

e-Deliverance

A PEACEFUL DEATH IS EVERYBODY'S RIGHT

June - August 2015

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SUSPENSION UNLAWFUL PHILIP DEFEATS MEDICAL BOARD DECISION

In what has been described by Exit's lawyers as a 'breathtaking' decision in Philip's favour, on 6 July 2015 the Supreme Court of the Northern Territory ordered that the suspension on Philip's medical registration be immediately lifted, and that his right to practice medicine be fully re-instated.

In a 65-page decision, his Honour, Justice Hiley, found that the Medical Tribunal who, at a hearing last November, found in favour of the Medical Board's decision to suspend Philip's medical registration had acted unlawfully.

The Medical Tribunal:

- **Misconstrued** the Code of Conduct for Doctors in Australia;
- **Denied** Dr Nitschke procedural fairness (natural justice);
- **Erred** in the construction of the Code by holding that advocacy about suicide and providing information ... was in breach of the Code;
- had **No basis** for applying doctor - patient standards to the relationship between Philip and Nigel Brayley;
- There is **no obligation** for a doctor to promote or

protect the health of any person, irrespective of their relationship with that person

- In the **absence of evidence**, there was no obligation for Philip to act in relation to preventing Nigel Brayley's suicide; and
- Because there was no evidence, the Tribunal **could not have formed the required 'reasonable belief'** that Philip posed a serious risk to persons and that immediate action was necessary to protect public health or safety.

The full Supreme Court decision can be read at:

<http://bit.ly/1JHFRH3>

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Philip received the good news at 5am in London where he was preparing his EdFringe show.

MEDICAL BOARD DECISION UNLAWFUL

The decision of the Supreme Court is remarkable for its outcome. For example, if the Court had found merely that Philip had been denied an opportunity to respond to the allegations made of him by the Medical Board, the Supreme Court could have referred the decision back to the Tribunal. However, the Court did not do this.

Instead, they dismissed entirely the basis of Philip's suspension, overriding the Medical Board's suspension of Philip. It is this that makes the decision of the Supreme Court so remarkable. Sadly this is not the end of the affair.

On the eve of the November 2014 hearings in Darwin, the Medical Board chose to serve notice of a second round of charges on Philip. Hearings for these charges are scheduled for September and November 2015 respectively.

However, it is worth noting that the MBA, despite being initially ordered to provide documentary evidence of the charges in March 2015 (with a view to a hearing in June 2015) failed to do so. This timeline was then extended to late April 2015 and then to June 2015 and so it goes.

Exit's lawyers wrote to the Tribunal on 15 May and again on 24 July as there was still no evidence. Then, all of a sudden on 28 July, three boxes arrived in the office of Exit's Darwin solicitor.

Exit understands the Medical Board has compiled over 2000 pages of evidence against Philip for 'acts' going back five years! No wonder they needed extra time!

One is now left to ponder what corners of Philip's professional (and no doubt personal life) the Board has seen fit to have its 'investigator', Brett Judd, pry

into. Mr Judd, of course, is better known as Medical Board Secret Agent 'Franklin Lebrowski' since it was as Franklin Lebrowski that Mr Judd subscribed to the *Peaceful Pill eHandbook* on 21 May 2013. He used the:

- fake email address: <franklin.lebrowski@hotmail.com>
- fake phone number +61 878711340

Naturally, Exit USA has since suspended Mr Judd's subscription to the *Peaceful Pill eHandbook* on the basis that he breached the terms and conditions of purchase due to his fraudulent identity.

Still, Brett Judd's actions show the depths to which the Medical Board is prepared to go in order to persecute Philip. This is why one wonders what the three magic boxes of 'evidence' contain. As we have said before, 'our taxes at work'. Watch this space!



