

The Senate

---

Legal and Constitutional Affairs  
Legislation Committee

---

Ensuring Northern Territory Rights Bill  
2021

October 2021

© Commonwealth of Australia 2021

ISBN 978-1-76093-282-4

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 4.0 International License.



The details of this licence are available on the Creative Commons website:  
<https://creativecommons.org/licenses/by-nc-nd/4.0/>.

Printed by the Senate Printing Unit, Department of the Senate, Parliament House, Canberra

# Contents

<b>Members .....</b>	<b>v</b>
<b>Recommendation .....</b>	<b>vii</b>
<b>Chapter 1 – Introduction.....</b>	<b>1</b>
Conduct of the inquiry .....	1
Structure of this report .....	1
Purpose of the bill .....	1
Key provisions of the bill .....	2
Part 1 .....	2
Part 2 .....	3
Part 3 .....	3
Background to the bill .....	4
Consideration by other parliamentary committees .....	4
<b>Chapter 2 – Key issues.....</b>	<b>5</b>
Fairness of the current constitutional and legislative frameworks .....	5
Impact of preclusion to legislate for voluntary assisted dying .....	6
Application to other territories .....	11
Other matters.....	12
Committee view .....	14
<b>Minority report from Senator the Hon Kim Carr.....</b>	<b>17</b>
<b>Additional comments from the Australian Greens .....</b>	<b>21</b>
<b>Appendix 1 – Submissions.....</b>	<b>23</b>



# Members

## Chair

Senator the Hon Sarah Henderson

LP, VIC

## Deputy Chair

Senator the Hon Kim Carr

ALP, VIC

## Members

Senator Lidia Thorpe

AG, VIC

Senator Paul Scarr

LP, QLD

Senator David Van

LP, VIC

Senator Raff Ciccone

ALP, VIC

## Participating Members

Senator Sam McMahon

CLP, NT

Senator Larissa Waters

AG, QLD

## Secretariat

Ms Sophie Dunstone, Committee Secretary

Ms Sofia Moffett, A/g Senior Research Officer

Ms Liana Tenace, Administrative Officer

Suite S1.61

Parliament House

CANBERRA ACT 2600

Telephone: (02) 6277 3560

Fax: (02) 6277 5794

Email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)



# Recommendation

## Recommendation 1

2.45 The committee recommends that the Senate takes note of this report.



# Chapter 1

## Introduction

- 1.1 On 5 August 2021, on the recommendation of the Selection of Bills Committee, the Senate referred the Ensuring Northern Territory Rights Bill 2021 (the bill) to the Legal and Constitutional Affairs Legislation Committee (the committee) for inquiry and report by 6 October 2021.<sup>1</sup>
- 1.2 An appendix to the Selection of Bills Committee report identified that the referral of the bill to the committee would allow for the consideration of matters including 'how this bill will align Commonwealth involvement with laws of the Northern Territory similar to the Commonwealth's involvement with laws of Australian states' and the 'benefits that will be delivered to Northern Territorians' as a result.<sup>2</sup>

### Conduct of the inquiry

- 1.3 In accordance with usual practice, the inquiry was advertised on the committee's webpage. The committee called for submissions by 30 August 2021 and wrote to a range of stakeholders inviting them to submit.
- 1.4 The committee received 88 submissions, listed at Appendix 1.
- 1.5 The committee thanks submitters for their contributions to this inquiry.

### Structure of this report

- 1.6 This report comprises two chapters:
  - Chapter 1 summarises the conduct of the inquiry and outlines the key provisions of the bill.
  - Chapter 2 considers key issues discussed in evidence to the inquiry and concludes with the committee's view.

### Purpose of the bill

- 1.7 This bill, which is a private senator's bill introduced by Senator Sam McMahon, seeks to amend the *Northern Territory (Self-Government) Act 1978* (NT (Self-Government) Act) and repeal the *Euthanasia Laws Act 1997* (Euthanasia Laws Act) to remove:

- (1) Limitations that apply to the Northern Territory Legislative Assembly pertaining to the acquisition of property on just terms,

---

<sup>1</sup> *Journals of the Senate*, No. 109, 5 August 2021, p. 3849.

<sup>2</sup> Senate Standing Committee for Selection of Bills, *Report No. 8 of 2021*, 11 August 2021, Appendix 1.

- (2) Laws that limit the ability of the Northern Territory Legislative Assembly to legislate for voluntary assisted dying if the Legislative Assembly chooses to do so, and
- (3) Limitations on the ability of the Northern Territory Legislative Assembly to make laws conferring powers in relation to the hearing and determining of employment disputes.<sup>3</sup>

1.8 In her second reading speech, Senator McMahon identified that the bill:

aims to restore the rights of Northern Territorians in line with those held by residents of Australian states across legislation that confers powers on the Commonwealth that the Northern Territory Parliament should be able to govern themselves.<sup>4</sup>

1.9 Senator McMahon noted that the three amendments contained in the bill 'will restore the rights of Territorians, and all...are equal in their importance'.<sup>5</sup>

### **Key provisions of the bill**

1.10 The bill's provisions are contained in one schedule that contains three parts:

- Part 1 contains proposed amendments to the NT (Self-Government) Act;
- Part 2 seeks to repeal the Euthanasia Laws Act; and
- Part 3 clarifies the application of the *Rights of the Terminally Ill Act 1995* (Northern Territory) (ROTI Act) should the bill be passed.

#### *Part 1*

1.11 Item 1 of Schedule 1 would repeal subsection 50(1), which prevents the Northern Territory from making laws with respect to the acquisition of property otherwise than on just terms. In her second reading speech, Senator McMahon explained that this amendment would 'align to arrangements already in place for the states and will confer equal powers on the Northern Territory Parliament'.<sup>6</sup>

1.12 Item 2 of Schedule 1 would repeal section 50A as inserted by the Euthanasia Laws Act, which precludes the Northern Territory from legislating for voluntary assisted dying or euthanasia. Senator McMahon highlighted that this provision:

is not a green light for the legalisation of voluntary assisted dying in the Northern Territory. It simply provides the ability for the Northern

---

<sup>3</sup> Explanatory memorandum to the Ensuring Northern Territory Rights Bill 2021 (explanatory memorandum), p. 2.

<sup>4</sup> Senator Sam McMahon, *Senate Hansard*, 4 August 2021, p. 64.

<sup>5</sup> Senator Sam McMahon, *Senate Hansard*, 4 August 2021, p. 63.

<sup>6</sup> Senator Sam McMahon, *Senate Hansard*, 4 August 2021, p. 64.

