

STATEMENT BY SENATOR BOB BROWN

1.1 I introduced the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008. It had two aims:

- First, to repeal the *Euthanasia Laws Act 1997* and so restore the rights of elected assemblies in the Northern Territory, Australian Capital Territory and Norfolk Island to legislate for the rights of dying citizens.
- Second, to reinvigorate the historic 1995 Northern Territory legislation which permitted euthanasia if, after repeated requests from an adult citizen of sound mind who was dying with irremediable pain, indignity or other suffering, very strict medical and other requirements were first met.

1.2 The committee hearings, though limited, proved the great value of the Senate interaction with the Australian public. The committee heard from experts in the field and from the Territorians directly affected. However, legal experts argued that my bill may have the unintended consequence of actually entrenching the Northern Territory's *Rights of the Terminally Ill Act 1995*. If so, this would mean that the Legislative Assembly in Darwin could not rescind it. So, to ensure the first aim, the second needs to be set aside.

1.3 I support the Chair's recommendations to the Senate that the bill proceed, subject to the following amendments:

- item 2 of Schedule 1 be deleted and replaced with an item which specifically provides that the *Rights of the Terminally Ill Act 1995* (NT) is NOT revived by the Bill;
- Schedule 1 be amended to include a provision expressly removing section 50A from the *Northern Territory (Self-Government) Act 1978* (Cth) and equivalent provisions from ACT and Norfolk Island self-government legislation (rather than merely repealing the *Euthanasia Laws Act 1997*); and
- clause 3 of the Bill be amended to accurately reflect the legal position of the powers of territory legislative assemblies by:
 - deleting the word 'people' and replacing it with 'legislative assemblies'; and
 - deleting the words 'the terminally ill' and replacing them with 'voluntary euthanasia'.

1.4 The committee was divided on whether to support the bill. I am puzzled by this. I can only think that the committee members who did not support the bill demur in line with, or outright support of, the contention that the Northern Territory Legislative Assembly and ACT and Norfolk Island legislatures are inferior to other parliaments in Australia, or are made up of elected representatives lacking the ability of the Senators sitting in their judgement.

1.5 However, I for one, was not persuaded by the submission from the Chief of Staff of the Australian Christian Lobby, who said that the Northern Territory and Australian Capital Territory had 'immature Territory assemblies [which should not] be given the right to legislate on such serious matters.' This argument is derogatory of both assemblies, and of the people who elected them.

1.6 I recommend the bill be amended as above, and supported by the Senate to ensure the rights of all Territorians are restored.

Senator Bob Brown

Australian Greens