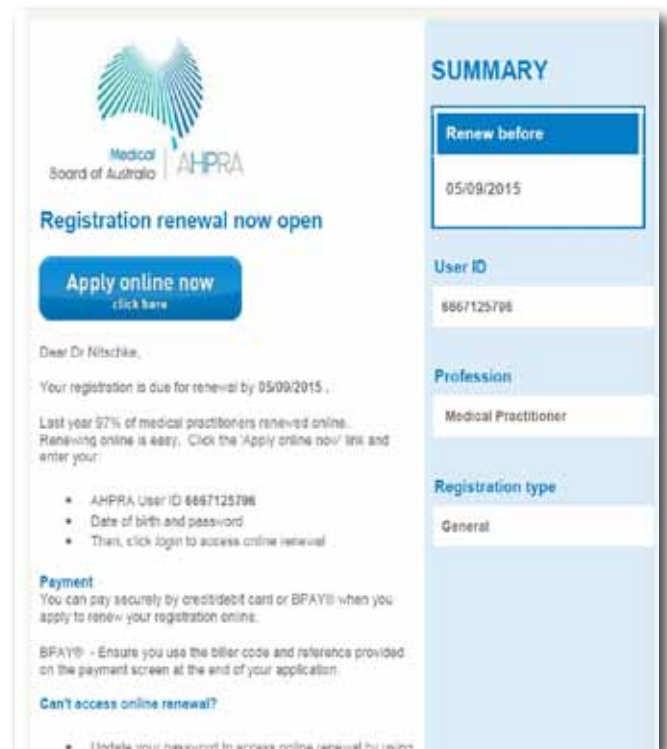
Three boxes of MBA evidence against Philip as delivered to Darwin

SUSPENSION UNLAWFUL - CONT

Finally, as if to complete the fiasco that is the Medical Board inquiry, on 3 August 2015 Philip was invited by AHPRA to renew his medical registration. The invitation states that he has until 5 September 2015 to renew. (See the registration paper on the right.)

This invitation follows a letter from the Australian Government Solicitor stating that this flows from Philip being barred from renewing his registration in September 2014 despite, as it turns out. Because back then the Medical Board wrongly believed that Philip had conducted himself in his non-medical practice in a way that disallowed him being a registered medical practitioner. How wrong they were.

Philip says he will turn his attention to the MBA matter of his registration once his show at the Edinburgh Fringe 'Dicing with Dr Death' closes at the end of August.



The MBA invites to renew his medical registration following the MBA loss in the Supreme Court of the Northern Territory

RICHARD NIALL SC - NEW SOLICITOR GENERAL - VICTORIA

When Exit Barrister Peter Nugent died suddenly at home on 28 February, it was Melbourne Barrister, Richard Niall QC, who was able to step into the breach, and represent Philip at short notice for the Supreme Court Appeal in Darwin on 1 April.

Not only is Philip extremely grateful for Richard's input and hard work (not least in successfully out-arguing the Medical Board's Lisel Chapman QC), but he joins with everyone at Exit to congratulate Richard on his appointment as Victoria's new Solicitor General. News of Richard's appointment was made by the Victorian Attorney General, Martin Pakula.

Interestingly, Mr Pakula is an old Monash Law School mate of Peter Nugent's and a person Peter was keen to meet with, in order for voluntary euthanasia to be referred to the Victorian Law Reform Commission.



Richard Niall was Philip's Counsel for the Supreme Court Appeal in Darwin in April 2015



Exit remains very sad about Peter Nugent. He was the most generous, humble and funny of men. The NT Supreme Court decision is received in memory of Exit Hero, Peter Nugent.

20TH ANNIVERSARY CONFERENCE ANNOUNCEMENT

On 22 September 2016, it will be 20 years since Darwin man, Bob Dent, was able to receive the world's first legal, lethal, voluntary injection.

The Northern Territory's *Rights of the Terminally Ill Act* lasted only nine months before Victorian MP Kevin Andrew's *Euthanasia Laws Act* was passed in the Federal Parliament of Australia. Since this time, there have been close to 20 attempts at law reform in the various states of Australia. Since this time, however, end of life choice laws have been introduced in the Netherlands, Belgium, Luxembourg and Columbia and in the US states of Oregon, Washington and Vermont. Australia lags far behind.

In order to mark the past 20 years of political activism that has been spear-headed by Exit International, the organisation will be hosting an international two day conference at the State Library of Victoria on 22 - 23 September 2016.

The conference is titled: 'From Voluntary Euthanasia to Rational Suicide: 20 Years of Praxis'.

