

Bulletin No 14

December 2017

This is the first year since 1997 that we have been able to say that we have had some genuine success in reforming the law to give assistance to die. The clearest indication of success was the passage of law through both Houses of Parliament in Victoria which gives people who are dying the right to ask for assistance to die. The law will take effect from 2019 and will only apply to people who live in Victoria.

In the ACT Tara Cheyne was successful in passing a motion calling for

- 1) All ACT members of the Assembly to raise with their Federal colleagues the inappropriateness of the curtailment of the Assembly's capacity to make laws.
- 2) The need to convey to the Commonwealth that the Euthanasia Laws Act should be repealed and the right to make laws on voluntary euthanasia should be restored.
- 3) And to establish as soon as any Australian State has passed legislation for VE how the ACT community could have input on a possible model.

At the Gathering on November 2 of the World Right to Die Day Tara asked me to encourage our members to write to members of the Assembly to urge them to follow through on this motion. Please note the transcript that Tara has sent us of the debate in the Assembly which I'm attaching for your interest, which clearly identifies the way our politicians are arguing about the issue.

I can report that the WFRtDD Gathering although small was exactly what we wanted it to be. People met, chatted to one another and signed the two petitions that Tara and Greens MLA Caroline Le Couteur had drafted to send to Federal parliamentarians. Our new banner designed especially for the day looked splendid despite the wind. We intend to gather again next year and we hope that more people will attend.

Since my last Bulletin we have been pursuing the possibility of making a challenge in the High Court on the basis that the Euthanasia Laws Act breaches the Constitution which states that that the Federal parliament may not make laws for imposing religious observances. At the moment we are waiting to receive notice about their progress from Justice Connect which puts organizations looking for legal advice in contact with lawyers who will act on a pro bono basis. We are also preparing ourselves for the possibility that we may have to raise money to take this action.

As you probably know the NSW bill did not pass but the proponents are determined to pursue it next year and this may have even more impact on the ACT than the Victorian bill if it passes because being surrounded as it is by NSW our health jurisdictions have always been blurred with people from NSW often coming to ACT hospitals for treatment and vice versa. It could therefore be difficult for the NSW parliament to refuse an assisted death to people from the ACT.

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Dying with Dignity ACT Inc.

Everyone deserves a peaceful death

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The World Federation of Right to Die Societies, of which DWDACT Inc. is a member is now ready for its next conference which will be held in Cape Town in South Africa. If anyone is interested in going please take see their Newsletter ([link here](#)) which also has a link to the Conference. I will be going and would be happy to have the company of anyone else who is interested in attending.

The committee met last week and decided on the meeting dates for next year which I'm including in this Bulletin. If you lose this Bulletin or forget to put the dates in your diaries, remember that they are on the website.

Meeting dates in 2018 (most at Grant Cameron Community Centre - GCCC)

Committee meeting (GCCC Holder)	Thurs 15 February, 2pm
Committee meeting (GCCC Holder)	Thursday 19 April, 2pm
Committee meeting (GCCC Holder)	Thursday 21 June, 2pm
Committee meeting (GCCC Holder)	Thursday 16 August, 2pm
Committee meeting (GCCC Holder)	Thursday 18 October, 2pm
Committee meeting (GCCC Holder)	Thursday 6 December, 2pm

Annual General Meeting (GCCC Holder)	Thursday 5 April, 2pm
General Meeting (venue TBA)	Thursday 20 September, 2pm
WFRtDD (venue TBA)	Friday 2 November

I hope that this year will in hindsight be the turning point for the dying with dignity movement and that as a result we will have more control over our deaths than previous generations have had.

Jeanne Arthur, President
Dying with Dignity ACT
14 December 2017

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (11.09): The government will be opposing this clause for the reasons I outlined earlier around resourcing. But I flag the executive member's motion that I have on the notice paper that will address further work in this area over the next seven months.

Clause 5 negatived.

