

Submission

on

**Criminal Code Amendment (Suicide Related Material
Offences) Bill 2005**

Conducted by

Senate Legal and Constitutional Legislation Committee

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Introduction

Suicide is an extremely tragic issue. Any method the Government takes to minimise the likelihood of this path of action is appreciated and supported. The *Criminal Code Amendment (Suicide Related Material Offences)* Bill 2005 is a much needed and timely piece of legislation.

It has become increasingly clear that the internet and chat rooms are being used in order to entice people towards unnecessary death and providing the 'education' needed to achieve this. The press has recently covered the tragic incidences of group pact suicides in Japan, pacts which were formed via internet chat rooms¹. A number of these chat rooms are actually specifically targeted towards teenagers. This is a disturbing social problem and one that the government must act now to prevent, before our country, our society, and our families experience any more unnecessary deaths.

The provision of information about methods of committing suicide is an even more dangerous development so the introduction of this legislation is even more important to protect vulnerable people - whether they be elderly or teenagers, ill or depressed.

Salt Shakers supports the proposals made in the "Criminal Code Amendment (Suicide Related Material Offences) Bill 2005" that will "insert new offences into the *Criminal Code* dealing with use of a carriage service to access, transmit or otherwise make available suicide related material, and possession, production, supplying or obtaining suicide related material for use through a carriage service (suicide related material offences)."

Dr Nitschke

It is also painfully clear that some people, such as the notorious Dr Philip Nitschke, are willing to exploit and encourage those in vulnerable positions to commit suicide. In an interview with the National Review Online in 2001, Nitschke made it obvious that he has no problem promoting suicide to people of any age or situation. The interview was the result of an email correspondence so he had the time to give carefully considered answers.

Here is an excerpt from the interview:

Lopez: ...Do you see any restrictions that should be placed on euthanasia generally? If I am depressed, do I qualify? If an elderly woman's husband dies and she says she no longer has anything to live for, would you help her kill herself? What about a troubled teen? Who qualifies? Who decides if a life is worth living?

Nitschke: ... **all people qualify**, not just those with the training, knowledge, or resources to find out how to "give away" their life. And someone needs to provide this knowledge, training, or recourse necessary to **anyone who wants it, including the depressed, the elderly bereaved, [and] the troubled teen**. If we are to remain consistent and we believe that the individual has the right to dispose of their life, we should not erect artificial barriers in the way of sub-groups who don't meet our criteria."

¹ "Five dead in Japanese net suicide pact", Deborah Cameron, The Age, 31 March 2005, At: <http://www.theage.com.au/news/World/Five-dead-in-Japanese-net-suicide-pact/2005/03/30/1111862460604.html>

He also states: "This would mean that the so-called "peaceful pill" should be **available in the supermarket** so that **those old enough to understand death could obtain death peacefully** at the time of their choosing."²

Nitschke shows a complete disregard for all forms of human life and does not see a problem in promoting suicide to the depressed and the struggling teen. Surely logic would conclude that these 'conditions' are more in need of psychiatric help- not death!

These comments coming from the foremost spokesman of euthanasia in Australia show that there is a definite need for the government to step in and protect the vulnerable from being so cruelly targeted. This law provides a means of preventing this material being lodged on the internet.

Whilst we recognise that the internet is a global phenomena and that each country has individual laws, this law will provide protection against Australian websites providing suicide-related material and prohibit Australian citizens from possessing, producing, supplying or obtaining suicide related material for use on the internet.

This is a step in the right direction.

The Use of the Internet

The strategy of making the dissemination of suicide-related material via the internet an offence is a positive move. The internet is often used by the younger generation, particularly to access chat rooms and an 'online community'. The promotion of suicide via websites/chat rooms allows young people to have an easy access to unhelpful and potentially dangerous information.

Exploration of the internet is easy and anyone seeking such information can easily find it through an internet search. Such searching on the net is often done when the person is alone and may be more likely to carry out the instructions they discover.

Dr Nitschke has developed numerous methods for assisting people to commit suicide and already promotes these through his newsletter *Deliverance*.

These include the *CO Generator* and *Exit* bags – a plastic bag with a tie around the neck to ensure the person cannot breathe – a poisonous gas is then pumped into the bag. It is one thing for him to promote such macabre tools for suicide in a subscription newsletter to members but quite another to openly provide such information on the internet.

Australia has an opportunity to set an international standard that respects life and speaks up for vulnerable people who may be persuaded to take their own life. We urge the government to do so by passing the proposed law.

Escaping the Law

Nitschke has stated that the internet is an inevitable part of his entire 'operation' and has even declared that his organisation is in the process of moving their website offshore³, in order to escape the consequences of the legislation as it was proposed during 2004. This flippant attitude towards the law is unacceptable.

² Kathryn Jean Lopez, 'Euthanasia Sets Sail', An interview with Philip Nitschke, the other "Dr. Death.", National Review, 5 June 2001, At: <http://www.nationalreview.com/interrogatory/interrogatory060501.shtml>

³ And in 'Deliverance: End of Life Choices', Vol 2, Issue 1, April-June 2004

In an interview in March 2005⁴, Nitschke complained about the fact that the law may be drafted to prevent him providing material on suicide even if the website was based overseas.

We appreciate the fact that the current proposed law seems to address this matter by making possession, production, supplying or obtaining suicide related material for use through a carriage service an offence.

We strongly recommend that the government ensure that the law is drafted to prohibit anyone in Australia or an Australian citizen (such as Dr Nitschke) from possessing or providing suicide related material as well as accessing or transmitting it. This needs to also prevent an Australian citizen travelling overseas and uploading information on a carriage service intended to reach Australians.

Conclusion

Salt Shakers commends the Australian government on their move to introduce this legislation. It is necessary for such protection to be in place to ensure that vulnerable people are properly cared for. We trust that the Senate Legal and Constitutional Legislation Committee will affirm the importance of this initiative and implement it into Australian law.

⁴ Interview with Derryn Hinch, 3AW, March 2005.