



ANNUAL REPORT

2015





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Exit Annual Report 2015

Front cover: 'Dicing with Dr Death' aka Exit Director Philip Nitschke

Back cover: Dr Philip Nitschke burns his medical registration after 25 years as a registered doctor

Photographer Isabelle Moore, News Ltd

Director's Report

The year, 2015, was the most tumultuous year in Exit International's 18-year history. Major events included our win in the Northern Territory Supreme Court, followed by a mediated agreement in response to a further 12 charges. The year concluded with my burning of my medical registration, finally freeing myself of the shackles of the medical profession. On a brighter note, in August I launched my stand-up comedy career at the Edinburgh Festival with *Dicing with Dr Death*. I was pleased and heartened to receive a 5-star and 4-star review.

Legal Activities

There is no doubt the year started very badly on the legal front with the unfortunate and unexpected death of Exit's chief legal advisor, Peter Nugent: just as the appeal against the suspension of my registration was in process. With the fortunate support of Melbourne solicitor, David Fitzpatrick, and prominent Melbourne QC Richard Niall, (now the Victorian Solicitor General), our appeal was lodged and then upheld by the Northern Territory Supreme Court. Justice Hiley was scathing in his criticism of the Medical Tribunal. Such was the gravity of the errors of law that had occurred that my medical registration was immediately reinstated. Pity no apology was offered by the Medical Board!

Indeed, rather than apologise, the Medical Board launched a fresh attack on me with another twelve charges for professional misconduct. In September, I attended mediation in Darwin with the Board where I accepted 26 conditions upon my registration. In order to ensure that I was acting according to the interests of the organisation, however, it became obvious that the attitudes of Exit members would need to be considered. To this end, we undertook an attitudinal survey.

The results told me that medical registration was not worth the effort. Indeed, 99 percent of Exit members wanted me to continue my work with Exit and abandon my medical registration. This I have done. After burning my registration at a press conference in Darwin on 27 November, I immediately felt a whole lot better. It was the right decision to make.

Other events during the year also required high level legal input. In June I underwent a cautioned interview with the Metropolitan Police in London in response to a complaint made by a UK pro-life/ anti-choice group about an Exit London workshop conducted some two years earlier. By year's end, the MET advised their inquiry was closed and no further action would be taken.

Media

In May, I was pleased to be interviewed by Zeinab Badawi for the flagship BBC 1 program, *HardTalk*. Ms Badawi knew the topic well and provided me with the best opportunity to date to expand publicly on my philosophy of Rational Suicide.

On the other side of the Atlantic, a story in *The New York Times* in May about former academic, Professor Sandy Bem, created significant follow-on interest in the *Peaceful Pill eHandbook*. Professor Bem was fast-developing Alzheimer's when, with the help of her family, she imported and took Nembutal. Her situation was especially poignant as she had previously been an intellectual with an international reputation for her research. She became a person who knew she was losing her mind. Her courage in taking matters into her own hands clearly resonated with readers around the world.

In the middle of the year and in the weeks directly prior to the Edinburgh Fringe the launch of

the Destiny Machine created a new wave of media in Europe. In particular, the UK *Independent*, *Daily Mail*, *The Times* and *The Guardian* all ran major pieces on Destiny and the *Dicing with Dr Death* show. German TV also came to the show.

During the Fringe and on a lighter media note, controversial TV personality, Katie Hopkins, featured Destiny and my *Dicing* show in her cable ITV series 'If Katie Ruled the World'. This exposure was significant: an other example of how comedy can take the right to choose issue into hitherto unknown places.

Technology

The highlight of the year on the research and development front was the completion of the aforementioned Destiny Machine (Mark 1). Built in Australia but premiering at the Fringe in August, the Destiny Machine was originally created after Tony Nicklinson's lawyer approached Exit to help in establishing Tony's end of life options. Tony had 'Locked In' syndrome and was paralysed except for the blink of an eye. While Tony died before the Machine could be delivered to him, his legacy in signalling the need for an invention of this nature lives on to the extent that Destiny featured in the *Dicing* show.

