

# e-Deliverance

*A Peaceful Death is Everybody's Right*

June/July

Exit International

2008

## Jury Says 'Guilty'

The murder/ assisted suicide trial of Exit members Caren Jennings and Shirley Justins was always going to be about Voluntary Euthanasia.

From Senior Crown Prosecutor Mark Tedeschi's opening address accusing Exit Director, Dr Philip Nitschke, of being "hellbent" on helping 71 year old Graeme Wylie to die, to Justice Roderick Howie's repeated warnings to the jury to leave their emotions at the door, this landmark seven week trial in the New South Wales Supreme Court marks a turning point in the way the law deals with the end-of-life choices debate.

After six weeks of evidence and four days of nervous waiting while the jury deliberated, at approximately 2.30pm on Thursday 19 June, the 4 women and 8 man jury delivered the verdicts of guilty of manslaughter of Graeme Wylie to Shirley Justins. Caren Jennings - Graeme Wylie's friend of over 30 years and who is herself terminally ill with cancer - was found guilty of being an accessory before the fact of manslaughter.



The verdicts marked the end of a gruelling seven weeks. The trial took an enormous personal toll on both Shirley and Caren who sat day after day in the witness box as the Crown Prosecu-

tor went through the minutiae of their private lives. While Caren's friends, together with her daughter Kate, came loyally to court every day to support her, the humiliation of having the world pry into her every move was not abated.

Court rooms are rarely pleasant places and Court 3 of the New South Wales Supreme Court in King St Sydney is no different. A

renovated Francis Greenway building, the wooden panelling, crimson robed Judge and black-robed Counsel served as a daily reminder of the gravity of the proceedings.

For many of us, time seemed to stand

still during those long weeks of the trial, as witness followed witness to give evidence for and against the two accused women. Amidst endless legal argument on matters of law and the admissibility of various pieces of evidence, the trial progressed at a snail's pace until its grisly conclusion on Thursday.

This month's *Deliverance* has been delayed because of the trial. Below is a summary of the proceedings so that the Exit community can be aware of how events unfolded.



Shirley Justins and Caren Jennings outside the Sydney Supreme Court

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# Jury Says ‘Guilty’ (cont)

The Justins - Jenning case began long before the day of Graeme Wylie’s death on 22 March 2006. A retired Qantas pilot, like many men of his generation, Graeme Wylie was headstrong and independent.

Married twice previously, when Graeme met work colleague Shirley Justins, a 19 year relationship began. Protective of Shirley this couple spent almost two decades together enjoying bushwalking, kayaking and their garden. However, when Graeme was diagnosed with Alzheimer’s disease in March 2003, the couple’s world changed forever.

Hobbies were put aside as Shirley and Graeme engaged in a revolving door of medical appointments, testing and treatment. Given that there is no cure for Alzheimer’s disease, Graeme Wylie knew his only way out would be an early death. The question he started asking was should that be sooner or later?

Graeme Wylie had long asserted that a nursing home was not for him. He was said to be ‘devastated’ by his Alzheimer’s diagnosis. Like many in the same situation, Graeme Wylie was certain that he wanted to die before he lost the ability to make the decision for himself. Suicide was soon to become a regular theme in his conversations.

An intensely private man, the topic of taking his life before his condition deteriorated became of such importance to Graeme that he discussed his views widely. To this end, his two sisters

(both residents of Tasmania) were called to give evidence to explain what Graeme had told them of why he wanted to die. Both described conversations with their brother about his wish to end his life.



Caren with her legal team, solicitor Sam Macedone (left) and barrister Mike Williams QC

Yet, as with many cases that find themselves in the Supreme Court, there were ‘other’ factors at play. Prominent among these was the issue of Graeme Wylie’s will. While the media might have chosen to report Shirley Justins as a money-hungry

third wife, what was less reported was Graeme Wylie’s determination that the adult daughters of his first marriage should receive no more. According to their father, Tania and Nicola, had received ample financial payout from him after their mother’s death. Far from Shirley manipulating Graeme into changing his will, an equally convincing argument presented to the jury was that it was natural and normal for a partner of 19 years to be the primary beneficiary of her partner’s estate.