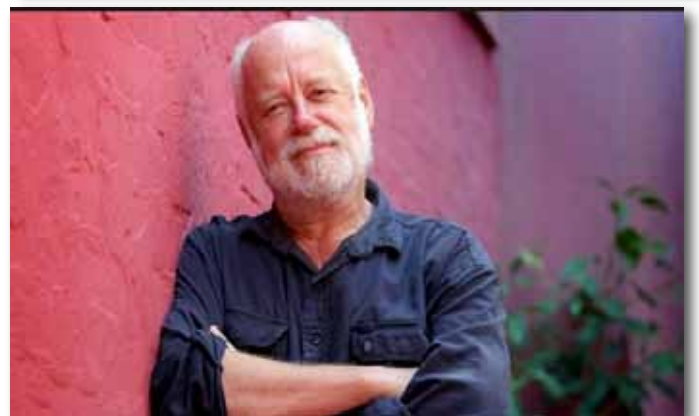
The conference will feature national and international speakers. Day 2 of the conference will take the format of break-out sessions which will allow conference participants to debate, discuss and network issues across various aspects of the debate. A highlight will be a gala dinner on the night of 22 September 2016 (a Thursday). Exit is delighted to be able to benefit once again from the wit and charisma of the wonderful Phillip Adams who will give the after-dinner speech.

As the other 'Phillip', he needs little introduction as a national treasure, long-time host of ABC Radio National's Late Night Live (LNL) and as columnist in *The Australian* newspaper. Needless to say Phillip is strong pro-choice supporter. Exit members may remember that Phillip hosted Exit's 2007 'Day of Shame' conference dinner at the National Museum of Australia in Canberra.

Registrations will open in early 2016 at which time hotel accommodation options will be made available, along with the conference program.



**State Library
of Victoria**



Phillip Adams

EDITORIAL

e-Deliverance

WE WON - THANK YOU

It was with considerable relief that I received the text message sent by Exit Receptionist, Chelsey Barton, saying 'Yes' a few minutes after 5.30am in London in early July. Yes we won, yay! It was about time for justice to prevail. It was about time for the trial by media (and others) to be brought to a lawful close. And, it was about time, for the Medical Board of Australia to take a good, hard look at themselves and the way they spend public dollars and the nature of the investigations they conduct.

While my win of my appeal should close a shameful year in the history of the Medical Board of Australia, my fear is that it will not. Instead, the Board is regrouping to go again into battle against me, and the issue of voluntary euthanasia more broadly. As to Groucho Marx put it, 'do I really want to be part of this club?'

Finally, I would like to say *thank you* to all those who donated, sent well wishes privately and publicly and all who supported me in this battle. Thank you does not sound like enough, but it is all I have. While the stress has taken its toll, what I resent most is the disruption it has caused Exit. But, that is what the MBA no doubt wants ... and what they shall have no more of.

SAN FRANCISCO HELIUM MEETING

It was a tall order and it almost 'killed' me but for a few days in mid June I dashed from Australia to San Francisco to join a coterie of Final Exit Network board members, Neal Nicol, Boudewijn Chabot and others, along with Hemlock Founder and author of *Final Exit*, Derek Humphry, for a weekend of show and tell about the emergent issue of Nitrogen vs Helium. The meeting was called at the last minute by Derek after Worthington announced that they would be adding an air mixture to their very popular 'Balloon Time' Helium cylinders.

While Australians have never been overly-keen on the gases - why settle for second best unless extenuating medical circumstances mean you must - the Americans have a long history of Helium Hoods and Helium. With the contamination of Helium, they are now in search of alternatives. And where better to look than Max Dog Brewing's home-brew Nitrogen system.

In all seriousness, the weekend afforded valuable information-sharing and bridge-building. To this end, those present are now much clearer about where they are headed. Because

federal regulations with shipping in Nth America are especially onerous, MDB in the US has been rethought and will shortly introduce a solution especially tailored to the Nth America context. Information about a new US-specific supply chain will be published in the forthcoming August 2015 update of the *Peaceful Pill eHandbook*. The collective take-away from the weekend is that there is a system that is simple and cost-effective for all concerned.



The San Francisco Helium v Nitrogen Meeting

EDFRINGE: DICING WITH DR DEATH

Since 'Dicing with Dr Death' became a solo show in mid May, I have been juggling Exit and my stage debut. While I am naturally apprehensive, the audiences to date have been very encouraging. While opening night was a baptism by fire with the Edinburgh Council officers storming the stage to check on the gas, I have been heartened to see people of all ages, and from all walks of life in the audiences each night. This is as I suspected. A stage show on VE/ Assisted Suicide allows the 'choice' message to be spread more broadly than if were confined to public meetings and workshops. The debut of the new 'Destiny' machine has been a particular hit. Dicing is on @ Ed Fringe, 6.10pm nightly @ The Caves throughout August.