---

Territory Legislative Assembly to make their own laws regarding the practice, should they choose to do so.<sup>7</sup>

- 1.13 Item 3 of Schedule 1 would insert a note at the end of subsection 53(4) which states: 'Sections 29 and 40 of the *Fair Work Act 2009* deal with inconsistency between awards and agreements made under the Act and laws of the Territory'. The explanatory memorandum notes that this wording is employed in the *Australian Capital Territory (Self-Government) Act 1999* (ACT (Self-Government) Act) and would 'better reflect the existing relationship between the *Commonwealth Fair Work Act 2009* and Northern Territory Law'.<sup>8</sup>
- 1.14 Item 4 of Schedule 1 would repeal subsections 53(5) and (6), including the note. At present, subsection 53(5) precludes the Legislative Assembly from making a law conferring on any court, tribunal, board, body, person or other authority any power in relation to the hearing and determining of disputes, claims or matters relating to terms and conditions of employment. As well as highlighting 'the current relationship between the Commonwealth Fair Work Act 2009 and Territory law', Senator McMahon explained that this provision would remove the current limitation on the ability of the Northern Territory Legislative Assembly to make laws conferring powers in relation to the hearing and determining of employment disputes.<sup>9</sup>

### *Part 2*

- 1.15 Part 2 of the bill would repeal the whole of the *Euthanasia Laws Act 1997*. This Act introduced amendments to the *Northern Territory (Self-Government) Act 1978*, the ACT (Self-Government) Act and the *Norfolk Island Act 1979* that precluded each of these jurisdictions from making laws that:

have the effect of permitting (whether subject to conditions or not) the form of intentional killing of another called euthanasia (which includes mercy killing) or the assisting of a person to terminate his or her life.<sup>10</sup>

- 1.16 The Euthanasia Laws Act also rendered the *Rights of the Terminally Ill Act 1995* (NT) (ROTI Act) inoperative.

### *Part 3*

- 1.17 Part 3 of the bill would clarify that the passage of the bill would not re-enliven the application of the ROTI Act for any act or thing that was done from 27 March 1997 despite the repeal of the Euthanasia Laws Act and s50A of the NT (Self-Government) Act.

---

<sup>7</sup> Senator Sam McMahon, *Senate Hansard*, 4 August 2021, p. 64.

<sup>8</sup> Explanatory memorandum, [p. 3].

<sup>9</sup> Senator Sam McMahon, *Senate Hansard*, 4 August 2021, p. 63.

<sup>10</sup> *Euthanasia Laws Act 1997*, schedule 1, section 1; schedule 2, section 1; and schedule 3, section 1.

## Background to the bill

- 1.18 In 1995, the passage of the ROTI Act through the Northern Territory Legislative Assembly saw the Northern Territory become the first jurisdiction in Australia to enact voluntary assisted dying (VAD) laws.
- 1.19 Following these events, the Euthanasia Laws Bill 1996 was introduced as a private member's bill by the then Mr Kevin Andrews MP. This committee considered the provisions of that bill and a report was tabled in the Senate in March 1997.<sup>11</sup> The 1996 bill was the subject of a conscience vote in the Parliament and passed into law as the *Euthanasia Laws Act 1997*. The provisions of the Act are described in paragraph 1.15 above.
- 1.20 In the intervening period, a number of private senators' bills have been introduced into the Senate seeking to repeal the prohibition on the territories enacting VAD laws. For example, two of these are:
- the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008, which was introduced by Senator Bob Brown, and was considered by this committee in a report dated June 2008.<sup>12</sup> This bill lapsed at the end of the 42<sup>nd</sup> Parliament; and
  - the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015, which was introduced by Senator David Leyonhjelm and negatived at second reading.

## Consideration by other parliamentary committees

- 1.21 The Parliamentary Joint Committee on Human Rights and the Senate Standing Committee for the Scrutiny of Bills had no comment in relation to the bill.<sup>13</sup>

---

<sup>11</sup> Senate Legal and Constitutional Affairs Legislation Committee, *Euthanasia Laws Bill 1996*, March 1997.

<sup>12</sup> Senate Legal and Constitutional Affairs Legislation Committee, *Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008*, June 2008.

<sup>13</sup> Parliamentary Joint Committee on Human Rights, *Report 10 of 2021*, 25 August 2021, p. 61; Senate Standing Committee for the Scrutiny of Bills, *Scrutiny Digest 12/21*, 11 August 2021, p. 9.

# Chapter 2

## Key issues

2.1 Submissions to the inquiry largely focused on the bill's proposed amendments regarding voluntary assisted dying (VAD). In particular, the following key issues were discussed:

- fairness of the current constitutional and legislative frameworks;
- the preclusion of other Australian territories from the scope of the bill; and
- other matters.

2.2 These issues are discussed in the following sections.

### **Fairness of the current constitutional and legislative frameworks**

2.3 Many submitters supported the bill's aims to 'restore to the people of the Northern Territory and their representatives the right to make decisions for themselves on important social issues, including voluntary assisted dying, without Commonwealth interference'.<sup>1</sup>

2.4 The Australian Capital Territory (ACT) Government submitted that the bill 'highlights an important issue affecting the democratic rights of Australians living in both the Australian Capital Territory (ACT) and the Northern Territory (NT)'. It described this issue in the context of the broader impact of the current constitutional framework on the work of territory parliaments:

Under Australia's Constitution, Territorians do not experience the same rights enjoyed by citizens in other state jurisdictions. The disparity is rooted in the ability of the Federal Parliament to pass laws that interfere with or override any laws made by Territory parliaments. This means that the elected parliaments of the ACT and the NT cannot pass legislation without the risk of Commonwealth interference. History has shown this risk to be a real concern for Territory Legislatures.<sup>2</sup>

2.5 Professor George Williams AO echoed this view, submitting that the Australian constitution 'reserves rights and privileges to the states and Australians who live there, while permitting these to be denied to Territorians'.<sup>3</sup> He continued:

This entrenched discrimination is made all the worse by the special powers of the Commonwealth to intervene in territory affairs. Self-government in

---

<sup>1</sup> Go Gentle Australia, *Submission 4*, p. 1. See also, Mr Errol Fries, *Submission 9*, p. 1; Clem Jones Group, *Submission 31*, pp. 1, 2; Mr Phil Browne, *Submission 35*, p. 1; Ms Beverly Young, *Submission 36*, p. 2; Dying with Dignity Queensland Inc, *Submission 38*, p. 2; Doctors for Assisted Dying Choice, *Submission 53*, p. 1; Dr Philip Nitschke, *Submission 88*, p. 9.