Of course, the version of the Machine that was used in Edinburgh did not use lethal gas (clearly we did not want anyone dying on stage). But it did show what is possible. The biometrics of a volunteer from the audience were played out each night for everyone to see. It was great fun as well as being intriguing and a sign of things to come. Interestingly, the Edinburgh Council made much ado about the Machine. This in turn created even more of a media storm which in turn encouraged audiences.

Director's Report

Workshops and Meetings

Despite my temporary relocation to the UK in 2015, the conduct of Exit Workshops continued unabated with two series held (in May and December). Indeed, the December series of workshops - undertaken after I had resigned my medical registration - attracted around 1000 attendees. There were audiences of over 100 at most events; which proves again just how important and popular these flag ship events have become.

In between the workshops, Dr Johannes Klabbers launched a new style of meeting named the Exit Viva. These meetings were open to the public and were intended to broaden the focus on Exit; away from the practicalities of end of life methods to more esoteric discussion based on Johannes' background as a narrative therapist.

The Viva program received mixed reviews from members. However, I remain very grateful to Johannes for his delivery of the meetings. That, in itself, is a significant achievement. Johannes' contract with Exit concluded in December. 2016. Johannes now heads home to his native Netherlands, where his partner has taken up a teaching position at the University in Utrecht.

Staffing

The nature and scope of staffing at Exit underwent some important changes in 2015 with Dr Johannes Klabbers assuming the role of Australian National Coordinator, during my absence in the UK. There was welcomed continuity in Kerri Dennis' administration HQ in Innisfail. It was with some regret that Rachael Dennis

left Exit suddenly in September after three years in administrative support.

In Darwin during 2015, Chelsey Phillips (now Barton) found her feet as Exit's receptionist and principal administration officer. As this Annual Report goes to press, we eagerly await Chelsey's return to Exit mid year, following the birth of her first child, Frankie in January.

Looking forward to 2016, Exit is very fortunate to have Dr Jill Milner join the organisation as 'projects officer'. With a number of projects on the agenda, Jill is sure to be busy as she settles into her busy role.

Finally, but not least, Exit's European Coordinator, Tom Curran, is set to extend his five year term as a volunteer to take on a greater role in the coordination and oversight of Exit activities in the UK. Tom has been a stalwart of the organisation for many years now. During this time he has put voluntary euthanasia/assisted suicide on the map in the Republic of Ireland, becoming the face of the issue in the process.

Finances

During 2015 Exit was fortunate to experience a marked increase in donations to the organisation. Much of this was due to our ongoing call for funding as a consequence of the Medical Board's actions against me. While our legal team were highly talented, sadly they were not free.

To this end, Exit members (as well as the public) donated generously to the Legal Defence Fund. I remain extremely grateful to all those who saw fit to donate. It was a worthwhile cause and I believe we were able to come out

on top. The increase in publicity, for example, created a huge surge in memberships.

Publications

It was with great pleasure that during 2015 Exit was able to acquire DVD copies of Janine Hosking's award-winning film, *35 Letters*. Exit Members may remember that *35 Letters* won the prestigious Sydney Film Festival 2014 prize for the best documentary. The feature-length DVD of the movie is available from the Exit International website.

A second major development of 2015 was the publication of *The Peaceful Pill Handbook* in French, as *La Pilule Paisible*. A relaunch of the *eHandbook* mid year allows it to now be viewed in Android and Mac tablet devices (eg. iPads) without third party software.

Thank You

Finally, my 'thank you's'. To all Exit Members who wrote, donated and generally supported me during this difficult year. I am enormously grateful as you make this work worthwhile.

To the Exit staff, you are the hidden face of the organisation. You keep the home fires burning and often go unacknowledged. My sincere thanks to you all.