Philip Nitschke

DR JOHANNES KLABBERS LAUNCHES EXIT VIVA

Exit has launched an exciting new initiative, the EXIT VIVA seminar series. Presented by Exit Australian/NZ Coordinator, Dr Johannes Klabbers, these free seminars have been conceived for Exit Members and their friends and family, as well as interested members of the general public.

Illustrated with moving as well as humorous stories from Johannes's work as a secular pastoral worker, educator and therapist, the first of the series is called 'Let's Talk About Death and Dying'. EXIT VIVA are intended to break through the taboo on talking about death and dying in an entertaining and informative way, which is both challenging and rewarding for people of all ages.

Hobart was chosen to launch the EXIT VIVA seminars as it is the capital city of the state which most recently missed out on having a Voluntary Euthanasia law passed. (A private member's bill failed by one vote in October 2013). The second EXIT VIVA was held in Wagga Wagga in NSW where a large and appreciative audience packed the Old Town Hall. So far, Queensland VIVA have been held in Brisbane, the Sunshine Coast and Bundaberg.

Speaking of what sets EXIT VIVA apart, Dr Klabbers says:

'This is not like an Exit workshop where practical methods of self-delivery are discussed.

'Rather, a VIVA is a seminar about how and why we might think and talk about our end of life choices, identifying why we are reluctant to discuss this delicate topic with our friends and families.

'It is an ideal way for members to introduce friends to Exit and as a way to start that conversation you've been meaning to have with your family' Johannes said.

'Feedback from members who have attended a VIVA has been very positive. Attendees have been able to bring friends along who might be curious about why they are members of Exit.

'Members of the general public are often surprised to discover



Dr Johannes Klabbers & Bundaberg Chapter Coordinator Di Lange following the Exit Viva. Photographed in front of an Exit Member's motorhome

that we are not the pariahs the media sometimes makes us out to be. We are simply people who want to have control over how our lives end, and we are not afraid to talk about the topic.

A second series of EXIT VIVA seminars is currently being planned for Canberra, Sydney, Newcastle, Gold Coast and New Zealand. If travel allows, Dr Klabbers will hold similar VIVA in London and Dublin in November 2015, with Melbourne scheduled for early 2016.

Details will be published on the Exit website and in future editions of *Deliverance*. To be kept informed of EXIT VIVA please email to viva@exitinternational.net and watch the Exit website.

Johannes can be contacted at:

johannes@exitinternational.net

Phone: 0438 955 401

@PHILIPNITSCHKE, EXIT ON TWITTER

Even if you don't get Twitter on your smart phone, you can still stay abreast of Exit's daily posts by visiting the Exit website at www.exitinternational.net

Once there, you will see Exit's Twitter feed on the Exit homepage. Philip tweets most days so if you want to know the latest, Exit news is only a mouse click away. For those who want real time news, Philip's Twitter handle is [@philipnitschke](https://twitter.com/philipnitschke)

MET POLICE DROP INQUIRY

It was with great pleasure that Exit learned that London's Metropolitan Police are not open to political pressure or likely to act upon unsubstantiated and vexatious complaints by groups who oppose Exit's political message. And so it was that the Homicide and Major Crime Command Special Enquiry Team wrote to Exit's London solicitors, advising them that they were closing their investigation into Exit's 2013 London workshop. The inquiry was based on an allegation that in holding the closed workshop for Exit members, Philip Nitschke had breached the UK *Suicide Act*.

The background to the mischief lies in a complaint by the political lobby group, Care Not Killing, who paid protesters to picket Exit's London meeting. A few years prior, it was sister Right-to-life group, Christian Concern, who complained to the then Home Secretary, Alan



Johnson, urging him to use his prerogative power to prevent Philip's entry into the UK. Fortunately, the rule of law applies in the UK. Both public authorities and Ministers must conduct their business lawfully, rather than by whim. And they must not be swayed by those with opposing political agendas. Exit thanks Howard Kennedy for their excellent legal advice and representation in this matter.