<sup>2</sup> ACT Government, *Submission 54*, p. 1.

<sup>3</sup> Professor George Williams AO, *Submission 27*, p. 1.

the ACT and the Northern Territory depends upon the favour of the Commonwealth. It can at any time remove their right to be governed by a local assembly and can return either to direct federal rule.<sup>4</sup>

2.6 Professor Williams postulated that in the absence of broader reform:

the Federal Parliament can ensure that its laws provide Territorians with the same rights, as far as possible, as other Australians living in the States. The Bill should be supported in seeking to achieve this.<sup>5</sup>

*Impact of preclusion to legislate for voluntary assisted dying*

2.7 The committee received a number of submissions that argued that amendments introduced through the *Euthanasia Laws Act 1997* (Euthanasia Laws Act) were undemocratic, discriminatory and rendered residents of territories as 'second-class citizens'.<sup>6</sup> For example, Ms Pamela Jenkins argued that:

By not repealing these sections, Territorians in both jurisdictions are rendered lesser citizens, deemed unfit to make decisions about their own lives on the same basis as Australians living in the States.<sup>7</sup>

2.8 Mr Marshall Perron, former Chief Minister of the Northern Territory, elaborated on this view, submitting:

By withdrawing powers that had been transferred to the territories at Self Government, the Federal Parliament effectively divided Australian citizens into two classes on the grounds of geography. The 700,000 who choose to live in the Territories (more people than live in Tasmania) cannot elect representatives to legislate on their behalf on end of life issues the way citizens living in the states can.<sup>8</sup>

2.9 Some submitters suggested that passage of the Euthanasia Laws Act ran contrary to 'the spirit behind the devolution of powers' to territories.<sup>9</sup> Others argued that the passage of the *Euthanasia Laws Act 1997* 'interfered with valid

---

<sup>4</sup> Professor George Williams AO, *Submission 27*, p. 1.

<sup>5</sup> Professor George Williams AO, *Submission 27*, p. 2.

<sup>6</sup> See, for example, Ms Alison Courtice, *Submission 8*, p. 1; Mr Errol Fries, *Submission 9*, p. 1; Ms Dinny Laurence, *Submission 10*, p. 1; Mr Peter Enge, *Submission 11*, p. 1; Mr Allan Hall, *Submission 12*, pp. 1-2, 4; Ms Shirley McKerrow OAM, *Submission 14*, p. 1; Mr Phil Browne, *Submission 35*, p. 1; The Secular Association of NSW, *Submission 37*, p. 1; Dying with Dignity Queensland Inc, *Submission 38*, p. 2; Professor Lindy Willmott and Professor Ben White, *Submission 40*, p. 3; Dr Rodney Syme, *Submission 43*, p. 1; Dr Richard Lugg, *Submission 46*, p. 1; Christians Supporting Choice for Voluntary Assisted Dying Group, *Submission 48*, p. 1; End-of-Life Choice Society NZ Inc, *Submission 52*, p. 2; Ms Judy Dent, *Submission 55*, p. 1; Dr Philip Nitschke, *Submission 88*, p. 9.

<sup>7</sup> Ms Pamela Jenkins, *Submission 61*, p. 1.

<sup>8</sup> Mr Marshall Perron, *Submission 33*, p. 1.

<sup>9</sup> Go Gentle Australia, *Submission 4*, p. 2. See also, Mr Allan Hall, *Submission 12*, pp. 1-2, 4; Mr Marshall Perron, *Submission 33*, p. 2.

legislation passed by a proper parliamentary process in our democratic country'.<sup>10</sup> The Australia Institute emphasised that 'the interference with territory rights is more obvious now that several states have adopted voluntary assisted dying laws'.<sup>11</sup>

- 2.10 Concerns were raised that the preclusion of the territories from legislating for VAD is inconsistent with Australia's human rights obligations.<sup>12</sup> The ACT Government submitted:

The International Covenant on Civil and Political Rights (ICCPR), to which Australia is a party, guarantees citizens the right to take part in the conduct of public affairs, directly or through freely chosen representatives. The legislative restrictions placed on the NT and ACT in the area of voluntary assisted dying may limit this right. Further, pursuant to the right to equality and non-discrimination in sections 2 and 26 of the ICCPR, individuals are entitled to enjoy their human rights without distinction or discrimination of any kind. Citizens of the ACT and NT are denied their right to participate in public life on questions relating to voluntary assisted dying on the basis of their residence in a Territory while their counterparts in neighbouring states are able to decide such questions for themselves. These human rights may be subject only to reasonable limits that can be demonstrably justified in a free and democratic society.<sup>13</sup>

- 2.11 Referring specifically to the bill's proposal to repeal amendments to the *Northern Territory (Self-Government Act) 1978*, Mr Perron posited that 'the bill being considered here seeks to correct an anomaly in Australia's democracy'.<sup>14</sup> Humanists Australia shared this view, submitting that the bill 'presents an opportunity to right this wrong for residents of the NT'.<sup>15</sup>
- 2.12 These submissions argued that territory parliaments, and the Northern Territory Legislative Assembly in particular, should be able to debate the issue of voluntary assisted dying within their jurisdiction. Humanists Australia similarly argued:

Residents of the Northern Territory and Australian Capital Territory should have the same rights of self-determination of how they are

---

<sup>10</sup> Mr Harry Joyce, *Submission 51*, p. 2. See also, Associate Professor Andrew McGee, *Submission 5*, p. 1; Ms Deborah Hoad, *Submission 7*, p. 1; Ms Lynda Cracknell, *Submission 30*, p. 1; Clem Jones Group, *Submission 31*, pp. 5-6.

<sup>11</sup> The Australia Institute, *Submission 3*, p. 1.

<sup>12</sup> See, for example, The Secular Association of Australia, *Submission 37*, p. 1; The End-of-Life Choice Society NZ Inc, *Submission 52*, p. 1; Helen Brookfield, *Submission 66*, p. 1.

<sup>13</sup> ACT Government, *Submission 54*, p. 2.

<sup>14</sup> Mr Marshall Perron, *Submission 33*, p. 1.