Schedule 1.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (11.10): I move amendment No 6 circulated in my name [*see schedule 1 at page 4869*]. This is, again, a straightforward amendment that omits all amendments to other legislation which related to the establishment of the act of grace payments register because of, as I outlined earlier in the debate, the significant privacy risks this would present.

Amendment agreed to.

Schedule 1, as amended, agreed to.

Title.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (11.10): I move amendment No 1 circulated in my name [*see schedule 1 at page 4869*]. This is an administrative amendment to omit from the title the words "and for other purposes" as amendment 6 has removed schedule 1, being the other purposes to which the title referred.

Amendment agreed to.

Title, as amended, agreed to.

Bill, as amended, agreed to.

Voluntary assisted dying

MS CHEYNE (Ginninderra) (11.11): I move:

That this Assembly:

(1) notes:

- (a) the fundamental requirement for dignified palliative care as part of the health care system, to ensure palliative patients have the opportunity to spend as much +quality time as possible with their loved ones;

- (b) the significant government and community support for palliative care in the Australian Capital Territory, and the dedicated doctors, nurses and support staff who care for palliative patients in our healthcare system; and
- (c) that while palliative care is the most appropriate and effective strategy in the majority of cases, in some cases palliative care is not enough to relieve extreme suffering;

(2) further notes:

- (a) the Australian community is interested in debating voluntary assisted dying, as demonstrated by a number of national surveys which consistently indicate strong support for voluntary assisted dying in circumstances where someone is terminally ill and is experiencing unbearable suffering, including:
 - (i) a 2017 Essential Media Communications survey, with 73 percent of respondents supporting assisted dying in those circumstances;
 - (ii) a 2015 Ipsos Mori survey, with 73 percent of respondents in support;
 - (iii) 2007, 2009 and 2012 Newspoll surveys, with an average of 82.5 percent of respondents in support; and
 - (iv) a 2012 Australia Institute survey, with 71 percent of respondents in support; and
- (b) parliamentary activity in nearly every State of Australia to research, discuss and debate the topics of voluntary assisted dying and voluntary euthanasia, in particular:
 - (i) the passing of the Voluntary Assisted Dying Bill in the Victorian Legislative Assembly on 20 October 2017, which is due to be debated in the Victorian Legislative Council this week;
 - (ii) the introduction of a Voluntary Assisted Dying Bill in the New South Wales Legislative Council in September 2017;
 - (iii) the announcement in August 2017 of a parliamentary inquiry into voluntary assisted dying in Western Australia; and
 - (iv) the introduction of Voluntary Assisted Dying Bills in South Australia and Tasmania in the last year, which were not supported at that time;

(3) acknowledges:

- (a) voluntary assisted dying and voluntary euthanasia involve complex health and legal issues which raise moral and ethical questions and, as such, should be open to debate by the community's elected representatives;
- (b) for the last 20 years, the Legislative Assembly has been precluded from legislating to allow any form of voluntary assisted dying or voluntary

euthanasia due to the Commonwealth Euthanasia Laws Act 1997, brought forward as a Private Member's bill and commonly referred to as the Kevin Andrews Bill; and

- (c) that the Canberra community and Assembly have grown and matured since 1997, with significant population growth, a stronger jurisdictional identity, and a higher expectation that elected, local representatives will be able to debate and decide upon key health and legal issues; and
- (4) calls on the ACT Government and each Member of the Legislative Assembly:
 - (a) to raise with Federal political colleagues and counterparts, as appropriate, the increasingly paternalistic and unreasonable curtailment of ACT Legislative Assembly legislative powers, and how poorly this reflects on the Commonwealth Parliament's understanding of the ACT's capacity to govern itself;
 - (b) to convey to the Commonwealth Government and Opposition, at every available and appropriate forum, the need to repeal the Euthanasia Laws Act 1997 and restore to the Territories the right to make laws in respect of voluntary euthanasia and voluntary assisted dying; and
 - (c) to consider as soon as practicable, upon the passage of a scheme in any Australian State to allow voluntary assisted dying, whether and how the ACT community can have input on a possible model for such a scheme in the ACT.