Finally to my wonderful wife Fiona. You are the backbone of my life in so many ways. This year marks a decade of your active involvement with Exit. Quite simply, there would be no organisation without your input. Words cannot express what I feel and how grateful I am to you.

Philip Nitschke, March 2016

The Year in Photos



Medical Board v Nitschke

On Christmas Eve, 2014 Exit was informed that the Medical Tribunal of the Northern Territory had upheld the decision of the Australian Medical Board in terms of the suspension of Dr Nitschke's medical registration.

This was a setback for Exit. The second setback to follow soon after was the very sad death of the organisation's barrister, Mr Peter Nugent. Suffering from Stage 4 bowel cancer, Peter knew he was on borrowed time. But with an appeal of the Medical Tribunal due to be delivered in the Northern Territory Supreme Court in April, his death was especially untimely.

Thus, when Melbourne QC, Richard Niall was able to step in at late notice, instructed by David Fitzpatrick, things began to look up again. This optimism was only enhanced in the court room itself. As Richard out-argued and out-smarted the Medical Board's QC, Liesel Chapman, at every turn.

There was quiet confidence in the Exit camp that we had won the appeal. The law was clear. The Medical Board had acted unlawfully.

When the Supreme Court handed down its decision three months later, our hunch became reality. Indeed the Medical Board and the Medical Tribunal had made significant errors of law. Such were the gravity of their errors that Dr Nitschke's registration was immediately reinstated. This was happy times indeed.

After this legal win, attention then needed to be turned to the secondary matter of 12 further complaints. These complaints were based on over four years of investigations by the Medical

Board. While the so-called offences were minor in nature compared with the Supreme Court matter, they nevertheless had to be addressed.

To this end, Dr Nitschke, represented again by David Fitzpatrick, entered mediation with the Medical Board. This took place in Darwin in September 2016.

The outcome of the mediation was 26 restrictions to Philip's medical registration. Among these restrictions were to remove his name as author from the Peaceful Pill eHandbook, not talk to any member of the public about voluntary euthanasia and, if any member of the public did raise VE with Philip, then he must refer them to a mental health service for assessment.

The restrictions were clearly scandalous and a breach of one's human rights and democratic liberties; not only of Philip but of those adults who may come into contact with him. Put simply, the restrictions were targeted at destroying his work at Exit.

The immediate outcome of the restrictions was that Philip stepped down as Director of Exit International.

The second outcome of the restrictions was a survey of Exit Members' attitudes in regards to what should happen next. Should Philip remain a registered medical practitioner? Or should he forsake his registration and continue his work at Exit International?

The survey results were clear. The members had spoken, Exit must continue.

Survey Results Snapshot

n=1170

99.49% of members wanted workshops to continue

99.57% of members thought that Philip should be able to continue to answer questions about drugs

98.03% of members did not think that Philip should be forced to refer them to a mental health service

98.29% thought it fairly or very important that Exit continue

98.72% of members thought it fairly or very important that Philip continue to publish the Peaceful Pill eHandbook

97.86% of members wanted Philip to continue his work at Exit

With such strong sentiments in mind, on 27 November 2015, Dr Nitschke burned his medical registration certificate, bringing an end to 25 years as a registered medical practitioner.

Philip says that he opted out on his terms. He said at the time that the Medical Profession has made it clear that they have no time for the voluntary euthanasia/ assisted suicide issue. The restrictions placed on Philip, as Australia's foremost activist, are testimony to this blinkered thinking.

Philip's decision to choose Exit over the practice of medicine was not a hard one. Having not worked as a doctor for many many years, he will not miss the profession.