Despite Graeme Wylie’s strong belief in voluntary euthanasia and his never-wavering conviction that his life was his choice, our criminal justice system deemed that there were too many unanswered questions surrounding the death of this man.



Shirley Justins with her solicitor Michael O'Brien & brother

The crux of the court case became Graeme Wylie’s decision-making ability. Did Mr Wylie have the mental capacity to make the decision to die on 22 March 2006? The court was little interested in Mr Wylie’s mental state in the six months before he died.

# Jury Says ‘Guilty’ (cont)



Exit members Rita Caldwell, Vince Phelan & Elizabeth Yates leaving court after a day's sitting

Rather, the Crown's case focused on the day of his death and the short period prior to that time. At what point did Mr Wylie become unable to make this decision for himself?

In *R v Jennings* and *R v Justins*, the Crown alleged:

- a. Mr Wylie lacked the mental capacity to make a rational choice to suicide;
- b. Shirley Justins knew that he lacked the capacity and if she didn't know she should have made inquiries to find out; and
- c. Caren Jennings knew that Shirley Justins knew that her friend Graeme Wylie lacked the capacity to choose suicide.

A fourth charge levelled at Caren Jennings concerned the importation of Nembutal from Mexico. The same Nembutal that Caren gave to Shirley to give to Graeme. The Nembutal that Graeme Wylie drank and the Nembutal that gave him the peaceful death he so desired.



Philip with Kate Jennings at the post-trial press conference

When the trial began the evidence was largely circumstantial. All this changed on day 11 when Shirley Justins suddenly changed her plea to guilty for assisting in the suicide of Graeme Wylie.

This decision by Shirley led Caren to also change her plea, now pleading guilty to the importation of a border controlled drug (Nembutal). When the trial resumed after this pivotal moment, the new playing field was unrecognisable. Not only did the jury see two self-confessed liars sitting in the dock, but the Crown refused to accept the change of pleas, leaving the original charges of murder and accessory before the fact of murder stand. The situation suddenly looked a lot more serious.



Philip Nitschke addressing the press after the verdict

In law, the distinction between murder, manslaughter and assisted suicide hinged on the question of Graeme Wylie's capacity. If the jury found that Graeme Wylie had the capacity to make the decision (to suicide) for himself, the charges against Caren and Shirley would have been the relatively less serious charges of assisting a suicide.

If Mr Wylie lacked capacity and Shirley Justins did not know he didn't have capacity,

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# Jury Says Guilty (cont)

then the charge would be manslaughter for Shirley and accessory before the fact of manslaughter for Caren. If Graeme Wylie lacked capacity, and Shirley Justins and Caren Jenning knew that he lacked capacity, the charges would have been murder and accessory before the fact of murder respectively. According to Crown Prosecutor Mark Tedeschi QC, this is the first case of its kind where the legality of a person's decision to suicide and the assistance provided to that person by those near him has been based upon the concept of mental capacity.

## Implications for Exit Members

The implications of the decision in the Justins - Jenning case are significant for many in the Exit community. Most notably, the decision means that if a person has been tested and found to be suffering from dementia, then should that person choose to end their suffering, those close to them can be at risk of being charged with the most serious criminal offence of murder, regardless of the degree of involvement in the Alzheimer's sufferer's death.



Dot & Kep Enderby at the trial

Members should be aware that where a person you love has Alzheimer's or some other cause of dementia, there is often very little the medical profession can do to help. Drugs such as Aricept may stabilize and even slow a person's deterioration, but a steady decline is expected.

Advance Directives (Living Wills) are sometimes quoted as a possible source of comfort, but remember, advance directives never allow a person to ask for assistance to die. Had Graeme Wylie had an Advance Directive, this would have provided *no* protection for Shirley or Caren who chose to assist him. Advance Directives are solely concerned with the cessation of medical treatment. They are not concerned with active assistance to put an end to one's suffering.