Twenty years ago the federal parliament introduced and passed paternalistic legislation. It passed legislation which reduced us as a jurisdiction. It passed legislation which rendered and renders the ACT and its residents second-class. By restricting the ACT's ability to consider, and potentially make, its own laws on voluntary assisted dying, the Euthanasia Laws Act 1997 patronises us and hamstring us.

The act's continued operation is disrespectful to the ACT and its citizens, and to the institution of this Assembly, made up of people our ACT citizens have elected to represent them. It is 20 years since the Euthanasia Laws Act came into force and it is 20 years too long.

Now, in 2017, the need for it to be abolished has never been greater. Victoria, New South Wales, Tasmania, South Australia, Western Australia: what do they all have in common? They are all actively researching, discussing and debating voluntary assisted dying. And what else do they have in common? They are states. They have the rights to make their own legislation.

In the context of all this, time and time again polls are showing Australians overwhelmingly support voluntary assisted dying. But, thanks to that federal legislation, while debate is occurring on a national scale, while it is in the news every single day, while in some states legislation is even potentially going to pass, we in the ACT cannot genuinely participate.

Citizens of the ACT are rightly asking: why is the ACT not actively considering voluntary assisted dying legislation? Citizens of the ACT recognise that we are a mature jurisdiction with a mature Assembly. In this place we debate plenty of very serious legislation, including legislation regarding other human rights and choices. The fact that we cannot have a genuine debate in this Assembly about end of life choices is repugnant and reprehensible.

Canberrans should not stand for it. Canberrans must not stand for it. We, as Canberrans' elected representatives, need to be doing everything in our power to restore our rights as a territory. Today I am calling on every single member of this chamber to raise, with their federal colleagues and counterparts at every opportunity, the need to overturn this legislation, to not let it continue any longer.

While we might not be able to have a genuine legislative debate in this chamber any time soon, given we are a mature jurisdiction, I am calling on the Assembly to consider how the ACT community can otherwise begin to have input on the possibility of a model, and then the possible model, for a voluntary assisted dying scheme in the ACT when an Australian state passes legislation establishing a scheme.

I first need to make very clear that any discussion about voluntary assisted dying is not a debate about the merits of it versus palliative care. The notion of voluntary assisted dying does not come at the cost of support or progress in the field of palliative care. The ACT government and Canberra community provide significant support to palliative care. In 2015-16 the government committed \$2.4 million to palliative care for the next four years. Last year we committed to palliative care services for children and young adults.

Palliative care is an integral aspect of our health care system, and provides physical and spiritual comfort to those battling terminal illnesses. In no way is voluntary assisted dying an alternative to palliative care; they are separate elements of a comprehensive health care system.

What we know is that palliative care is appropriate and effective in managing one's end of life for the vast majority of people. But it is widely acknowledged that in about five per cent of cases palliative care is not enough. In five per cent of cases of terminally ill people, there are people who are continuing to suffer, and they are continuing to suffer unbearably. Palliative care in these cases does not relieve the pain. Their deaths are incredibly painful and traumatic.

The suffering is not limited to the person with the terminal illness; it also reaches their loved ones who watch them and are with them. In some cases, the pain is so unbearable that these people are taking drastic action. Again there are significant ripple effects for those left behind. It is for these people that the concept of voluntary assisted dying exists, providing them with a choice to relieve themselves of their suffering.

While there is significant support nationally for voluntary assisted dying—while there is essentially a national conversation occurring; while parliaments are debating

schemes with one house of a state parliament even passing it—the ACT is operating in an environment where our powers to legislate have been stripped from us.