Medical Board v Nitschke

JUDGMENT OF:

HILEY J

CATCHWORDS:

APPEAL – decision of Health Professional Review Tribunal to take immediate action under *Health Practitioner Regulation National Law* s 156 – no evidence that conduct alleged could be proscribed by the Code of Conduct for Doctors in Australia – misconstruction of clause 1.4 of Code of Conduct for Doctors in Australia – no basis for reasonable belief required for s 156(1) – error of law – appeal allowed

HEALTH PRACTITIONERS – medical practitioners – *Health Practitioner Regulation National Law* s 156 – immediate action taken by Health Professional Review Tribunal to suspend practitioner's registration – appeal to Health Professional Review Tribunal from decision of Medical Board of Australia – misconstruction of clause 1.4 of Code of Conduct for Doctors in



Top: Supreme Court Judgment against the Medical Board of Australia & Tribunal which found multiple errors of law had been made
Below: Philip burning his medical registration in disgust at AHPRA's actions, Darwin 27 November 2015

Exit & the Law

In 2015, several Exit members along with Dr Philip Nitschke found themselves in contact with the law.

Firstly, there was the assisted suicide trial in Dublin of Gail O'Rorke. Gail was accused of assisting Exit member and MS sufferer Bernadette Forde, with travelling to Dignitas. While Bernadette never actually made the trip, it was Gail's act of purchasing Bernadette's one way flight to Zurich that found her in front of a jury in Ireland's Courts.

From Gail's perspective she thought she was being a good friend and doing the right thing. In countries like Ireland, however, the right thing is not the same as the lawful thing.

Back in Australia, it was the family of Bendigo Exit member Dorothy Hookey who found themselves the subject of police attention. A long-time member of Exit, Dorothy had been suffering from crippling chronic pain as a result of her arthritis. When she decided enough was enough she took her Nembutal.

Despite Dorothy's suicide note, her husband, Graham, had to deal with a house full of police. In the following months, a second police raid took place,. This time Graham was presented with a search warrant with the words 'assisted suicide' on it. The police took the family's computer, iPad and searched for books that might have been used by Dorothy. In March *The Age* newspaper reported:

it hurt to be treated like a criminal while he was mourning his wife's death – an end he described as a rational choice made by an independent woman who did not want to die in a hospital or nursing home with no control over what happened to her.

"To me, it's just such a shocking waste of police resources," said Mr Hookey, who is a Justice of the Peace and son of a policeman.

At the time of press, the investigation is ongoing. This type of over-reaction to one elderly woman's rational suicide is indicative of the controversy

that continues to surround end of life choices in Australia. This seems a ridiculous state of affairs given it is almost 20 years since Australia became the first place in the world to pass a voluntary euthanasia law.

A third legal matter to come before Exit during 2015 was the issue of the UK Metropolitan Police investigation into Exit's 2013 workshop at Dragon Hall.

The investigation came about following a single complaint from a pro-life/ anti-choice UK group. It seems the MET welcomed the opportunity to find out all about Exit. Exit welcomed the opportunity to explain.

The cautioned interview was held at Charring Cross Police Station in London in April. Philip was represented by the highly capable John Martyn of Howard Kennedy Lawyers. Instructing John were Mark Stephens CBE and Ian Ryan. Exit is very grateful to the legal team for their representation and support during this stressful time.



Philip Nitschke leaving London's Charing Cross Police Station, 16 April 2015

Introducing Destiny



As mentioned in this year's Director's Report, the goal of Destiny was a machine that would reliably and peacefully cause death, would require no special expertise to apply, and could be initiated by button press, or by voice or eye movement. Destiny was first shown publicly in Edinburgh, in August 2015.

After several discussions with Neal Nicol, associate of Dr Jack Kevorkian, features of the earlier Deliverance machine were integrated with the Mercitron used by Kevorkian and Nicol in the assisted suicide of ~ 50 US patients in the 1990s.

To facilitate ease of use, a compressed carbon monoxide/nitrogen mixture (9%/91% - as used in the original Mercitron machine) was planned with the gas delivery rate of ~4 liters/min through simple nasal prongs.

The original Deliverance program that required a positive response to three questions, either through button press or other means, was modified to

initiate the flow of gas, and a finger cuff provided cardiac rate and oxygen saturation input.

