

**Policy Coordination & Implementation**

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Committee Secretary  
Senate Standing Committee on  
Legal and Constitutional Affairs  
Department of the Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Sir

**INQUIRY INTO THE RIGHTS OF THE TERMINALLY ILL (EUTHANASIA LAWS  
REPEAL) BILL 2008**

In response to the two questions that the Northern Territory Government took on notice, I note as follows:

**Question**

Does the Northern Territory's Rights of the Terminally Ill Act (ROTIA) have a residency requirement?

**Response**

No, there is no requirement that a terminally ill person seeking to rely on the provisions of the legislation have resided in the Northern Territory for any length of time.

Having said that, however, I make the following additional observations:

- Both the medical practitioner who certifies the original request, and the second medical practitioner who confirms the diagnosis must be "... resident in, and entitled under the Medical Act to practice medicine in the Territory" (see S.3 ROTIA).

- Under the legislation the medical practitioner who receives the request for assistance must be satisfied that a number of conditions have been satisfied (see S.7 ROTIA), and must declare that the person making the request is personally known to him/her (see Schedule ROTIA).
- The person requesting assistance must be informed of the nature of their illness, its likely course, medical treatment available including palliative care, counselling and psychiatric support and the measures that might be available to keep the patient alive. (see S.7 (1) (e) ROTIA).
- Other jurisdictions in the world have or have had euthanasia laws. These include Holland and the State of Oregon in the USA. Statistics should be available as to whether the availability of these schemes caused a flood of people from neighbouring countries/states seeking to take advantage of the laws.
- This is an issue that goes to the merits of euthanasia legislation and is outside the scope of this committee's inquiry.

### **Question**

What amendments would the Northern Territory seek in regard to (a) the Northern Territory (Self Government) Act 1978 and (b) the status of the Rights of the Terminally Ill Act.

### **Response**

The Territory suggests that the issue regarding the legislative capacity of the Northern Territory should be dealt with directly and explicitly by repealing S.50A of the Northern Territory (Self-Government) Act 1978.

This would be in preference to the proposed scheme of the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008 which would repeal the Euthanasia Laws Act 1997 but would leave it open for interpretation as to whether this undoes the 'work' that that Act did.

In regard to the status of the Rights of the Terminally Ill Act, in light of the uncertainty as to whether the current Bill could revive it, the Territory would seek a provision that said for the avoidance of doubt the Territory Act is not revived or otherwise rendered effective. The combination of this provision and the one removing the limitation on the Territory's self governing capacity would clear the way for the Legislative Assembly to deal with the issue as it saw appropriate.

Yours sincerely

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