United States comes to Australia and the judiciary have to decide whether or not to "pull the plug." Free debate must be allowed and not suppressed by judicial or government decree if that ever happens, so built into the Bill itself should be a "rider" that free discussion on these matters must be allowed in our allegedly "democratic" society.

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