A Raspberry Pi microprocessor was employed to control the process and present the questions, along with a display of cardiac trace, heart rate and oxygen saturation. When cardiac function ceased and saturation dropped to zero, the microprocessor terminated the gas flow.

The first machine was completed in 2015. Input was from press button (green) or (red) buttons attached to the Raspberry Pi microprocessor case.

The visual display to a screen showed cardiac trace, oxygenation and pulse, along with the sequential presentation of the three questions:

- Are you aware that if you proceed to the last screen and press the "yes" button you will be given a lethal dose and die?
- Are you certain you understand that if you

proceed and press the "yes" button to go to the next screen that you will die?

- If you press this button in 15 seconds you will die

Gas source was compressed Nitrogen/CO mixture (91%/9%) at 2000psi regulated with Max Dog nitrogen regulator to provide a flow rate of 4 liters minute.

The 91%/9% combination was chosen because it was quickly and effectively lethal, but also at a concentration of carbon monoxide not considered flammable.

At the time of publication, the Destiny machine has not been used to end life. Multiple testing of the machine using volunteers receiving 100% nitrogen substitute has occurred, and has shown reliable operation and gas control.

Small cylinders of the Nitrogen/Carbon Monoxide mix to run the machine are being developed and will be reported on in 2016.

Dicing with Dr Death

On the last page of my 2013 autobiography, *Damned If I Do*, I reflected that should the Medical Board de-register me as a doctor then I might turn my hand to comedy. In 2015 this long-held dream became a reality when I was able to secure a show at Edinburgh's famed Fringe Festival.

Performing *Dicing with Dr Death* at a venue called Just the Tonic in the Old Town's 'Caves' venue, I presented my nightly, one-hour show for three weeks straight. While I always thought working as a pro-choice advocate was hard work, I admit that I was unprepared for the sheer grind of being a comedian.

The routine was relentless but, as they say in show biz, it is the audiences who make the show. Night after night new faces would appear, eager to be entertained and to learn at my Suicide School.

With ages ranging from 12 years old to 85, I was able to engage the public in the issue of end of life

choices in a way that was hitherto unimaginable.

Early on in the show it became apparent that Tom Curran had a valuable contribution to make. In addition to being the sound and light man, Tom developed a cameo appearance where he talked passionately about his late partner, Marie Fleming. Marie had suffered from MS for over 25 years.

Tom is adamant that for Marie, having lethal drugs at home in the cupboard meant that she lived five years longer. This choice encouraged her to live on. Tom's speech made for powerful viewing. This was important because this was no ordinary comedy show.

Rather, *Dicing with Dr Death* took the audience through the highs and lows of the assisted suicide issue. There were many funny moments but also poignancy. For example, what is it like to kill your patients? And what would happen if Nembutal were freely available to the elderly.

Would the bodies pile up in the streets?

The highlight of the show was undoubtedly the audience participation. Each night a volunteer would be called for. This person would then experience the Destiny Machine (without the lethal gas of course). But their heart trace would be shown on the screen as they sat there in the 'ghost chair' with their nasal prongs in place. All manner of volunteers took part. And all sorts of nervous states were recorded.

The show received one 5-star, one 4-star and one 1-star review. It seems the critical press were voting as much in favour (or against) the issue as about the show itself.

Dicing with Dr Death will now feature at the 2016 Melbourne International Comedy Festival for one night only at Melbourne's Athenaeum Theatre. Philip says that the Australian premiere will feature Territory jokes, written especially for an Aussie audience.