Furthermore, if someone you know has Alzheimer's and you are not sure of their capacity (to make an end of life decision), a trip to the doctor to have their capacity checked could lead to certification and institutionalisation under the relevant Medical Treatment Act. Yet this was exactly what the Prosecution argued that Shirley Justins' should have done. And it is this that the Law expected of her.



Crown Prosecutor Mark Tedeschi QC

It is for this reason that Exit Director, Philip Nitschke, was quoted in the media immediately after the verdict advising people not to go to their doctors and not to be checked for Alzheimer's. This case shows clearly that if a person has Alzheimer's or any condition leading to a decline in cognitive function, then that person's capacity to decide to end their suffering is immediately called into question. (cont next page)

## News Flash Dutch Media to Attend Exit Workshop

Dutch media have made a request to attend the next Melbourne Exit Workshop scheduled to be held at the Templestowe Memorial Hall on Monday 14 July. Their focus is on Exit's self-help approach to voluntary euthanasia. The program about Exit is expected to air on Dutch Radio in the coming months. Exit supports this initiative and invites members and the public to attend, and to contribute comments on that day.

**ABC Conversation Hour**  
Exit Director, Dr Philip Nitschke, will be Richard Feidler's guest on the Conversation Hour on Sydney local radio ABC 702 and Brisbane ABC 612 on Monday 21 July at 11am. Exit will be holding workshops in Brisbane at Toowong Senior Citizens at 1.30pm on Monday 21 July and Sydney at the Dougherty Centre, 1.30pm on Wednesday 23 July.

### Jury Says 'Guilty'

It is this questioning of a person with dementia's capacity, that exposes those close to the person to very significant legal risk if the sufferer chooses to end their life. The Catch 22 is that if a person seeks have their capacity checked and the words 'suicide' or 'voluntary euthanasia' are mentioned as the reason why, then institutionalisation becomes a real possibility. All this in the face of an absence of a cure for most causes of dementia.

Included on page 9 of this edition of *Deliverance* is the most commonly-used test to show the deterioration brought about by Dementia, the Mini Mental State Examination (MMSE). It was Graeme Wylie's scores from this test that were cited as proof that he had lost the capacity to make decisions for himself. These test scores over-rode the evidence given by Graeme's friends and family, that he knew exactly what he was doing in making the decision **a.** to change his will and **b.** to end his life. Exit urges all members to take this test privately at home. If you find yourself with a consistently poor score then you might want to think seriously about seeking medical advice and having this result recorded, especially if you think that you might choose to end your life at some future point if the deterioration continues. The verdict in this court case is dangerous and distressing. People who act out of motives of compassion and friendship are not the stuff of criminals. Caren and Shirley will be sentenced in October.

### Caren Says 'Thank You'

Caren has asked Exit to thank members for the many cards and well wishes that she has received during the course of the trial. She was enormously heartened to know that she was not alone in this most stressful time.

She would also like to thank those members who attended court each day in the public gallery. The sea of purple was very reassuring.



The court case involving Shirley Justins and Caren Jenning has brought home dramatically the legal dangers that exist for those of us involved in the end-of-life choices movement.

It has been distressing and quite disturbing to see a Supreme Court jury show such little understanding and even less compassion when it comes to judging the actions of older people at the end of life.

Like many who sat through the seven week trial, I was completely astounded at the verdicts that were delivered. When I met with Graeme Wylie a few weeks before he died, to assess him on behalf of Mr Ludwig Minelli of Dignitas in Zurich, I saw a man who wanted desperately to die.

Yes, he was confused as to the names and number of his children. But as the court was told, immediately prior to my arrival Graeme and Shirley had been discussing whether it might be better not to tell Dignitas (and me) that he even had children. Graeme Wylie would not be the first Australian to consider lying about offspring, in order to get accepted by Dignitas. No doubt he will not be the last.

The wash-up from this court case means that Exit will now be much more focused upon the issue of mental capacity in our activities. The case sets out clearly the danger area of 'capacity' when suicide and assisted suicide are contemplated.

Planning is already underway for a one-day conference on 'Dementia, VE and the Law' to be held in Sydney on Bob Dent Day 2008 (Sept 22). We are convening this conference to assist members with issues that confront them, should they or a person close to them ever suffer from one of the many conditions that diminish a person's capacity to make informed decisions.