As I mentioned, two decades ago the commonwealth parliament passed the Euthanasia Laws Act 1997 to incapacitate this Assembly when it comes to making laws on voluntary assisted dying or voluntary euthanasia. The person who brought the bill—Kevin Andrews—did not, and does not, live in the ACT. He has never been an elected representative of the ACT. But he and other federal parliamentary colleagues—the vast majority, again, not from here—decided that, when it comes to considering the morality and ethics of voluntary assisted dying in the ACT, the commonwealth knows best. We need to change that, because we can speak for ourselves.

Since 1996 we have seen voluntary assisted dying legalised in a number of jurisdictions, including Switzerland, Germany, Japan, Canada and eight states in the USA. Euthanasia has been legalised in the Netherlands, Belgium, Colombia and Luxembourg. The floodgates have not opened in these jurisdictions. In fact, experience has shown that many people who are approved for voluntary assisted dying decide not to go through with it. But they consistently report that they find great comfort in simply having the choice. That is what this is about: choice.

Meanwhile, in the past 20 years, the population of the ACT has grown from around 300,000 people to over 400,000 people. Our sense of identity has changed from one of a public service town, focussed on federal issues, to a thriving city in our own right. We have matured as a jurisdiction. I can appreciate that in 1997 we had not had self-government for very long; our Assembly had not even reached its teenage years. But in 2017 we have self-governed for almost 30 years.

With our maturation has come an increased expectation that this Legislative Assembly will lead in the interests of the territory and reflect the socially progressive priorities of our community. That is exactly what we work hard to do every single day. It is extremely disappointing that not one of us here is able to effectively represent the people who elected us on the issues of voluntary assisted dying. The federal parliament allowing this act to continue to operate is utterly disrespectful. It is in the face of these challenges that we must ensure that the commonwealth hears us when we say that we want our powers back. Its paternalism is not needed here. The people of the ACT deserve the right to debate whether to have the choice of voluntary assisted dying in our jurisdiction.

I have started a petition to restore the ACT's right to determine our own laws regarding voluntary assisted dying. I am pleased that some of my other colleagues have been running with the same petition. It has received hundreds of signatures. I am aware that my Greens colleagues also have a similar petition running. I throw my full support behind their efforts too. But more than that is needed. As elected representatives here in the ACT where we are restricted, we must do everything we can. With this motion I urge every member to raise the need to repeal the commonwealth's Euthanasia Laws Act with federal counterparts and colleagues wherever possible and appropriate.

It has been raised with me that this is hard. It will be hard for us to get the federal parliament's attention, especially in current times. But just because something is hard does not mean we should not do it. I am also calling on the Assembly to consider how the ACT community can begin to have input on the possibility of a model—and then the possible model—for a voluntary assisted dying scheme in the ACT when an Australian state passes legislation establishing a scheme.

While we remain restricted on debating the issue seriously here in this chamber, we can begin to consider whether a model would be sensible for the ACT and how it could work through other means. In our circumstances, it is eminently sensible to be considering a scheme when a workable model has been agreed elsewhere in Australia.

It has the further effect of underlining to the federal parliament just how serious we are about this—that we are treating our citizens seriously and taking their views seriously—so they should be too, by giving us back our ability to make our own laws.

The purpose of this motion is not to advocate for or against voluntary assisted dying. My personal views on the topic are well publicised, but irrelevant to today's discussion. However, I have outlined why voluntary assisted dying is of genuine interest to the community and to Canberrans, and why we have the maturity to have a genuine debate in the community, especially in this chamber.

The paternalistic approach of the commonwealth is unwarranted and it is unnecessary. Times have changed. We are not second-class citizens. We should not stand for it. We deserve the same rights as the states. The commonwealth needs to give our rights back. And every member in this place needs to do what they can to ensure that it happens soon, and that indeed it happens.

MR COE (Yerrabi—Leader of the Opposition) (11.23): Euthanasia is complex and personal. The Canberra Liberals do not have an official party policy on euthanasia. Instead it is treated as an issue of conscience. To the best of my understanding, it is treated in that way across the other divisions of the Liberal Party as well.