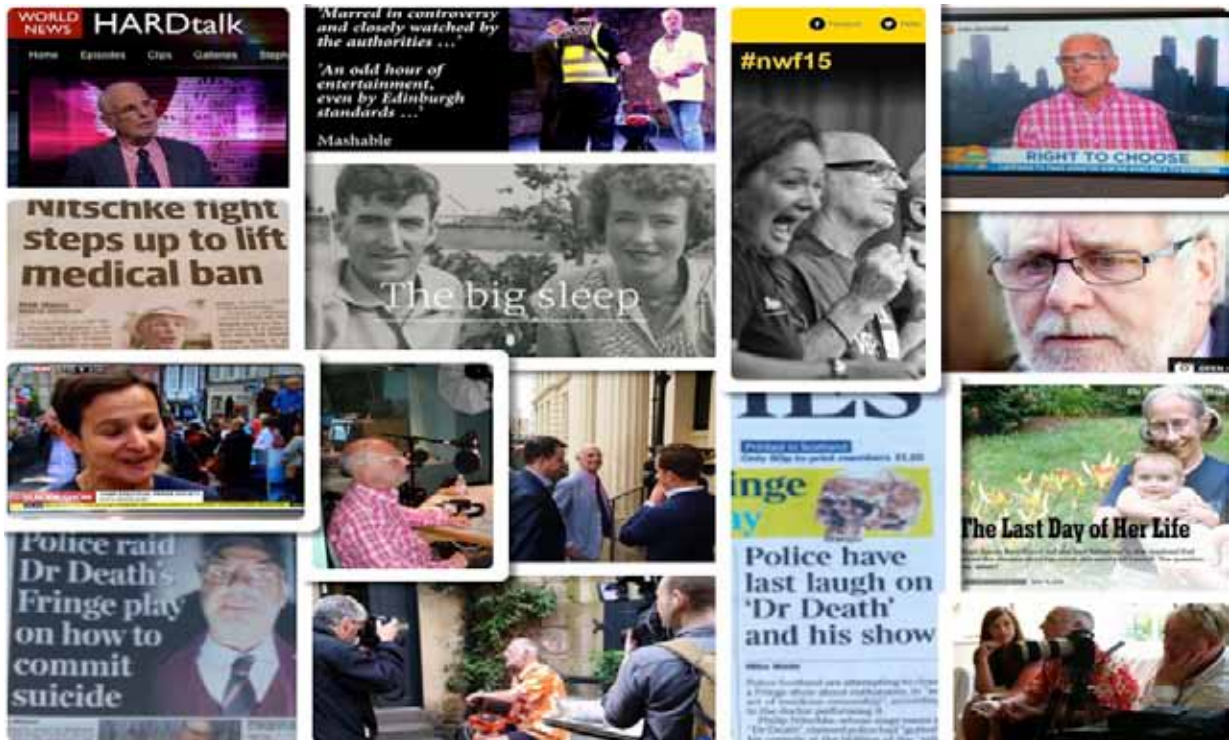
A volunteer giving Destiny a test drive during *Dicing with Dr Death*: Ed Fringe 2015

Dicing with Dr Death



Scenes from Dicing with Dr Death, Ed Fringe 2015: including Sidekick: Tom Curran, show Director: Kevin Shepherd, Exit Member: Huel Wynne (speaking to Sky TV), Legendary Katie Hopkins trying out Destiny (If Katie Ruled the World) & The Exit Rover: Henry Penny

Exit in the Media



Global media coverage is nothing new for Exit and 2015 was no exception. Several remarkable human interest stories were published on different continents. For Philip, it was his appearance on the **BBC's *Hardtalk*** program which was the highlight.

Apart from the significant, if rather sensational, media generated by the ***Dicing with Dr Death*** show in Edinburgh, more serious news coverage inevitably focused on the stories of Exit members as they planned for and carried out their deaths.

In mid year, it was the ***New York Times*** magazine's cover story on Professor Sandy Bem. Diagnosed with Alzheimer's, Sandy took matters into her own hands, purchasing the *Peaceful Pill eHandbook* and later importing Nembutal.

With the help of her former husband Daryl, Sandy died peacefully and before her dignity was further diminished by the awful disease that is dementia. As is now often the case, media

coverage also involved ongoing commentary in the print media as well as on TV, radio and the online. Much of this focused upon the Medical Board matter as the Supreme Court win against the Board was widely reported along with the subsequent attempts to censure discussion of VE.