Finally this month, the Senate Committee Report on the Bob Brown Private Member's Bill - a Bill which seeks to overturn the Euthanasia Laws Act (the law introduced by the Kevin Andrews Bill which overturned the Rights of the Terminally Ill Act) - was tabled in the Senate on Thursday 26 June. The Bill will now be amended and then debated in both Houses of Parliament later in the year. If successful, the Parliament of the Northern Territory will once again be able to consider laws on VE.

As this newsletter goes to press we are travelling to New Zealand to host NZ's first-ever Voluntary Euthanasia conference. Exit will also be holding a public meeting and workshop in the university town of Dunedin on the South Island. A full report will be included in the August edition of *Deliverance*.

*Philip Nitschke*



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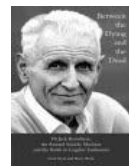
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I want to donate (join/rejoin) to Exit  (A\$100-150 is the average annual donation)

\* **Killing Me Softly VE and the Road to the Peaceful Pill**  A\$37  
 (by Drs Philip Nitschke & Fiona Stewart) (includes postage within Australia)



\* **Between the Dying & the Dead - Dr Jack Kevorkian, the Assisted Suicide Machine & the Battle to Legalise Euthanasia**  A\$50  
 (by Neal Nicol & Harry Wylie) (includes postage worldwide)



\* **I Bequeath the Python**  A\$15  
 (by Elaine Arch-Rowe & Gordon Bell) (includes postage within Australia)



\* **Exit 'T' shirts**  A\$25  
 ("My Life My Choice" Sm, Med, Large, XL, XXL) (includes postage within Australia)  
*(please circle size)*



\* **Exit Shopping Bags**  A\$10  
 ("My Life My Choice") (includes postage within Australia)



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# Chapter News

## **ACT & New South Wales Canberra**

The ACT chapter holds meetings quarterly and has three working groups considering issues relating to the peaceful pill, the practicalities of Helium, and Nancy's Friends. A coordination group helps with the organisation of activities. (Being Canberra and savvy in the ways of government, we are inclined to establish working groups!!) At our May meeting, as well as discussing working group activities, we discussed the trial of Shirley Justin and Carol Jennings, the Bob Brown Private Member's Bill for which a number of members wrote submissions to the Inquiry. Contact David or Tony on 0401-315-631 or email <tony.whelan@internode.on.net> for information.

## **Dorrigo**

The next Dorrigo Chapter Meeting will be held at 3pm on Sunday 31 July at the CWA Hall. Contact Al Hartley 02-6657-2355 or email <alh@dorrigo.com> for details.

## **Forster**

The inaugural Forster Chapter Meeting was held on Monday 21 May, attracting 18 members with 6 apologies. The meeting focused on issues regarding Guardianship, Medical Power of Attorney and Palliative Care. We also talked about end life issues and how mistakes can be made in that area. It was decided to meet once a month. I suggested that members bring to the next meeting a list of issues they are particularly interested in. Our next meeting is at 10am on Thursday 10 July at the Forster Golf Club. There will be further discussion on the manslaughter verdict of the Justin's case along with ways to show our support for these women. Contact Lesley Archer on 02-6554-5942 or email <larch@inet.net.au> for details.

## **Newcastle**

The Newcastle Chapter meets on the first Monday of every month at 10.30am at Trades Hall. Meetings are followed by lunch at the Panthers Club across the road. All welcome. Contact Vince Phelan on 02 4945 1916 or <vincent@idl.net.au> for details.

## **Northern Rivers**

What a great gathering we had in May at the Workers' Sports Club Goonellabah. Twenty five happy people came and I am never at a loss of admiration for the spirit of 'my' members. They are all a tribute to the joy of living and of facing up to the realities of our end of life choices. Ours are very casual meetings. I try to keep them up with

any developments in our techniques and technology and with their input and discussions two hours just fly by. A few of us had lunch in the club Bistro, which I feel is a great way to get to really know one another. Our next meeting will be held at 10.30am on Wednesday 16 July at the RSL Hall at Ballina. Contact Jude McCauley on 02-6672-3321 or email <judemac1@bigpond.com> for details.