<sup>15</sup> Humanists Australia, *Submission 2*, p. 1.

governed, and indeed how they choose to live their lives, as do residents of the Australian States.<sup>16</sup>

- 2.13 Some submitters observed that the national and international landscape has changed since the Euthanasia Laws Act was passed in 1997.<sup>17</sup> Dying with Dignity NSW submitted:

The NT was the first jurisdiction in the world to pass VAD legislation. (It was legal in the Netherlands and Switzerland at that time, but not via statute.) The NT legislation was passed at a time when the concept of VAD was a very new one, both here and around the world. There were no precedents to study and the legislation was passed without first having a substantial inquiry, as has subsequently been done in all Australian states where VAD has been legalised. In other words, the VAD debate was in its infancy. It is perhaps understandable that there was some Commonwealth nervousness.<sup>18</sup>

- 2.14 Dying with Dignity NSW stated that since this time, jurisdictions across 13 countries have implemented or are in the course of implementing a VAD regime, including eleven of the 50 states of the USA as well as Canada and New Zealand.<sup>19</sup> It highlighted that in Australia, such regimes exist in Victoria and Western Australia, while Tasmania and South Australia have legislated but not yet operationalised VAD.<sup>20</sup> The effect of this, Dying with Dignity submitted, is that

There is ample evidence from all these jurisdictions, and most relevantly from Victoria to show how VAD can operate safely. There is also a mountain of scientific evidence about the operation of VAD all over the world which can be drawn on in any debate. In other words, the VAD issue has matured and is now well understood and well accepted all over the world and in Australia.

This suggests that it would now be quite safe to allow the NT to have its own inquiry and its own parliamentary debate on VAD. There is good evidence that many Territorians want to have the debate, even if they don't ultimately support legalisation. It is quite unconscionable that all of

---

<sup>16</sup> Humanists Australia, *Submission 2*, p. 1.

<sup>17</sup> See, for example, Go Gentle Australia, *Submission 4*, pp. 3-4; Mr Allan Hall, *Submission 12*, pp. 1-2, 4; Dying with Dignity Victoria, *Submission 13*, p. 3; Mr Marshall Perron, *Submission 33*, pp. 1-2; Professor Lindy Willmott and Professor Ben White, *Submission 40*, p. 3; Dr Rodney Syme, *Submission 43*, p. 1; Mr Harry Joyce, *Submission 51*, p. 2; Doctors for Assisted Dying Choice, *Submission 53*, p. 1.

<sup>18</sup> Dying with Dignity NSW, *Submission 62*, p. 2.

<sup>19</sup> Dying with Dignity NSW, *Submission 62*, pp. 2-3.

<sup>20</sup> Dying with Dignity NSW, *Submission 62*, p. 3. On 16 September 2021 (subsequent to the commencement of this inquiry), the Voluntary Assisted Dying Bill 2021 (Qld) passed the Queensland Parliament: Queensland Legislative Assembly, *Record of Proceedings*, 16 September 2021, p. 2851.

---

Australia except the territories have the democratic right to decide their fate in their own way and their own circumstances.<sup>21</sup>

2.15 In contrast, other submissions strongly supported the current legislative framework. These submitters emphasised that the Constitution legitimately imbues the Commonwealth with power to make laws for the government of any territory, and that the Commonwealth should continue to do so in order to protect vulnerable individuals.<sup>22</sup> As articulated by the Australian Care Alliance, 'constitutionally, it is entirely a matter for the Commonwealth Parliament whether, and under what terms, the Northern Territory may exercise self-government'.<sup>23</sup>

2.16 The Right to Life Association (RTLTA) explained that:

It is appropriate that the Commonwealth apply the Territories power afforded under s122 of the Australian Constitution for sound policy purposes. In this case, the policy purpose operative under the Euthanasia Laws Act 1997, which the Bill seeks to repeal, provides protection to vulnerable persons whose rights and welfare are threatened by potential introduction of an assisted suicide regime.<sup>24</sup>

While citizens of the Northern Territory and the Australian Capital Territory have a legitimate expectation that the power to make laws for their jurisdictions by their elected political representatives at Territory level will generally be respected, this power is explicitly circumscribed by s122 of the Constitution. This power should be used by the Commonwealth judiciously, and only applied for important policy concerns.<sup>25</sup>

2.17 The RTLTA suggested that the 'defence of vulnerable persons, especially indigenous persons, constitutes exactly this concern':

The defence of life is the pursuit of the common good and assisted dying threatens vulnerable Australians. Indigenous Australians in particular have stated this clearly.

The Commonwealth should retain its power to defend the rights of vulnerable persons in the Territories and exercise those rights rather strictly where there is a strong case to preserve the common good. The Parliament in 1997 decided that assisted suicide was not a policy in accord with the common good and threatened the welfare of the vulnerable. This was reaffirmed in 2018 in Parliamentary debate on the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. There is no need for the

---

<sup>21</sup> Dying with Dignity NSW, *Submission 62*, p. 3.

<sup>22</sup> Name withheld, *Submission 39*, p. 2.

<sup>23</sup> Australian Care Alliance, *Submission 23*, p. 4, 9.

<sup>24</sup> Right to Life Association, *Submission 29*, p. 2.

<sup>25</sup> Right to Life Association, *Submission 29*, p. 2.

Parliament to alter that definitive position taken in 1997 in Euthanasia Laws Act 1997 and in 2018.<sup>26</sup>

2.18 The Little Company of Mary Healthcare mirrored this position. It submitted that 'laws that would allow a third person to end or assist in ending a human being's life are among the most serious considered by parliaments'.<sup>27</sup> On that basis, Little Company of Mary Healthcare argued:

it is appropriate for the federal parliament to have oversight over territories. Commonwealth powers have not been used lightly but are appropriate when small jurisdictions with unicameral parliaments are deciding to allow something as serious as allowing people to end their own lives with the support of the government, particularly when that decision may threaten the wellbeing of vulnerable people.<sup>28</sup>

2.19 Some submitters suggested that changes to the current legislative framework that may lead to a VAD regime may have a particularly adverse impact on the Northern Territory's significant First Nations population.<sup>29</sup> The Australian Christian Lobby (ACL) referred to a paper by Chips Mackinolty entitled *Euthanasia, Right Legislation Wrong Jurisdiction?*, published during public debate about the Euthanasia Laws Bill 1996. In his paper, Mr Mackinolty concluded, following consultations with Aboriginal communities across the Northern Territory, 'that the existence of the ROTI legislation presents a continuing threat to the health and wellbeing of many Aboriginal people in the Northern Territory':<sup>30</sup>

Due to complex ways in which Aboriginal belief, social and cultural systems do not 'match' those of non-Aboriginal Australia, external reassurances about the 'voluntary' nature of the legislation will be unlikely to lessen the very genuine cultural misgivings and fears Aboriginal people have about the existence of the Act.

...

