

**Submission to the Senate Legal and Constitutional Affairs  
Committee's Inquiry into the Rights of the Terminally Ill  
(Euthanasia Laws Repeal) Bill 2008.**

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

I am writing to voice my **opposition** to the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008.

**Northern Territory and Euthanasia**

The Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008 will not, as it states, restore the right the Northern Territory Government to legislate for the terminally ill. The NT Government has always had the right to legislate for the terminally ill and this is evidenced by the Natural Death Act 1988.

The bill would however legalize the practice of euthanasia in Australia and some would argue that it would restore the right of the Northern Territory to be able to legislate in order to regulate this practice.

The question has to be asked –Does any Australian state or territory have the right to legislate to legalize euthanasia?

**I would submit that NO Australian state or territory has the right to legalize euthanasia, the Commonwealth Government being signatory to:**

- 1) The International Covenant on Economic, Social and Cultural Rights
- 2) The International Covenant on Civil and Political Rights
- 3) The Universal Declaration of Human Rights

There is no escaping the fact that euthanasia is killing. Proponents of euthanasia like to view this act as 'mercy killing'. Whatever language is used, it is still killing and the intention is that a person's life be brought to an end.

**The International Covenant on Economic, Social and Cultural Rights** states in its preamble:

"Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying **freedom from fear** and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights and freedom.."

**No Australian citizen or person residing in Australia should ever have to live with either the fear of becoming a burden to society or the fear of facing the 'duty to die'.**

Article 12.1: "The States Parties to the present Covenant recognizes **the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.**"

The act of 'putting a person down' or killing someone, with or without consent is completely incompatible with this clause. **It is an illogical concept that 'the highest attainable standard of physical and mental health, is death.**

The International Covenant on Civil and Political Rights also recognizes the ideal of **freedom from fear** in the preamble:

"Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and **freedom from fear** and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,"

Please consider the following articles from the same convention.

Article 2: 3. Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, **notwithstanding that the violation has been committed by persons acting in an official capacity;**

Article 6.1 states: Every human being has the inherent right to life. **This right shall be protected by law. No one shall be arbitrarily deprived of his life.**

Also, the Universal Declaration of Human Rights

Article 3 **Everyone has the right to life, liberty and security of person.**

Article 25.1

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, **and the right to security** in the event of unemployment, **sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.**

## **Tasmania & the Franklin River**

It was the Commonwealth Government's power over foreign affairs and it being signatory to the **World Heritage Convention**, that was the constitutional mechanism applied to the overriding of the Tasmanian Government when it halted the damming of the Franklin River in 1983. Tasmania is a State.

"The case was a landmark in Australian environmental and constitutional history. It established the Commonwealth Government's power to protect the national environment on issues of international importance. The same power was subsequently used to protect the Daintree rainforests and Tasmania's Lemnathyme and parts of the southern forests.

In 1984, the Tasmanian Wilderness Society became The Wilderness Society and took on national wilderness conservation issues, including Kakadu and the Daintree rainforests. Bob Brown resigned as director in 1984, and went on to form the Tasmanian Greens in the Tasmanian State Parliament. Later he formed the Australian Greens."

The Wilderness Society –History of the Franklin Dam Campaign  
<http://www.wilderness.org.au/campaigns/wildrivers/franklin/franklin/>

## **Australian Capital Territory and the Civil Unions Act 2006**

The repeal of the ACT's Civil Unions Act 2006 was in keeping with the Australian Constitution and can also be supported by the ICCPR and the ICESCR, as well as the Commonwealth Marriage Act.

The International Covenant on Civil and Political Rights

**Article 23.1 The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.**

The International Covenant on Economic, Social and Cultural Rights highlights the importance of the protection marriage and the natural family unit.

**Article 10.1 The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society**, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

I would conclude by submitting that all levels of Australian Government whether local, state, territory or federal are all required to fulfil their obligations to International law, particularly the International Conventions that Australia is already signatory to.

As mentioned above, according to these conventions I would suggest that no Australian state or territory is in any position, or has any right to legislate with respect to the regulated killing of persons otherwise known as euthanasia. I would also remind you that the NT Government's right to legislate for the terminally ill has never been removed.

Kind regards,

Lois Fong