## **Sydney**

Our last meeting on Friday 13 June and was attended by 35 people; most were regulars, with a few newcomers. We talked briefly about the Graeme Wylie court case; we were waiting with some trepidation for the verdict. The launching of John Elliott's medal was mentioned for people who were unable to attend on the day. We spoke also of the difficulty of obtaining helium cylinders. There was a demonstration with a cylinder filled with air. There was also a first-hand account of the Mexican option. Our meetings are very much centred on people's requests and needs. It's interesting to see that in our group, some of those who have attained what they need to have peace of mind nevertheless continue to come to our meetings; it demonstrates a real commitment to the issue itself, attending meetings just to be with other people who think alike. It validates their own attitudes towards death in a society where people are often afraid to confront it. Contact Madeleine Tilche on 0432-611-695 or <madeleine@smartchat.net.au> for details.

## **New Zealand - Auckland**

Our last meeting was held on 27 May. Most of our members are interested in practicalities. Our next meeting is Monday 4 August at Mt Albert Bridge Club Rooms with a first-hand account of the Mexican option. Our members are also keen to look at the Single Shot process. Contact Phillipa Malpas on 09-817-6646 (evenings only) or email <p.malpas@auckland.ac.nz> or Fern Mackenzie on 09-416-0004 or email <macfe@xtra.co.nz> for details.

## **Dunedin**

Exit will hold its first workshop in Dunedin on Sunday 6 July at Cargills Hotel, 678 George St. Contact Paula Westoby on 03-471-9955 or email <paulawestoby@hotmail.com> for details.

## **Nelson**

The next Nelson Chapter Meeting will be held at 2pm on Wednesday 23 July. Contact Jan Rosie on 03-545-9931 or <mcclectrics@slingshot.co.nz> for details.

# Chapter News

## Wellington

Our last meeting was on 4 May. The majority of our members have joined Exit to gain specific knowledge for personal end of life choices. Our next Meeting will be held at 2pm on Sunday 27 July at 16/23 Tennyson St, Te Aro and will provide a rundown on the forthcoming New Zealand Exit Conference in Christchurch. Contact Suzy Austen on 04-566-4893 or email <suzy\_korokoro@hotmail.com> for details.

## Northern Territory

I wear many hats at Exit and 2008 has been an extremely hectic year. I'm hopeful however of seeing NT Chapter meetings commence in the latter part of the year. Is there a local member willing to volunteer in sharing the role of coordinator or help in some other way? Please call Amanda McClure on 0413-402-460 or email <amanda@exitinternational.net> for details.

## Queensland - Brisbane

Our last Chapter Meeting in May attracted over 40 members. Discussions focused on Bob Brown's initiative along with the reply received from the Queensland Premier, Anna Bligh, to our protest letter concerning the attendance of an officer from the Office of Fair Trading at the Exit Workshop in November 2007. The main discussions in our meetings are always around methods of Self Delivrance, their availability, reliability and peacefulness. In our meetings we stress the importance of connecting with other Exit members. We also now run an additional, special meeting for new members. Our next Chapter Meeting on Saturday, 30 August 2008. Contact Angelika Minner on 0431-275-840 or email <markangie@powerup.com.au> for details.

## Gold Coast

Our last meeting was held on 20 May and was attended by about 70 – a mixture of members and visitors. The first part of the meeting concentrated on a general rundown of Exit issues and the latter part was for members-only. We are hosting a public meeting and a workshop with Philip at 1.30pm on Tuesday 22 July. Contact Elaine Arch-Rowe on 0421-796-713 or email <elaine@exitinternational.net> for details.

## Townsville

The purpose of Townsville Chapter meetings is to foster friendship, support and trust and share information. The next meeting of the Townsville Chapter will be held on Sunday 17 August.

Contact Syd and Eric Collins on 07-4729-0275 or email <sydric@bigpond.com> for details.