I believe the 'debate' over euthanasia legislation has not come to grips with the reality of the jurisdiction in which it has been enacted — one in which such a high percentage of the population has such a radically different world view from the general population. The 'debate' has concerned itself entirely with either Western ethical/moral arguments, or arguments over the 'rights' of the Northern Territory to make legislation for itself without interference from the Commonwealth, that is, a 'states' rights' argument.

---

<sup>26</sup> Right to Life Association, *Submission 29*, p. 2.

<sup>27</sup> Little Company of Mary Health Care, *Submission 1*, p. 2.

<sup>28</sup> Little Company of Mary Health Care, *Submission 1*, p. 2. See also, HOPE, *Submission 41*, p. 2, Mr William J. Fraser, *Submission 50*, p. 1.

<sup>29</sup> See, for example, Little Company of Mary Health Care, *Submission 1*, p. 2; Australian Care Alliance, *Submission 23*, pp. 10-12; Australian Christian Lobby, *Submission 45*, pp. 4-6.

<sup>30</sup> Mr Chips Mackinolty (1997) quoted in Australian Christian Lobby, *Submission 45*, p. 5.

Both lines of argument centre solely on a Western world view; both ignore Aboriginal world views.<sup>31</sup>

2.20 Similarly, HOPE suggested that the existence of a VAD regime may deter First Nations people from seeking health care services.<sup>32</sup> In addition, HOPE considered 'that the passage of this legislation would be irresponsible while Aboriginal and Torres Strait Islander Australians still lack access to basic palliative care services'.<sup>33</sup> HOPE stated:

Unless and until there has been significant investment – at a federal level – of responding to this review by investing in culturally-specific activities to address the needs of Aboriginal and Torres Strait Islander peoples, paving the way for euthanasia and assisted suicide in the Northern Territory would leave our indigenous Australians particularly vulnerable.<sup>34</sup>

2.21 The Australian Care Alliance concluded that the Commonwealth's constitutional responsibility obliges it 'to consider the likely impact of any proposed law on First Nations people including Aboriginal people in the Northern Territory'.<sup>35</sup>

### **Application to other territories**

2.22 A number of submissions in support of the bill strongly emphasised that the bill's amendments should also extend to the ACT.<sup>36</sup> The Australia Institute submitted that:

the Ensuring Northern Territory Rights Bill is incomplete. Repealing the restrictions on the Northern Territory but not those on the Australian Capital Territory would prolong the injustice done in 1997 and highlight the double-standard that territories are subject to.<sup>37</sup>

2.23 Professor Williams echoed this sentiment. He cautioned that restricting the scope of the proposed reforms to the Northern Territory only 'would introduce another invidious form of discrimination, this time between Australians living in the Northern Territory and the ACT'.<sup>38</sup>

---

<sup>31</sup> Mr Chips Mackinolty (1997) quoted in Australian Christian Lobby, *Submission 45*, pp. 5-6.

<sup>32</sup> HOPE, *Submission 41*, p. 3. See also Australian Christian Lobby, *Submission 23*, p. 10.

<sup>33</sup> HOPE, *Submission 41*, p. 3.

<sup>34</sup> HOPE, *Submission 41*, p. 4.

<sup>35</sup> Australian Care Alliance, *Submission 23*, p. 12.

<sup>36</sup> Humanists Australia, *Submission 2*, p. 1; Go Gentle Australia, *Submission 4*, pp. 1; Mr Errol Fries, *Submission 9*, p. 1; Hon Mike Gaffney MLC, *Submission 28*, p. 1; Mr Marshall Perron, *Submission 33*, p. 2; The Secular Association of NSW, *Submission 37*, p. 1; Professor Lindy Willmott and Professor Ben White, *Submission 40*, p. 3.

<sup>37</sup> The Australia Institute, *Submission 3*, p. 1.

<sup>38</sup> Professor George Williams AO, *Submission 27*, p. 1.

2.24 Dr Wendy Bonython, Dr Bruce Baer Arnold and Ms Jane Diedricks argued that restriction of the bill to the Northern Territory is 'an inappropriate example of statutory particularism' and should be 'rejected on that basis'.<sup>39</sup> Instead, they suggested that:

on a non-partisan basis, consistent with law in the states and the respect for self-determination about life matters that is evident in the international human rights agreements, the national parliament should instead move to repeal the Andrews Act so that there is uniformity across both mainland territories and consistency with the leading states.<sup>40</sup>

2.25 A small number of submissions raised questions about how the bill might affect other Australian territories, particularly the ACT.<sup>41</sup> For example, the RTLA submitted:

It should also be noted that the short title of the Bill appears to betray its real intent of legislating for also euthanasia in the Australian Capital Territory. It is hoped that the Committee Report will make clear the Bill's role in relation to the Australian Capital Territory.<sup>42</sup>

Part 2 of the Bill seeks to repeal in full the Euthanasia Laws Act 1997 with the effect that both in the Northern Territory and the ACT, these jurisdictions would have the power to pass assisted dying legislation although such laws would remain disallowable instruments.<sup>43</sup>

## Other matters

2.26 While most support for the bill was directed at the provisions related to VAD, some submitters extended this support to the bill's proposed changes regarding acquisition of property otherwise than on just terms and the resolution of employment disputes.<sup>44</sup> For example, Dying with Dignity NSW submitted that 'Territorians should not be limited in their rights to make laws relating to the acquisition of property on just terms or employment disputes'.<sup>45</sup> It asserted that 'the right to self-government should be the same for all states and territories, particularly in relation to the right to debate VAD laws'.<sup>46</sup>

---

<sup>39</sup> Dr Wendy Bonython, Dr Bruce Baer Arnold and Ms Jane Diedricks, *Submission 32*, p. 3

<sup>40</sup> Dr Wendy Bonython, Dr Bruce Baer Arnold and Ms Jane Diedricks, *Submission 32*, p. 3

<sup>41</sup> See, for example, Mr Peter Enge, *Submission 11*, p. 1; Ms Lynda Cracknell, *Submission 30*, p. 1; Rationalist Society of Australia, *Submission 49*, p. 1.

<sup>42</sup> Right to Life Association, *Submission 29*, p. 2.

<sup>43</sup> Right to Life Association, *Submission 29*, p. 3.

<sup>44</sup> See, for example, Associate Professor Andrew McGee, *Submission 5*, p. 1; Ms Deborah Hoad, *Submission 7*, p. 1; Ms Alison Courtice, *Submission 8*, p. 1; Mr Errol Fries, *Submission 9*, p. 1; Miss Samara Thomson, *Submission 15*, p. 1; Clem Jones Group, *Submission 31*, pp. 3-4; Doctors for Assisted Dying Choice, *Submission 53*, p. 1.

