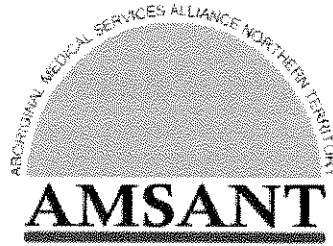


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**AMSANT Response to the Senate Standing Committee on
Legal and Constitutional Affairs**

On the

**Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill
2008**

POSITION SUMMARY

Due to the short notice for consideration of the *Rights of the Terminally Ill Bill* of 2008, and the complex and challenging issues associated with an issue like euthanasia, AMSANT cannot at this time support this Bill to repeal the *Euthanasia Laws Act* of 1997. This position should not be taken as specific opposition of AMSANT to properly managed and administered euthanasia, but more importantly that there has been insufficient preparation for due consideration of this issue in the Northern Territory, particularly amongst Aboriginal residents of the Territory.

BACKGROUND

About 13 years ago the enactment of the Legislative Assembly of the Northern Territory *Rights of the Terminally Ill Act* of 1995 was passed and brought euthanasia into being as a legal process in the NT. At the time there was considerable confusion and angst amongst elements of the Aboriginal community, particularly amongst remote area residents, about what the Act actually meant and how it would be applied in practice for Aboriginal people.

Since many Aboriginal people actually die in hospitals, often at a very great distance from their homes and families, there was concern about the decision-making that would apply for Aboriginal patients in regard to euthanasia. There were even concerns expressed by some that Aboriginal people would be 'put to sleep' without due regard to the desires of the individual and family. This fear must be considered in the context of a measure of mistrust that some in the Aboriginal community have for modern and busy hospital practices and procedures that have been *perceived* as not always being in the best interests of Aboriginal consumers of services.

Clearly these concerns were allayed when the Commonwealth *Euthanasia Laws Act* of 1997 superseded the NT Act. Now that there is consideration to reverse the situation, with the *Rights of the Terminally Ill Bill* of 2008, it could reasonably be expected that the same concerns originally expressed 13 years ago will re-emerge unless steps are taken to assure Aboriginal people of the intent and practice of legal euthanasia.

KEY ISSUES

The jurisdiction of the Northern Territory is comprised of some 30% Indigenous residents, many of who are from remote and isolated communities. This fact marks the NT as being a highly unique jurisdiction in the Australian context with significant cross-cultural issues, challenges and opportunities being a regular part of business and life in the NT. As such, we believe the NT is a special case when considering such issues as the *Rights of the Terminally Ill Bill* of 2008 in that significant ground-work and consultation needs to occur with Aboriginal residents to ensure understanding of such a Bill and also whether communities are in support of the Bill, or otherwise. Such ground-work has not yet occurred in the NT to facilitate such understanding and to allow empowered decision-making by constituents.

RECOMMENDATIONS

1. That a decision on the *Rights of the Terminally Ill Bill* of 2008 be re-scheduled to a later date, at least 12 months hence.
2. That an education and awareness campaign on euthanasia and the 2008 Bill be developed and implemented in the NT with a particular focus on engaging Aboriginal people and communities.
3. That the views of Aboriginal residents of the NT be given pre-eminence in any ultimate decision-making on the *Rights of the Terminally Ill Bill* of 2008 and the ultimate practice of euthanasia in the NT.

CONCLUSION

AMSANT is the peak body for some 26 Aboriginal community controlled health services located throughout the NT. The Organisation works hard to promote Aboriginal community control by advocating strongly for its member services and by providing supports aimed at boosting the viability and sustainability of community controlled health services.

In outlining AMSANT's role however, it must be understood that AMSANT cannot speak directly for Aboriginal individuals or communities on a matter like euthanasia unless an enormous amount of explaining and consultation has been undertaken first, and until such time as agreed positions have been achieved through accepted processes.

With regard to the issue of euthanasia this work has not yet been undertaken and therefore no clear position can be represented.

On this basis, AMSANT cannot at the present time support the *Rights of the Terminally Ill Bill* of 2008 to allow the legalisation of euthanasia again in the NT.