## South Australia - Adelaide

The next SA Chapter Meeting will be held on Saturday 19 July at the Fullarton Centre, 411 Fullarton Rd, Fullarton. Contact Julia Harrison on 08-8390-1822 or Janine Gebert on 08-8431-1668 for details.

## Tasmania - Hobart

The Hobart Chapter will be holding a Helium-focused meeting at 9am on Friday 3 July in Room 1, Adult Education Centre, Church St, Hobart. Contact Keith Anderson on 03-6229-2447 or email <keith\_and@tasmail.com> for details.

## Victoria - Melbourne

Our last meeting was held during the last week of May. We have a most interesting new member Suzanne from the U.K. She was very active with the VE body in London & spoke of them but particularly the bill which almost passed in the House of Lords in 2006 & how a donation of \$5 million came from the USA to advertise against it. Our next meeting will be held at 1.15pm on Tuesday, 19 August at Hawthorn Library, Hawthorn. Contact Rob Cane on 0423-305-788 or email <clive-cane2003@yahoo.com.au> or Pat Scrivenor on 03-5974-1580 or email <patscrivenor@bigpond.com> or Lindy Boyd on 03 9850 8192 or email <lindy@exitinternational.net>

## Western Australia - Perth & Bunbury

Our last meeting was on 9 June was attended by 38 people with 4 apologies. We had a party to celebrate my 3 years in the chair. The time has gone really fast and I have loved it. The next Perth meeting is on Monday 11 August 2008. A good meeting was held at Bunbury. Twenty three attended; a mix of members and non-members. There were lots of questions and contacts were made. Members offered general help in the Bunbury area but at this point I remain the coordinator for that area. Most of the costs were covered by donations and charging for the tea. Contact Carol O'Neil on 0429-039-167 or email <caoneil18@yahoo.com.au> for details.

### Please Note:

Chapter News details are constantly being received and will be listed on the Exit Website ([www.exitinternational.net](http://www.exitinternational.net)) as they occur. If you have information to be listed contact us on [elaine@exitinternational.net](mailto:elaine@exitinternational.net)

# Dementia, VE & the Law

Holiday Inn, Kings Cross Sydney  
Monday 22 September 2008  
(One Day Conference)

On 22 September every year, Exit celebrates Bob Dent Day. Bob Dent was the first person to receive a legal lethal voluntary injection. His death was the first legal voluntary euthanasia death in the world.

This year Exit will be marking this special occasion by holding a one day conference on the theme of 'Dementia, Voluntary Euthanasia and the Law'. There will be a range of speakers, covering all aspects of the focus of the conference. Registration forms will be included with the August edition of *Deliverance*.

According to Alzheimer's Australia, there are currently more than 100 conditions that cause dementia. Most disturbing, perhaps however is the expected future trajectory of dementia.

Between 2000 and 2050 there will be a 300% increase in the number of people with dementia. Exit suggests that in the absence of a cure for dementia, many sufferers will consider putting an end to their suffering while they are still able and this has special relevance for voluntary euthanasia. In the coming years, dementia seems likely to affect us all.

## Mini Mental State Examination - MMSE Test -

As explained on page 5, the MMSE Test was cited in the Justins - Jenning trial as the pivotal assessment of the decline in a person's mental cognitive ability. This is why Exit is now reproducing the Test for our members.

Members are encouraged to come together and test each other. Be careful with the results though. Recording of a score significantly less than the maximum 30 possible points could have serious implications if you should decide on a future end of life option.

### Part I - Orientation

What is the (year) (season) (date) (day) (month)? (*max score 5 pts*)

Where are we (state) (country) (town) (hospital) (floor)? (*max score 5 pts*)

### Part II - Registration

Name 3 objects: 1 second to say each. Then ask the patient all 3 after you have said them. Give 1 point for each correct answer. Then repeat them until he/she learns all 3. Count trials and record. 5 points) (*max score 3 pts*)

### Part III - Attention and Calculation

Serial 7's. 1 point for each correct answer. Stop after 5 answers. Alternatively spell 'world' backward. (*max score 5 pts*)

### Part IV - Recall

Ask for the 3 objects repeated above. Give 1 point for each correct answer. (*max score 3 pts*)