<sup>45</sup> Dying with Dignity NSW, *Submission 62*, p. 2.

<sup>46</sup> Dying with Dignity NSW, *Submission 62*, p. 2.

2.27 Professor Williams opposed the removal of the limitation on the Northern Territory to acquire property on just terms, arguing that:

the Commonwealth itself is subject to such a limitation and it is appropriate that this remains for a territory. Ideally, the states should also be subject to the same limitation to provide a minimum level of property rights protection.<sup>47</sup>

2.28 Dr Bonython, Dr Arnold and Ms Diedricks shared Professor Williams' position. They submitted that the just terms provision 'is a meaningful part of the nation's threadbare protection of rights in the absence of a readily justiciable Bill of Rights covering all Australians'.<sup>48</sup> Dr Bonython, Dr Arnold and Ms Diedricks echoed Professor Williams' sentiment regarding the application of the just terms provision to the states. They suggested that 'all the states and mainland territories expressly commit to a uniform regime in which any acquisition must be on just terms'.<sup>49</sup>

2.29 The Australian Care Alliance noted that removing the just terms provision 'would empower the [Northern Territory Legislative] Assembly to make a law enabling the government to acquire the property of individual Territorians, or of Aboriginal land rights holders, on patently unjust terms'.<sup>50</sup> The ACL shared this view and suggested that the proposed amendment may raise constitutional concerns. The ACL further noted that the acquisition of indigenous property in particular may be inconsistent with previous High Court decisions. It submitted:

If this Bill is passed, indigenous property may be acquired otherwise than on just terms, thus circumventing the effect of the High Court judgment in *Northern Territory of Australia v Griffiths* [2019] HCA 7.<sup>51</sup>

2.30 In relation to the proposed amendments regarding employment disputes, Dr Bonython, Dr Arnold and Ms Diedricks reaffirmed the 'importance of a coherent, forward-looking and respectful workplace/employment relations regime across Australia'.<sup>52</sup> They submitted:

The framework provided by the *Fair Work Act 2009* (Cth) provides consistency across the Northern Territory for private and public sector employees – in relation to both the rights and obligations of employers and employees. The ability for businesses (and employees) to freely access the services of agencies such as the Fair Work Ombudsman, within this

---

<sup>47</sup> Professor George Williams AO, *Submission 27*, p. 2.

<sup>48</sup> Dr Wendy Bonython, Dr Bruce Baer Arnold and Ms Jane Diedricks, *Submission 32*, p. 2.

<sup>49</sup> Dr Wendy Bonython, Dr Bruce Baer Arnold and Ms Jane Diedricks, *Submission 32*, p. 2.

<sup>50</sup> Australian Care Alliance, *Submission 23*, p. 3.

<sup>51</sup> Australian Christian Lobby, *Submission 45*, p. 4.

<sup>52</sup> Dr Wendy Bonython, Dr Bruce Baer Arnold and Ms Jane Diedricks, *Submission 32*, p. 3-4.

existing framework, to seek advice, education and assistance is another benefit that may be lost should this Bill be supported.<sup>53</sup>

2.31 Ms Lynda Cracknell raised questions as to 'whether amendments also have to be made to the Fair Work Act' should the bill be passed.<sup>54</sup>

2.32 The ACL questioned the need for these amendments, submitting:

There is simply no need for the NT to have power to create another tribunal, which at best will be very small and, if created, will miss out on the employment expertise of the Fair Work Tribunal.<sup>55</sup>

### **Committee view**

2.33 The committee thanks all submitters for their contributions to this inquiry.

2.34 While the bill contains three amendments, most submissions were directed at one, in particular, being the proposal to allow the Northern Territory Legislative Assembly to legislate for VAD should it wish to do so.

2.35 In the first instance, it is important to note, as some submitters did, that the constitutional basis upon which the Parliament of Australia passed the *Euthanasia Laws Act 1997* (Euthanasia Laws Act) – the territories power under section 122 of the Constitution – is sound. If the bill was passed, the bill would not correct a legal error, as no such error exists.

2.36 The question put before the Senate by the bill is whether it remains an appropriate use of the territories power to preclude the Northern Territory Legislative Assembly from enacting VAD laws.

2.37 The committee received evidence supporting the passage of the bill. The perception that residents of Australian territories are disadvantaged by an inability to determine the appropriateness of VAD laws in their own jurisdictions appears to be strengthened by the fact that debates about VAD laws have occurred in most Australian state parliaments.

2.38 However, the committee also heard compelling evidence that the use of the territories power to prevent the territories from legislating in relation to VAD is entirely appropriate and should be maintained. The committee notes that the Australian Parliament has affirmed this view on a number of occasions.

2.39 The committee makes no recommendation about the appropriateness or otherwise of using the territories power to prevent the territories from enacting VAD legislation. The committee considers it is a matter for the Senate to decide whether the use of the territories power in this way is appropriate.

---

<sup>53</sup> Dr Wendy Bonython, Dr Bruce Baer Arnold and Ms Jane Diedricks, *Submission 32*, p. 3-4.

<sup>54</sup> Ms Lynda Cracknell, *Submission 30*, p. 1.

<sup>55</sup> Australian Christian Lobby, *Submission 45*, p. 6.

- 2.40 The committee does, however, acknowledge the questions raised regarding the legal effect on the ACT and Norfolk Island of repealing the Euthanasia Laws Act. The bill is clearly intended to apply only to the Northern Territory, and the bill therefore includes express amendments to the *Northern Territory (Self-Government) Act 1978* to this effect.
- 2.41 The committee considered this question in its report on the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008. During that inquiry, competing views were presented, as they were here, as to the legal effect of repealing the *Euthanasia Laws Act 1997*.<sup>56</sup> Ultimately, the Statement by the Chair and Senators Kirk and Marshall recommended that, to avoid uncertainty, the bill should be amended to include provisions that expressly repealed the operative provisions in the relevant self-government acts of the Northern Territory, the ACT and Norfolk Island in order to give effect to the bill's intended purpose.<sup>57</sup>
- 2.42 In this case, the absence of express provisions in the bill which amend the *Australian Capital Territory (Self-Government) Act 1988* and *Norfolk Island Act 1979* supports the suggestion that the provisions inserted to those Acts by the Euthanasia Laws Act would continue to apply should that Act be repealed. In any event, the committee highlights this issue for the Senate's consideration.
- 2.43 The committee acknowledges questions about whether the bill should proceed without including the other territories, and the ACT in particular. The committee notes evidence received that doing so would not resolve the disparity between state and territory residents' ability to debate and legislate in relation to VAD.
- 2.44 The committee recognises the persuasive evidence regarding the bill's proposed amendments to the acquisition of property otherwise than on just terms.