PHILIP TO THE 'RESCUE' ON QANTAS FLIGHT 12

It was with some irony that Dr Philip Nitschke was called upon by Qantas crew to assist with the emergency care of a dying man on a flight back from Los Angeles to Sydney in early June.

When Paul Clifford boarded the plane home, it was clear that he was not well. What his fellow passengers didn't know was that the 39-year old had just taken his children, Archie and Tahlia and his lovely wife Clarissa on one last trip to Disney World in Florida. Dying of bowel cancer, this was the family's last hurrah. However, when Paul became non-responsive during the flight, Qantas crew personally approached Philip for his assistance.

With her almost-completed law degree, Dr Fiona Stewart reassured her husband that as a Good Samaritan, providing assistance to Paul would not give the Medical Board yet another reason for pursuing him in court. While Philip was of the view, to heck if it did. At this point, Fiona disclosed to the Cabin Manager that Philip had not practised medicine for many years and that his registration was currently suspended.

As things went, on arrival in Sydney, Philip accompanied Paul in the Ambulance to Royal North Shore Hospital, before rushing to the scheduled Exit workshop in

Chatswood. Of the flight, Philip says he was 'privileged and humbled' to have been able to provide comfort to the Clifford family at this extraordinary time.

Tragically, Paul Clifford died in hospital three days after his return to Australia. Philip and Fiona both send their thoughts to the immediate and extended Clifford family and thank them for their Facebook communication.

Speaking to ABC radio, the Medical Board said it 'would not have any grounds to take action against a non-practising or suspended practitioner ... unless they claimed to hold a type or status of registration that they do not hold'.

The *Sydney Morning Herald's* coverage of the incident can be read at: <http://bit.ly/1K12Aty>



Philip Nitschke with Qantas crew on QF 12 on 9 June 2015

HEALTHY NURSE CHOOSES DEATH OVER GOING DOWN HILL

A HEALTHY and active former palliative care nurse has ended her life at a Swiss suicide clinic because she did not want to become “an old lady hobbling up the road with a trolley”.

Gill Pharaoh, 75, who wrote two books giving advice on how to care for the elderly, was not suffering from a terminal disease nor was she seriously ill. Her decision to end her life was based simply on a desire not to grow old.

Speaking to The Sunday Times shortly before her death in Basel on July 21, the mother-of-two said: “I have looked after people who are old, on and off, all my life. I have always said, ‘I am not getting old. I do not think old age is fun.’ I know that I have gone just over the hill now.

And so the *Sunday Times* ran their feature story on Gill Pharaoh.

What the *Sunday Times* did not know was that Gill Pharaoh had the *Peaceful Pill Handbook*. Gill had acquired Nembutal from Mexico. They also did not know that a few weeks before going to Switzerland, Gill had purchased a Nembutal Test



Gill Pharaoh with her partner John Julian Andrews

Kit from Exit. Why Gill still chose to travel to Basel for an assisted suicide we will never know. Nor will her partner, John. This is because Gill wanted to safeguard John. As a result she told him very little of her plans.

A woman of her own mind, Gill became a client of Life Circle. The Basel-based assisted suicide service is discussed in detail in *The Peaceful Pill eHandbook*.

The full *Times* story is at: <http://thetim.es/1Ula69X>

UK CORONER SAYS COUPLE'S SUICIDE PACT HAD STYLISH QUALITY

A coroner has described a Berkshire UK couple's 5-star hotel suicide pact as having 'a certain stylish quality to it'. Terminally ill Lorraine Grant and her husband David Brown booked the most expensive suite at The Forbury Hotel in Reading. Their note said they wanted to 'go out in style'.

Coroner Peter Bedford told an inquest into their deaths part of him thought 'good on you' after they hatched the tragic plan and carried it out. He said: 'The manner of their deaths and the style, if I may use that word - 'Let's have the best room in the hotel' - that has a certain stylish quality to it.

'These were a couple with a plan, and the motivation is very, very clear.'

Mr Brown contacted Exit in May 2009 inquiring of reliable end of life drugs. This suggests that the couple had planned their suicide pact many years in advance.

In letters to their families David, 63, said he couldn't face life without Lorraine, 57, who had been diagnosed with terminal bladder cancer and had just six months to live.

Lorraine had spoken of her Romeo and Juliet fear that one of them would survive the suicide bid and wake up without the other'. The couple had been together for 40 years. A clear case of rational suicide.