Philip's Twitter feed is increasingly followed by journalists around the world. Indeed, Twitter has become a principal means by which the mainstream media can stay abreast of Exit's activities.

One of the more unusual events to be covered in the media was the intervention of Dr Nitschke to 'save' Paul Clifford who, with his family were returning to Australia from Disneyland. Paul had Stage 4 bowel cancer. When he became unresponsive on the flight between Los Angeles and Sydney, Philip was able to step in, monitor Paul's condition, as well as comfort Paul's wife Clarissa and provide reassurance to the crew that Paul was unlikely to die mid air. The irony of this

good samaritan act was that the Medical Board were still pursuing Philip's registration. Philip's extensive experience in dealing with death and dying placed him in excellent stead, despite the fact that Paul was only in his 40s and his death was distressingly premature for his young family.

A final major story of the year involved the suicide pact of Melbourne scientists, Peter and Pat Shaw. Members of Exit for over a decade, the front page coverage of this couple's rational suicide and the strong family support by their adult children marked a turning point in the way the media covers rational suicide.

The Age journalist, Julia Medew, followed up her front page story with an article about the public's reaction to her coverage. And rightly so. The article and video footage was insightful, sensitive and timely. Exit wishes her much success at the 2016 Walkley awards for excellence in journalism.



Dr Death's nitrogen euthanasia machine banned from the Fringe

'I'm shocked at this blatant censorship'

A MEDIC nicknamed Dr Death plans to flood Britain with cheap DIY suicide kits.

Nitschke fight steps up to lift medical ban

Dr Philip Nitschke comes to the rescue on Qantas flight

'Dr Death' on fringe of the law with show

Stay of execution for Dr Death

'DOCTOR DEATH' TO PERFORM STAND UP AT EDINBURGH FESTIVAL

Dr Philip Nitschke plans to show his audiences 'the funny side of the right-to-die debate' and demonstrate his latest euthanasia machine

Australians know what they want in dying. They don't need a doctor's judgement.

Nitschke broadens campaign

Death faces arrest ahead of Edinburgh show

Nitschke to the rescue on flight

'Dr Death' finds funny side of AMA exclusion

Prof Parker and the AMA

NOT GUILTY: Philip Nitschke claims he does not encourage suicide

The doctor's a joke

'Doctor Death' goes to blaze

Flying with dignity

The suspended doctor and euthanasia advocate Phillip Nitschke was called on to help with a medical emergency on a Qantas flight from Melbourne to Sydney.

Nitschke ban on death advice

Nitschke's funny business

We are sick to death of politicians telling us how we should die.

ON NITSCHKE'S MEDICAL PRACTISING CERTIFICATE It is a pity that we are unable to elect the members of the Australian Medical Board. In the past time that some of the old school went out to pasture. This is a free country. The right to die is equal to the right to a life of quality - not quantity. Megan of Darwin



Phillip Nitschke's last is laugh

Nitschke defies medical Board

Dr Death to 'gas' Edinburgh Fringe audience with new Destiny machine

Euthanasia support

All smoke, no alarm FORMERLY known as Phillip Nitschke burnt his medical practising certificate at the Edinburgh Fringe and is ready to start the fire. The fire brigade has a word on his hands.

DR DEATH DIY SUICIDE KITS

Festival picks

We should be allowed to help the suicides of our friends

Euthanasia group holds workshop on end-of-life options

Nitschke sets licence alight

Nitschke burns licence

Police have last laugh on 'Dr Death' and his show

Dr Philip Nitschke was told hours before he was due on stage last night that he could not use gas cylinders if needed

DIGNITY

DEATH IS A RIGHT

Mid-air intervention 'I pointed out to them that I'm suspended'

Baylis passing refuels euthanasia drug access call

Carer cleared over demands legal review

'Doctor Death' returns to Canberra for workshop on pills and wills

Intimate death may hurt Nitschke appeal

Suspended medic tries his hand at comedy



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