



AUSTRALIAN LABOR PARTY  
Australian Capital Territory Branch

Committee Secretary  
Senate Standing Committee on Legal and Constitutional Affairs  
Parliament House  
**CANBERRA ACT 2600**

Dear Secretary

*Inquiry into the Rights of the Terminally Ill (Euthanasia Law Repeal) Bill 2008*

The Australian Capital Territory Branch of the Australian Labor Party has made substantive submissions to previous senate committees' inquiries on a range of matters related to issue of self governance. On this occasion I make a brief submission through this letter to simply re-state the core point that we have previously placed on the public record through previous submissions. I wish to acknowledge the assistance and work of the Legal and Administrative Affairs Policy Committee of the ACT Branch on this issue over many years and specifically for their assistance on this and previous submissions on this topic.

The ACT Branch of the ALP supports the repeal of Euthanasia Laws Act 1997. This is not necessarily based upon any view about the desirability or otherwise of particular Australian Capital Territory, Northern Territory or Commonwealth laws on the topic of euthanasia, but upon the need to reinstate and reinforce the principles of democracy and self governance in the ACT.

The Euthanasia Laws Acts 1997 amended the ACT Self Government Act to remove power from the ACT Legislative Assembly to pass laws generally on the topic of euthanasia. Significantly, the power is removed whether or not any particular law on the topic can be justified as a matter of public policy. The power to pass laws on euthanasia is removed even where it may be demonstrably in the interests of the ACT community for it to be exercised.

This abrogation of self government in the ACT is inconsistent with the most basic principles of democracy. The ACT was granted self government under the Self Government Act in 1988 and a Legislative Assembly created to govern in the best interests of the ACT community.

The Assembly is elected by the community after free and fair elections and there can be no suggestion that it is anything but an appropriate representative body. The effectiveness of the body and the democratic principles upon which it rests are undermined by laws like the Euthanasia Laws Act that strip it of law making power.



The removal of legislative power by the Euthanasia Laws Act was also discriminatory. No similar denial of power has ever been made with regard to State Parliaments, nor is it suggested that such a denial would be possible.

It is unjust and undemocratic that voters and citizens in the ACT are given lesser powers of self determination than people in other Australian jurisdictions.

If the Commonwealth wishes to pass laws within its constitutional powers it should do so in a general way for the whole Australian community. Its powers should not be exercised in specific ways that undermine self government in the ACT. Indeed, not only should the Euthanasia Laws Act be repealed, but the Self Government Act of the ACT should be amended to remove the veto of the Commonwealth executive over individual ACT laws. Such a power should have no place in any modern democracy, and after twenty years of self government in the ACT it is past time that the veto power was removed.

Yours sincerely

A large black rectangular redaction box covers the signature area. A thin, light-colored scribble or mark is visible to the left of the redaction.

Matthew Cossey  
**ACT Secretary**  
**Australian Capital Territory Branch**  
**Australian Labor Party**

8 April 2008