For years our society has fought to defend life. The principle of “first do no harm” is central to our society, and euthanasia potentially rewrites this. There are concerns that the euthanasia criteria have the potential to be continually expanded. A number of high profile cases over recent years have highlighted how legislation has been extended to cover those who do not necessarily have terminal illnesses.

I know that there are many in the disability rights community, including here in Canberra, that strongly oppose euthanasia laws. Many believe that there is an inevitable risk of slippage and that perverse outcomes may occur if life is devalued. People with disabilities can be vulnerable to coercion and are at greater risk of acquiring secondary illnesses due to a lack of access to screening and preventative health. Therefore, many people with disabilities have shorter lifespans and there can be blurry lines between an illness and a disability. I also think that there is a lack of suicide prevention work amongst people with a disability.

I know that there are mixed views in our community on this issue. I personally have real concerns. The Canberra Liberals have concerns with the process that is underway in this motion. On one hand, we are hearing that it is about self-determination but, on the other hand, it is actually about euthanasia. It is clear that what is being proposed through this proxy debate of self-determination is meant to be a step in the direction towards euthanasia. That is clear in what Ms Cheyne has said.

For me, whilst federal legislation and self-determination are relevant, the underlying question is whether our community wants us to bring euthanasia closer to being a reality. That is what changing the federal legislation would do. It would make it closer to becoming a reality. To talk about self-determination and the federal legislation is therefore really a proxy debate for the core issue of euthanasia. I imagine that the vast majority of people who sign the petitions doing the rounds will be doing so because they support euthanasia, not because of this overwhelming sentiment for greater autonomy here in the ACT. People will be signing those petitions because it will be a step in the direction of euthanasia.

I believe that the move towards euthanasia, and potentially even a discussion about euthanasia—but there is still a place for that—can undermine the suicide prevention message. I am by no means making an allegation that that is what is happening here, but we have to be very careful that we do nothing that will undermine the great work done in our community to try to avoid suicide. For years we have fought hard against suicide. Regardless of whether we are talking about mental illnesses or physical illnesses, our society must be geared towards life.

Of course, there can be improvements to the health system and there can be improvements to palliative care. However, personally I do not believe that euthanasia is the answer to these issues nor is it the only option for a more comfortable, a more tolerable, death.

I know it is a tough issue. I am the first to admit to that. But we have to make sure that we are talking about the real issues here and not having a proxy debate. Whilst there are mixed views in the Canberra community, the Canberra Liberals have real concerns with the course of action being proposed in this motion today.

MS FITZHARRIS (Yerrabi—Minister for Health, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (11.29): I too would like to thank Ms Cheyne very much for moving this motion today. I know that this is an issue close to her heart and I would like to take the opportunity to thank her for her work in the community in raising awareness on this topic and, of course, the work done prior to Ms Cheyne's election by Mary Porter as well.

This motion follows on from the historic passage of an assisted dying bill through the Victorian lower house late last month, which I understand will be debated in the Victorian upper house later this week. The Victorian bill follows many other examples across Australia where parliaments have introduced legislation to advance this issue. It is important to point out the debates that other parliaments are having in

this space because assisted dying is a right that has been denied to the parliament and citizens of the ACT.

As a government and here in the Assembly we are denied the right to consider legislation on behalf of our citizens. Surely it should be a matter of principle that, irrespective of the contention that often surrounds this particular issue, as elected representatives of the ACT community we should have the capability to debate legislation on this important and recognisably difficult issue. Sadly, this is not the case.

We are constrained because people who do not live here voted to impose their will on the citizens of the ACT and stripped our parliament of its right to decide the matter. At the time of the passage of the so-called Andrews bill back in 1996 both of the ACT's elected members of the House of Representatives voted to oppose the legislation.

Indeed in the debate, the then member for Canberra, Annette Ellis, remarked:

I find it a little bit paternalistic or maternalistic, whichever way you tend to view it, that this House now believes it needs to somehow protect the ACT.

