

**DARWIN CHRISTIAN
MINISTERS' ASSOCIATION**

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Submission to the Senate Legal and Constitutional Committee's
Inquiry into the Rights of the Terminally Ill (Euthanasia Laws
Repeal) Bill 2008

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Executive Summary

The Darwin Christian Ministers Association (DCMA) **opposes** the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008 which seeks to legalize euthanasia practices in the Northern Territory.

The DCMA **supports** the powers of the Commonwealth Government to act in both national and international interest as it did in 1983 when it halted the damming of the Franklin River in Tasmania to protect the environment that sustains life, and in 1997 by prohibiting the practice of euthanasia which kills life in the Northern Territory.

It is therefore appropriate that these powers remain in place to protect not only the environment and the human lives that this environment sustains but also to protect the fundamental building block of human society, that of marriage between a man and a woman.

The DCMA **rejects** the assertion in Section 3 of the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008 that the NT government has no right to legislate for the terminally ill.

The Right to Legislate for the Terminally Ill

Section 3 of the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill reads as follows:

“The object of this Act is, in recognising the rights of the people of the Australian Capital Territory, the Northern Territory and Norfolk Island to make laws for the peace, order and good government of their territories, *including the right to legislate for the terminally ill, to repeal the Euthanasia Laws Act 1997 which removed that right.*” (italics added)

http://parlinfoweb.aph.gov.au/piweb/view_document.aspx?ID=2794&TABLE=BILLS

It is an **incorrect assertion** that the Euthanasia Laws Act 1997 removed the right of the NT Government to legislate for the terminally ill.

Both the Natural Death Act 1988, and the Natural Death Regulations are Northern Territory pieces of legislation that cater primarily for the terminally ill and dying.

The Natural Death Act is ‘An act to provide for, and give legal effect to, directions against artificial prolongation of the dying process.’

The Euthanasia Laws Act 1997 did not remove the right of the NT Government to legislate for the terminally ill, but rather amended the Northern Territory (Self- Government) Act 1978 by inserting section 50A Laws concerning euthanasia, in order to protect the sick, vulnerable and the terminally ill from being killed.

Euthanasia is killing. ‘Voluntary’ euthanasia is killing. It is good governance to make laws that prohibit killing. It is not good governance to make laws that regulate killing. The Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008 will not restore the right of the NT Government to legislate for the terminally ill because that right has never been removed.

State/Territory Power vs. Commonwealth Power

This inquiry gives us the opportunity to comment on the power of the Commonwealth to override territory and state legislation.

As mentioned above, the Euthanasia Laws Act 1997 did not remove the right of the NT Government to legislate for the terminally ill, but rather amended the Northern Territory (Self Government) Act 1978 by inserting section 50A Laws concerning euthanasia in order to protect human life, in particular the sick, vulnerable and terminally ill from being killed.

The Northern Territory (Self Government) Act is a Commonwealth Act.

It is in the national interest for the Commonwealth Government to continue to oversee the legislatures in Australia in the interest of humanity and the environment, particularly when Australia is signatory to such conventions as the Universal Declaration of Human Rights 1948 and more recently the Kyoto Protocol. Territory legislatures are small with no ‘house of review’ and they are vulnerable to abuse by minority interest groups with destructive agendas.

It was not in the national interest or good government to allow 25 politicians to set a precedent in this country to regulate killing. It was and is not in the national interest or good government to allow 17 politicians to set a precedent to undermine the institution of marriage between a man and a woman, the foundation of society’s family unit. It was not in the national interest to allow the government of the State of Tasmania to dam the Franklin River.

The irony of this inquiry is that it was Senator Bob Brown’s work that established the Commonwealth Government’s power to protect the national environment on issues of international importance, yet today he is calling for Federal Parliament to remove Commonwealth protections for people who are sick, vulnerable and terminally ill.

The Darwin Christian Ministers Association would suggest that if the Commonwealth Government has the power to protect the national environment on issues of international importance, it is imperative that the same power be utilized to protect the people of Australia and the value and dignity of human life in keeping with international conventions.

Euthanasia & Laws that Regulate Killing

Euthanasia is killing. The Rights of the Terminally Ill Act 1995 (ROTIA) regulates killing. Euthanasia makes killing the patient a form of treatment.

According to Senator Brown's second reading speech the percentage of deaths as a result of euthanasia in the Netherlands in 2005 was 1.7%. If the Rights of the Terminally Ill Act 1995 were to be re-instated and this trend followed it would translate to approximately 15 deaths per annum in the NT due to regulated killing.

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3302.02006?OpenDocument>

There are claims that once legalized, euthanasia becomes very difficult to control and results in the murder of people who have not requested to die. Apparently there are three studies by Dutch researchers showing that, in Holland where euthanasia is legal, around 1000 patients are killed every year against their wishes, or without consent, by their doctors. These studies were published in the Lancet and the New England Journal of Medicine between 1991 and 2003. (*ACL weekly e-news 28/3/08*)

The DCMA would ask that members of the committee look into these claims and consider them seriously.

Palliative Care, Aged Care and Oncology in the NT

No-one wants to see someone they love endure pain but euthanasia is not the answer. The NT Government is to be commended for developing palliative care and this will need to continue to be developed. However there is no oncology unit in the NT, or radiotherapy available for cancer sufferers. It is not unusual for NT cancer patients to have to endure lengthy stays away from their families as they seek treatment interstate. This is a very real problem that needs addressing. In regards to aged care there is no geriatrician in the NT.

Recommendations

The Darwin Christian Ministers Association would **recommend:**

- 1) That the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008 should be abandoned because the NT Government already has the right to legislate for the terminally ill and this right has never been removed. Section 3 of the proposed bill contains a false assertion that is quite misleading.
- 2) That all states and territories should be prohibited from making laws that regulate the killing of people, whether terminally ill or not.

- 3) That the Federal Government consider making provision within the Australian Constitution to guarantee Commonwealth oversight of all states and territories in relation to matters of protecting human life and the environment that sustains life, Australia being a signatory to the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the World Heritage Convention and more recently the Kyoto Protocol.
- 4) That the NT Government work with the Federal Government to develop medical services and facilities that meet the needs of all territorians, particularly the aged and the terminally ill.
- 5) That there is a need for an Oncology Unit, Radiotherapy and a Geriatrician in the NT
- 6) That there is no need for a 'Euth-anaesthetist' in any state or territory of Australia.