## Recommendation 1

- 2.45 The committee recommends that the Senate takes note of this report.**

**Senator the Hon Sarah Henderson**  
**Chair**

---

<sup>56</sup> Senate Legal and Constitutional Affairs Legislation Committee, *Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008*, June 2008, 3.74-3.79.

<sup>57</sup> Senate Legal and Constitutional Affairs Legislation Committee, *Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008*, June 2008, p. 64.



# Minority report from Senator the Hon Kim Carr

- 1.1 Irrespective of views that individuals may hold on the policy substance in this bill, it is currently so poorly drafted it doesn't warrant the support of the chamber. Specifically, amendments relating to the *Fair Work Act 2009*, acquisition of property otherwise than on just terms and voluntary assisted dying ('VAD') all lack coherence.
- 1.2 The bill exposes divisions within the government that are now so rife that the government members of this committee were unable to reach even a semblance of a substantive recommendation in relation to this bill. Paragraph 2.39 summarises the government members' vapid approach to this important issue:

The committee makes no recommendation about the appropriateness or otherwise of using the territories power to prevent the territories from enacting VAD legislation. The committee considers it is a matter for the Senate to decide whether the use of the territories power in this way is appropriate.
- 1.3 The sole recommendation of the government majority further underlines the inability of the Chair and the government members to provide any useful commentary or guidance on this bill, with the content-free recommendation that 'the Senate takes note of this report'.

## **Restoring Territory Rights in relation to making laws with respect to Voluntary Assisted Dying**

- 1.4 The *Euthanasia Laws Act 1997* (known as the Kevin Andrews Law) was passed by the Howard government for the purpose of amending the *Australian Capital Territory (Self-Government) Act 1988* and the *Northern Territory (Self-Government) Act 1978* to deprive the respective legislative assemblies of the power to make laws relating to euthanasia. It is not in doubt that the entire purpose of the Kevin Andrews Law was to take away rights and powers from those two self-governing territories, and those who live there.
- 1.5 The key measure in this bill intends to restore the right of the Northern Territory Government, and hence of the people of the Northern Territory, to make their own decisions regarding laws regarding VAD. The Labor Party has long held that policy on euthanasia is a matter of conscience for individual members to decide. However, it is important to emphasise that this bill does not attempt to establish VAD laws in the Northern Territory. Rather, this bill intends to ensure that Territorians once again have the same rights as other Australians to decide their own laws with respect to this important matter of conscience.

- 1.6 It is notable that in the quarter of a century since the Kevin Andrews Law was passed, all state legislatures have debated legislation on voluntary assisted dying, with VAD now legalised in five of Australia's six states - Victoria, Western Australia, Tasmania, South Australia, and Queensland. VAD is in operation in Victoria and Western Australia, and will commence in Tasmania, South Australia and Queensland in late 2022 – early 2023. Many European nations have legalised voluntary assisted dying, as have at least eight US states and the District of Columbia.
- 1.7 In addition, while the Northern Territory was a pioneer of VAD laws at the time the Kevin Andrews Law was passed in 1997, and VAD laws were still relatively new to the public, recent surveys (including those submitted to this committee by the Australia Institute) show that VAD laws are now supported by the vast majority of Australians.
- 1.8 So while Australia has moved on since 1997, and the important issue of VAD laws has been or is being debated in every Australian state, the 700,000 Australians who live in the Northern Territory and the Australian Capital Territory continue to be denied the opportunity to participate in a democratic process to resolve their own approaches to euthanasia. This ongoing discrimination against the peoples of the Northern Territory and the ACT is unacceptable to Labor.
- 1.9 Where laws are inconsistent, people may move between jurisdictions. If voluntary assisted dying is legalised in all states, but remains illegal in the Territories because of the Commonwealth's intervention decades ago, terminally ill Territorians will have no choice but to relocate to one of the states if they wish to avail themselves of euthanasia laws. In many cases, relocating would only increase the stress that dying people and their families would already be suffering at the end of their lives. Preventing these kinds of interstate movements was an argument used by proponents of the Kevin Andrews Law in 1997. The same argument now favours repealing the Kevin Andrews Law, to allow Territorians to choose if they want their laws to be consistent with the laws in the states.
- 1.10 One of Australia's pre-eminent experts in constitutional law, Professor George Williams AO, submitted that the decision of the former Liberal government to deprive residents of the Northern Territory and the ACT of the right to make their own decisions about VAD laws is a form of 'entrenched discrimination'. Professor Williams submitted that:

The discrimination between those who live in states and territories is indefensible. Australian citizens living in Canberra and Darwin are just as fit to make decisions for themselves as their counterparts in Perth or Sydney. There is no good reason why they are denied the same control over their lives.

...

the Federal Parliament can ensure that its laws provide Territorians with the same rights, as far as possible, as other Australians living in the States. The Bill should be supported in seeking to achieve this.<sup>1</sup>

- 1.11 However, it is clear that this right to make laws with respect to VAD should not only be restored to the Northern Territory, but also to the people of the Australian Capital Territory. In this context, Professor Williams submitted that without extending the effect of this measure to the ACT as well as the Northern Territory, 'this Bill would introduce another invidious form of discrimination, this time between Australians living in the Northern Territory and the ACT'.<sup>2</sup> Labor agrees, and recommends that any legislation to restore the right of the Northern Territory to debate and legislate with respect to VAD laws should restore those same rights to the ACT.
- 1.12 In summary, it must be acknowledged that VAD laws are a challenging and highly personal subject for many Australians, but regardless of where individuals stand on the merits of euthanasia and the specifics of any VAD policies, it is untenable that Australians living in the Northern Territory and the ACT should be prevented from debating an issue which has been or is being debated in every Australian state. Labor strongly supports the rights of Territorians to make their own choices about VAD laws.

### **Restoring the capacity of the Northern Territory from making laws with respect to the acquisition of property otherwise than on just terms**

- 1.13 This bill would also repeal section 50(1) of the *Northern Territory (Self-Government) Act 1978*, which limits the power of the Legislative Assembly to acquire property otherwise than on just terms. No justification has been offered for removing this limit on the power of the Northern Territory Government. This basic protection of private property rights is an important constraint on the Commonwealth government set out in the Australian Constitution. Currently, there is no justification for any government to acquire property other than on just terms, and Labor does not support this measure.

