



Simon Corbell MLA

ATTORNEY GENERAL
MINISTER FOR POLICE AND EMERGENCY SERVICES

MEMBER FOR MOLONGLO

Senator Trish Crossin
Committee Chair
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
CANBERRA ACT 2600

Dear Senator

Thank you for your letter of 17 March 2008 to Mr Jon Stanhope MLA, the Chief Minister, inviting him to make a submission on the inquiry being conducted by your committee into the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008 (the Bill). Your letter has been referred to me as the matter falls within my portfolio responsibilities.

In the early years of Federation, the Australian Capital Territory was selected for the Seat of Government of the Commonwealth of Australia. However, after more than six decades hosting the national government of Australia, the people of Canberra were charged in 1989 with their self-government. The people of the Territory are now responsible, through their elected representatives for their own governance and for ensuring the future of a growing and prosperous community.

Confident that the people of the Territory are a community which values fairness and diversity and which strives to provide opportunities equally to all its citizens, this plenary grant of power recognises the democratic right of the people of the Territory, through their elected representatives, to govern the Territory and make its laws. Members of the Australian Capital Territory parliament are elected by free election on the basis of policies made known to the electorate and have debated and passed a great number of laws since self-government day.

Today, only the elected members of the Assembly can claim a legitimate mandate to represent the views of the people of the Territory. It is a direct attack on democratic principle for others, without such a mandate; to substitute their own views for those elected to represent the people of the Territory.

Despite this, the Australian Capital Territory does not currently have the constitutional capacity to permit voluntary euthanasia following the amendment to limit the power of the ACT Legislative Assembly under section 23 of the *Australian Capital Territory (Self-Government) Act 1988* (Cth) (the Act) with the introduction of the *Euthanasia Laws Act 1997* (Cth). The Bill proposes the repeal of the *Euthanasia Laws Act 1997* with the

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effect that the ACT Legislative Assembly would once again have capacity to enact laws around the issue of euthanasia if it saw fit

I support the Bill in its current form. As first law officer for the Australian Capital Territory, I believe strongly that the power vested in the Legislative Assembly under section 22 of the Act to make laws for the peace, order, and good government of the Territory should extend to all areas of law for the Territory.

The removal of sections 23(1A) and (1B) of the *Australian Capital Territory (Self-Government) Act 1988* does not necessarily mean that the elected representatives of the Australian Capital Territory would immediately move to enact euthanasia laws. It would simply enable the people of the Australian Capital Territory to determine their own path in relation to this issue. That is the democratic way.

The views of the Australian Capital Territory are a matter of public record. This submission should not be kept confidential.

Thank you for the opportunity to express my support of this Bill

Yours sincerely

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Attorney General