

Committee Secretary
Senate Legal and Constitutional Affairs Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Phone: +61 2 6277 3560
Fax: +61 2 6277 5794
Email: legcon.sen@aph.gov.au

From: John Bailey

Committee Members, _____

Please accept my submission on a topic that conjures up a wide range of emotional issues for me.

As a Labor Member in The Legislative Assembly of The Northern Territory from 1989 to 1999 and supporter of The Rights of the Terminally Ill Bill, this issue has particular significance on a number of fronts; firstly, in all my ten years in the Assembly this was the only debate where the outcome was not known from the outset, where a dividing vote would be taken, and where I was on the winning side at the end. Secondly I was and still am appalled by the decision of the Federal Parliament to interfere in the democratic rights of the people of the Northern Territory. And lastly I am appalled by the influence religious groups which I will refer to as 'the church' have within the parliamentary process.

I do not want to enter into the debate of the pros and cons of the original Rights of the Terminally Ill legislation or the debate over voluntary Euthanasia other than to give some personal insights.

A number of memories surround this period; the most striking and uplifting being the contribution by Wesley Lanhupuy, former Member for Arnhem, and a proud indigenous leader, now deceased.

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Wes Lanhupuy, '...I expressed my personal views about that to many Aboriginal people in my electorate but, in the end, it was a decision which they had to make by themselves. After all the debate and controversy, I said to people that I hoped that they would be able to give me the right to exercise my right as an individual. It is not hard to ask for a person's rights as an individual. A man lives his life, whether for or against the law, and irrespective of whether he has received the rights that he has demanded or has had a cheerful life or otherwise.

When he is about to make his last request, should we be in a position to deny him that last right which he wants? That is the question which I believe honourable members of this House will have to come to grips with by themselves, regardless of whether they have decided to support or oppose the bill and be that on religious or any other grounds.

Mr Speaker, I can assure you that, in the 11 years that I have been in this parliament, this is the most difficult bill that I have ever had to examine and ponder on. I have had sleepless nights over it for a whole range of reasons, not the least being my personal feelings towards it because of the personal tragedy that I mentioned earlier. At the time, I expressed my thanks to you, Mr Speaker, the Chief Minister and many others who helped me through that period. It was a very difficult time. I have never had the opportunity to raise this issue except on the last occasion that I spoke in relation to this legislation. Based on such considerations, I believe a person should have the right to be able to determine what they want if they are of sane mind.....' (Please see attached copy of complete speech.)

Wes was considered pivotal in the passing of the legislation as he was seen as holding the casting vote.

The legislation was passed and implemented. It worked as it was intended to, for a short period until Kevin Andrews moved against it.

There were two aspects of the overturning that are of concern; firstly, the political interference of the Federal Government in matters that were rightly the domain of the NT Legislative Assembly and its members, This matter of interference by one level of authority into another area is often controversial, the dispute between the Federal Government and states as to who has jurisdiction on issues occurs regularly, however this was not a dispute over jurisdiction, this was straight out interference, and unlike the Federal intervention into aboriginal affairs because of widely held concern, there was no crisis in the NT in relation the voluntary euthanasia

While it is legally allowed for the federal government to do what they did it was morally wrong to deny the rights of the elected representatives and the people of the NT of their rights to make decisions in this area, a right still held by Australians in all the states. It might have been more justified if the Federal Parliament had moved to take these rights for all Australians and not just a few.

The second, and in many ways of greater concern is who actually influenced federal members to make this decision. In the lead up to passing the original bill in the NT through to its overturning by the Federal Parliament the most vocal criticism came from the church and religious groups. While they like any other group in society have a right to lobby, inform or influence, the question has to be asked as to whether in some cases the relationship between members of parliament and the church could be seen as a conflict of interest. Again let's consider what Wes Lanhupuy said in his speech;

'Having gone to a Christian school, I have practised Christian beliefs. Certainly, my name indicates the Christian influence in my early days. I am very proud of the fact that that teaching has given me the ability to be able to express my opinion on matters of religion and culture, and on behalf of my people. In relation to this issue, the church has been a major voice. Whether that is right or not is a matter on which members will make a value judgment before voting on this bill. I heard in the community that some of the churches were telling people that they should not support the bill basically because of their religious beliefs. No information whatsoever was given as a reason for that. No information was given whereby people could determine their own beliefs. That was disappointing.'

Quite clearly the church had a direct interest in this issue, in a way that could be compared with a developer's interest in their next development. If a member of parliament had a direct relationship or interest with a developer or development that was being debated in parliament then they would have to declare it as a conflict of interest and abstain from involvement or divest their interest. As Wes outlined our

education, religion, upbringing and associations all influence the way we make decisions, but none of these should still be directing the way politicians make decisions in parliament now.

There is supposed to be a separation between church and state, as a basis of our democratic parliamentary system, it is interesting to note that the demographics of religious belief in the community compared to parliament would, I believe, show much more religious representation than in the general public but also any assessment of support within the community for Voluntary Euthanasia is much higher than in the religiously dominated parliaments. Even the major political parties would appear to be overly influenced by the church or are at least not prepared to challenge their influence.

I leave members of the committee and anyone who cares to read this with a hypothetical situation and ask you to consider this; Lets say a body, such as the United Nations has a legal basis, say through international law or treaty obligation, to override Australia's domestic law, and say within that organisation a group made up of religious zealots wanted to impose their views on the people and parliament of Australia, they may have a legal basis to do it but I wonder whether you would think they have and moral basis!

While I have little expectation that this current attempt to restore stolen right to Territorians I do urge members of the committee to consider how they would feel if this had happened to them.

John Bailey