The full news report can be read: <http://bit.ly/1DPYV5l>

JAY FRANKLIN POSTS YOUTUBE PLEA

Not content to represent the Voluntary Euthanasia Party of Victoria in last year's State Election for the North Metropolitan Upper House seat, 38-year old Jay Franklin is again putting himself forward as public spokesman, posting a plea on YouTube for someone to share their Nembutal with him.



*Jay Franklin pleading with someone to give him Nembutal at:
https://www.youtube.com/watch?v=YpwcJ9_tLMA*

Exit members will be most familiar with Jay after his February 2013 campaign to raise funds that would allow him to go to Dignitas in Switzerland for a lawful assisted suicide. Jay was born with a rare condition called Hirschsprung's Disease which has seen him undergo over 100 operations and have most of his bowel removed. While the Exit community contributed extremely generously to Jay's 2013 campaign enabling him to seek and receive Dignitas' precious 'green light' in 2014, since this time, Jay has felt increasingly anxious about deciding to make the trip.

Not only has Jay's health significantly deteriorated in the past two and a half years, making a trip of this magnitude especially difficult, but Jay now reasons that he is scared by the one-way-street nature of the decision to board the plane. Jay says that he doesn't want to find himself in Zurich, stuck with being forced to decide on a particular day, that his health is so poor that death is a preferable option. Nor does he want to put his mother Bertha through the stress of having to fly back home to Australia without him.

Jay now says that he wants the option of being able to pass away peacefully at home with Bertha by his side. Given the

extreme unlikelihood of voluntary euthanasia or assisted suicide legislation being passed any time soon in Australia, and especially not in Jay's home state of Victoria, Jay is left with little option but to try to get Nembutal illegally.

Taking his lead from fellow former Exit members, Melbourne writer Angelique Flowers and Perth grandfather Laurie Strike who both used YouTube to appeal for, and both of whom would later receive, Nembutal, Jay is following suit.

In his YouTube video, Jay points out the ironies. Firstly, as Jay is chronically rather than terminally ill, he is not eligible for palliative care. This means he is unable to obtain powerful pain medication that he can take at home. Instead, every six weeks he is admitted to hospital for intravenous administration. The same goes for food which is also provided by the hospital via IV administration. Jay says:

I cannot travel to Switzerland because my health has declined so much ... I don't feel I should travel to the other side of the world to end my life and wish I could do this in my own home, at the time of my choosing ... if there is anyone out there who could give me, or sell me, a bottle of Nembutal so I can end my life in a peaceful, dignified manner, this would be gratefully appreciated.'

Jay's plea was featured in Melbourne's *The Age* newspaper on 30 July 2015 at: <http://bit.ly/1gDZaGc>



Jay with Philip Nitschke after Exit's Melbourne workshop at the Phoenix Park Community Centre on 19 June 2015

PEACEFULPILLSTORE.COM



The Peaceful Pill Handbook (2013/14 ed)
Within US: US\$48 (includes shipping)
Rest of World : US\$70 (includes shipping)



The Peaceful Pill eHandbook
(online edition)
24 month subscription: US\$85
- Updated 6x year



Killing Me Softly: VE & the Road to the Peaceful Pill by Dr Philip Nitschke
Within US: US\$33 (includes shipping)
Rest of World : US\$48 (includes shipping)

EXITINTERNATIONALSTORE.COM



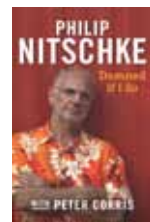
Exit He Gas Flow Controls (with Plumbers Tape + Tube)
Price: AUD \$200
(ships DHL express courier/ express mail)



Exit Drug Test Kit (Qualitative)
Price: AUD\$35 (incl shipping globally)



Max Bromson Quantitative Barbiturate Test Kit
Price: AUD \$275
(ships DHL express courier/ express mail)



Damned If I Do (autobiography) by Dr Philip Nitschke & Peter Corris
AUD \$45 (incl shipping globally)

Join Exit International

I wish to join/ rejoin/ donate to Exit International
(12 Months: Aust - AUD\$110 inc GST \$10; (couples \$165 inc GST \$15); US/Canada US\$100; UK/ Irel £62/ €73)
Life membership - \$1100 (inc GST \$100)

Please send me the paperwork to consider Exit International in my Will

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