



# Terry Mills, MLA

## Leader of the Opposition

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The Secretary  
Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Mr Hallahan

**Re: *Rights of The Terminally Ill (Euthanasia Laws Repeal) Bill 2008***

I am writing to you in relation to the *Rights of The Terminally Ill (Euthanasia Laws Repeal) Bill 2008* which is before your committee for consideration. The bill was read for a second time on the 14<sup>th</sup> of February 2008 by Senator Bob Brown.

At the outset I wish to make clear that there are two issues from a Territory perspective that are important to me and it must be understood that the two issues are firstly, the rights of the Territory Legislative Assembly to conduct its business unmolested by the Federal Parliament and secondly the issue of euthanasia. This correspondence is exclusively about the issue of Territory rights and in no way should it be read to imply my personal support for euthanasia.

As the alternate Chief Minister of the Northern Territory, however, it is incumbent upon me to defend, by all of the means at my disposal, the integrity of the Legislative Assembly of the Northern Territory. In that context the Senate needs to be reminded that the *Rights of the Terminally Ill Act (NT)* remains to this day a law on the statute books of the Northern Territory and as such it is an expression of the will of the people of the Northern Territory.

The *Euthanasia Laws Act (Cth)* is, while it continues to operate, a direct assault on the integrity of the Northern Territory Legislative Assembly and *ipso facto* an assault on the people of the Northern Territory.

I have no doubt that the Commonwealth of Australia and the Commonwealth Parliament would consider it an act of the highest effrontery if the British Parliament were to repeal the legislative instrument that constitutes Australia as a self governing federation. Nor would I ever believe that the British Parliament would ever dream of trying to inflict itself upon the people of Australia by altering the *Commonwealth of Australia Constitution Act 1900* because the British Government did not approve of a decision taken by the Australian Parliament.



The obvious result of such a move would be that Australia would be a republic in a very short time because the Australian people would not subordinate themselves to the directions of the British Parliament. Indeed the passage of the *Australia Act 1986 (Cth)* addresses this very issue in an effort to prevent such an event from occurring from an Australian perspective. The *Australia Act 1986 (Cth)* is about maintaining the sovereignty of a duly and fairly elected body politic from external interference.

Nevertheless, it appears that it is without so much as a passing consideration to this issue that, the Commonwealth Parliament was quite prepared in 1997 to pass a legislative instrument that directly contradicted the will of the Territory people as expressed through its parliament.

Whilst I am fully aware that the Territory does not have the protection of the founding states under the Australian Constitution the principles of a popularly elected parliament as being the voice of the people living in that jurisdiction cannot be so easily dismissed as merely being allowed because of an administrative arrangement. Anyone who is even a casual observer of our political system cannot deny the mandate of a parliament when its voice is given to it by the people as the result of a free and fair election.

It is with these principles in mind that I urge your committee to recommend to the Senate that the bill presented by Senator Brown should be supported. I have carefully read the bill and its only effect is to repeal the Euthanasia Laws Act (Cth) of 1997. Whilst the focus of Senator Brown is on the issue in the title of the Bill the focus of any leader in the Territory should be firmly on the integrity of the Legislative Assembly of the Northern Territory.

The Northern Territory has now twice remonstrated with the Federal Parliament because of its conduct and its decision making so remote from the people who live in the Territory. One of those remonstrances was a direct consequence of the Commonwealth Parliament's determination to suppress the activities of the Northern Territory Legislative Assembly. I hope that those remonstrances ring in the ears of Senators as they consider the implications of their actions on the integrity a legitimately elected parliament. Should the Senate choose not to support the bill under consideration they will effectively be placing their dead hand over a Parliament that the Senate itself assisted to create.

Yours faithfully,

A large black rectangular redaction box covering the signature of Terry Mills.

Terry Mills MLA  
Leader of the Opposition