



Australian Government
Attorney-General's Department

12/688, MC12/10892

21 August 2012

Mr Denis Moriarty
service@ourcommunity.com.au

Dear Mr Moriarty

I refer to your letter of 18 July 2012 to the Attorney-General, the Hon Nicola Roxon MP, about euthanasia. The Attorney-General has asked me to respond on her behalf.

I appreciate that euthanasia is a sensitive and complex issue and that members of the community have strong views about this issue. Under Australia's federal system of government, the Commonwealth, States and Territories have different areas of responsibility. The States are generally responsible for laws on euthanasia and there is no impediment to the States enacting such laws. The Commonwealth has no constitutional authority to legislate for euthanasia, other than in the Territories.

In relation to the Territories, the Commonwealth *Euthanasia Laws Act 1997*, which inserted limiting provisions into the Self-Government Acts of the Australian Capital Territory (ACT), Northern Territory (NT) and Norfolk Island (NI), prohibits the Legislative Assemblies of the ACT, NT and NI from making laws permitting euthanasia.

As you may be aware, in 2010 former Senator Bob Brown introduced the Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010 (the Euthanasia Bill), which was introduced into the Senate on 29 September 2010 and currently remains before the Senate. The Euthanasia Bill seeks to repeal provisions in the ACT, NT and NI Self-Governing Acts, which prevents those Territories from making laws permitting euthanasia. The Bill, however, does not seek to legalise euthanasia in those Territories. The Legislative Assemblies of those Territories would still have to legislate to permit euthanasia and any such legislation would be subject to override by the Commonwealth Parliament in exercise of its constitutional power to legislate for territories pursuant to section 122 of the Constitution.

The focus within Australia's health care community is on the maintenance of quality of life, including effective pain control for people with a life limiting illness. The Australian Government's National Palliative Care Program funds initiatives to ensure quality palliative care and to improve access to services for both people who are dying and their families. These projects include, research, improving palliative care education and training, and promoting advance care planning and the documentation of end of life health care wishes.

The Australian Government also provides significant financial assistance to State and Territory governments to help them to operate hospice and palliative care services as part of their health and community service provision responsibilities.

I hope this information is of assistance to you.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S Chidgey', written in a cursive style.

Sarah Chidgey
Assistant Secretary
Criminal Law and Law Enforcement Branch