### Part V - Language

Name a pencil and watch. (*max score 2 pts*)

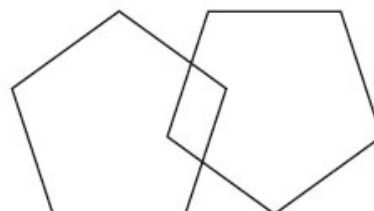
Repeat the following: 'No ifs, ands, or buts' (*max score 1 pt*)

Follow a 3-stage command: 'Take a paper in your hand, fold it in half, and put it on the floor.' (*max score 3 pts*)

Read and obey the following: CLOSE YOUR EYES (*max score 1 pt*)

Write a sentence. (*max score 1 pt*)

Copy the design shown. (*max score 1 pt*)



**Total Score /30 (Max possible 30 points)**

# Bob Brown Private Member's Bill

On Thursday 26 June, the eagerly-awaited *Senate Committee Report into the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008* was tabled in the Senate. A report that presents a range of views, the focus of this Inquiry has been two-fold. Firstly, the Committee examined whether the two principal Australian territories - namely the Northern Territory and the ACT - should have the power to legislate on issues associated with Voluntary Euthanasia.

The second focus of the Inquiry concerned whether any overturning of the *Euthanasia Laws Act* (which was brought about by the *Kevin Andrews Private Member's Bill*) should immediately restore the *Rights of the Terminally Ill Act* in the Northern Territory.

Speaking at the Report's tabling in the Senate *against* the Bill was the Tasmanian Liberal, Guy Barnett, who argued instead for more palliative care funding. The Senator went on to note the danger of voluntary euthanasia leading to involuntary euthanasia (the slippery slope), the danger of such legislation to indigenous Australians (with intimations of ethnic cleansing) and the possibility of death tourism to the NT (since two of the four patients who used the *Rights of the Terminally Ill Act* were from outside the Territory). In his address he made a number of defamatory comments about Exit and Dr Philip Nitschke under parliamentary privilege. Family First Senator for Victoria, Chris Fielding, also spoke against the Bill, arguing that 'people with suicidal thoughts' need 'life-saving assistance.'

Speaking *for* the Bill was Committee Chair, Labor Senator for the Northern Territory, Trish Crossin, who announced the Government would support the Bill in an amended form. Senator Crossin advocated for a two-step process, the first of which would be to restore the Territory's right to make laws on sensitive issues such as Voluntary Euthanasia.

Australian Democrats Senator for Queensland, Andrew Bartlett, asserted his support for VE but argued for a national legislative approach. Senator Bartlett said that while he valued Dr Nitschke's contribution to the committee, he could not support the Bill in its present form.



Senator Bob Brown & Philip Nitschke at Parliament House

As the instigator of the Bill, Tasmanian Senator Bob Brown spoke passionately and persuasively in support of the Bill passing in an amended form. In his opening comments, Senator Brown said he was confident that the Bill would pass both Houses of Parliament

saying it was his 'primary intention' to give the ACT and the NT the right to make laws.

Senator Brown was scathing of the views of his dissenting colleagues saying that Guy Barnett's pro-life view should be treated with the 'contempt it deserves.' Opposing views he said were 'dictatorial', 'anti-public', showing a 'failure of logic' and extraordinary 'timidity' on this important social issue.

The Bill is expected to be debated in both Houses of Parliament later in the year. A copy of the 164-page Report of the Legal and Constitutional Affairs Committee, together with information about the Inquiry and a full list of submissions, are available online at: [http://www.aph.gov.au/Senate/committee/legcon\\_ctte/terminally\\_ill/index.htm](http://www.aph.gov.au/Senate/committee/legcon_ctte/terminally_ill/index.htm)

## Book Planned on Justins-Jenning Trial

In light of the complexities and the often one-sided media reporting of the Justins - Jennings murder/ assisted suicide trial, Exit is excited to announce that Dr Fiona Stewart is now writing a book on the social, legal and medical aspects of the trial. The as-yet untitled book will tell the story behind the public story that emerged during the trial. The book will be published in 2009. Watch *Deliverance* for further details.

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