---

<sup>1</sup> Professor George Williams AO, *Submission 27*, p. 2.

<sup>2</sup> Professor George Williams AO, *Submission 27*, p. 2.

**Recommendation 1**

**1.14 That the bill not be passed in its current form.**

**Senator the Hon Kim Carr  
Deputy Chair  
Senator for Victoria**

# Additional comments from the Australian Greens

- 1.1 The Australian Greens have long advocated for the repeal of the *Euthanasia Laws Act 1997* and restoration of the rights of elected assemblies in the Northern Territory, Norfolk Island and Australian Capital Territory to legislate in the interests of their citizens, including the right to die with dignity.
- 1.2 Voluntary assisted dying is an issue that affects countless families, medical professionals, health care and aged care workers across Australia. Recent polling by the Australia Institute found strong support (76 per cent) both for voluntary assisted dying, and for the Commonwealth removing restrictions on territory governments enacting voluntary assisted dying laws.<sup>1</sup> In fact, almost every credible opinion poll conducted over the last two decades has shown a similar level of support for the concept of dying with dignity.
- 1.3 The number of passionate submissions to this inquiry is further testament to the significance of this issue to many Australians.
- 1.4 Since the *Euthanasia Laws Act 1997* overruled the historic *Rights of the Terminally Ill Act 1995* (NT) allowing euthanasia in the Northern Territory, five Australian states have passed legislation authorising voluntary assisted dying: Victoria, Western Australia, Tasmania, South Australia and, most recently, Queensland. The independent Member for Sydney, Alex Greenwich, is expected to introduce a bill to legalise voluntary assisted dying to the NSW parliament in October 2021.
- 1.5 There is no compelling rationale for citizens of the Northern Territory and the ACT to be denied the opportunity to engage in similar debates, particularly in light of the Northern Territory having led the way two decades ago.
- 1.6 In 2011, the Parliament passed the *Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Act 2011*, introduced by the Australian Greens, removing Federal powers to overturn laws passed by the Legislative Assemblies of the Territories. The principle behind that change must apply to all laws.
- 1.7 Given the importance of dying with dignity to many Australians, all Australians should have, at the very least, the right to elect representatives able to debate and make laws for voluntary assisted dying.

---

<sup>1</sup> The Australia Institute. *Polling – Voluntary assisted dying and the territories*, April 2021 <https://australiainstitute.org.au/wp-content/uploads/2021/04/Polling-April-2021-Voluntary-assisted-dying-and-the-territories-Web.pdf>.

- 1.8 The Australian Greens support the intention of the bill and recommend that it be amended to ensure that it affords all Australian self-governing territories the same legislative rights as the Northern Territory.

**Senator Larissa Waters**  
**Senator for Queensland**

**Senator Lidia Thorpe**  
**Senator for Victoria**

# Appendix 1

## Submissions

- 1 Little Company of Mary Health Care
- 2 Humanists Australia
- 3 The Australia Institute
- 4 Go Gentle Australia
- 5 Dr Andrew McGee
- 6 Mr Christopher Harkness
- 7 Ms Deborah Hoad
- 8 Mrs Alison Courtice
- 9 Mr Errol Fries
- 10 Ms Dinny Laurence
- 11 Mr Peter Enge
- 12 Mr Allan Hall
- 13 Dying With Dignity Victoria
- 14 Mrs Shirley McKerrow
- 15 Miss Samara Thomson
- 16 Mr Rod Bower
- 17 Mr Dave Anderson
- 18 Dr Tony Krins
- 19 Mx Sujay Kentlyn
- 20 Mrs Judith Bell
- 21 Mr Peter Moreny
- 22 Miss Anne Grace
- 23 Australian Care Alliance
- 24 Mr Tony Whelan
- 25 Mrs Julian Schuller
- 26 Mr Sean Parnell
- 27 Professor George Williams AO
- 28 Hon Mike Gaffney MLC
- 29 Right to Life Australia
- 30 Ms Lynda Cracknell
- 31 The Clem Jones Group
- 32 Dr Wendy Bonython, Dr Bruce Baer Arnold and Ms Jane Diedricks
- 33 Mr Marshall Perron
- 34 Mr Barry Coulter
- 35 Mr Phil Browne
- 36 Ms Beverley Young
- 37 The Secular Association of NSW
- 38 Dying with Dignity Queensland Inc
- 39 *Name Withheld*

- 40 Professor Lindy Willmott and Professor Ben White
- 41 HOPE: Preventing Euthanasia and Assisted Suicide
- 42 Ms Anna Durbridge
  - 42.1 Supplementary to submission 42
- 43 Dr Rodney Syme
- 44 Mr William Maxwell
- 45 Australian Christian Lobby
- 46 Dr Richard Lugg
- 47 Ms Robyn Maggs
- 48 Christians Supporting Choice for Voluntary Assisted Dying
- 49 Rationalist Society of Australia
- 50 Mr William J. Fraser
- 51 Mr Harry Joyce
- 52 End-of-Life Choice Society NZ Inc
- 53 Doctors for Assisted Dying Choice
- 54 ACT Government
- 55 Ms Judy Dent
- 56 Mr James Earley
- 57 Ms Sandra Englart
- 58 Mr Michael Faulkner
- 59 Ms Gill Abraham
- 60 Ms Miriam Tonkin
- 61 Ms Pamela Jenkins
- 62 Dying With Dignity NSW
- 63 Mr Geoff James
- 64 Ms Judy Hageman
- 65 Ms Sharon Cramp-Oliver
- 66 Ms Helen Brookfield
- 67 Poh Lan Lim
- 68 Ms Susan Wood
- 69 Ms Kylie Bonanni
- 70 Mr David Nicholls
- 71 Mr Beau Summer
- 72 Ms Frances Coombe
- 73 Mr Brian Phillips
- 74 Ms Judith Hoy
- 75 Ms Annie Fagan
- 76 Ms Susan Rylie
- 77 Halina Strnad
- 78 Mr Ferdinand Klesch
- 79 Mr Peter R Davis
- 80 Jessie Edney
- 81 Mr Steve Wicks

- 82 Ms Mary Sutherland
- 83 Mrs Catherine Ann Woodward
- 84 Dr Harley Powell
- 85 Ms Marilyn Finnigan
  - 85.1 Supplementary to submission 85
- 86 *Name Withheld*
- 87 *Confidential*
- 88 Dr Philip Nitschke
  - Response to Submission 88 from Mr J T Dominguez CBE AM