The then member for Fraser, Bob McMullan, also noted:

The bill itself takes important rights away from Australians in three categories, those who live in the Capital Territory, those who live in the Northern Territory and those who live on Norfolk Island.

And this is the nub of it. The Andrews bill stripped ACT citizens and their representatives of the fundamental right to address a question important to them. This is a right that must be restored.

This Assembly is now in its third decade of existence. We have, I believe, proven ourselves to be a mature legislature capable of tackling difficult and important issues affecting our territory. We have an obligation as members of this Assembly to assert the rights of this parliament and the people of the ACT to self-determination on many matters, including this important matter, which is why I will be supporting Ms Cheyne's motion today.

Alongside this advocacy to restore the rights of this place, I would like to turn to the specific area that Ms Cheyne's private member's motion refers to and say that the ACT government will continue to support and invest in palliative care services for the ACT. We will not do this as an alternative to assisted dying but as a fundamental part of our healthcare system to support patients to spend quality time with family and friends and be cared for according to their individual needs. We have a strong and proud history of supporting palliative care. In 2015 we provided an additional \$2.4 million to increase the support of home-based palliative care packages as well as invest in more staff and education.

I was also especially pleased that as part of that budget a new paediatric palliative care service, the first ever in Canberra, to specifically address the palliative needs of

children and adolescents was funded. We believe there is a clear need to design palliative care services for children, as their needs and their family's needs are very different from those of adults. We need those services to be close to children and their families during enormously difficult times. I am very pleased to say that this better integrated, coordinated approach is much easier to access and greatly assists families to access the multiple services they need. It is very positive that we have been able to fill this gap and improve the lives of families in what can only be described as the most challenging of circumstances.

In addition to improving palliative care services for children and their families, the ACT government has also previously supported Clare Holland House and the palliative care volunteer program, as well as providing funding for research into palliative care in aged care settings. ACT Health will also be developing a specialty services plan for palliative care as part of the ongoing, territory-wide health services framework.

I acknowledge, as all members do, that assisted dying is indeed an emotive and difficult issue and, for some, a divisive issue. It is deeply personal for everyone, and many of us have been directly affected by the pain and difficulty of losing a loved one over prolonged or difficult circumstances. I acknowledge the stories shared by other members of this parliament and other parliaments, particularly in recent weeks.

Our Assembly is capable of tackling complex issues and not shying away from them. This has been demonstrated time and again and we are at our best when we tackle these complex and important issues. These are important issues to people who have elected us.

People on different sides of this debate feel strongly and I am saddened and disappointed by the opposition leader's assertion that because this is a difficult issue our Assembly should not have the right, unlike residents in New South Wales, Victoria, Queensland, Western Australia, South Australia and Tasmania, to debate this issue; that our residents somehow are second-class residents; that somehow, because it is difficult, we cannot reach agreement in this chamber on making that loud and clear to our counterparts on both sides of the debate. I am sure that there are members of the Liberal and National parties who strongly feel, in representing their citizens, that they should have the right democratically through their democratically elected representatives to have this debate. It is surprising; it is disappointing.

We all acknowledge that this is a difficult issue. It is one that our community looks to us to lead on; it is one our community looks to us to weigh up, as we have seen in Victoria, a process that has enabled a considered, thoughtful and respectful debate within the community about dying. It is something that affects us all. I believe strongly it is something that this Assembly should support and send a strong, united message to the federal government that we are a mature Assembly. It is disappointing indeed to have the opposition play into the hands of those who think that the ACT Assembly is nothing more than a council that should be restricted in what it has the power to debate and to legislate for, that it would deny that opportunity to members of this Assembly to potentially have this debate through our now highly effective committee system.

I thank Ms Cheyne very much for pursuing this very important fundamental right for ACT citizens and I look forward, irrespective of the outcome of this motion today—which I believe will be passed, sadly without the support of the opposition—to continue this important discussion in our community about dying.

MS LE COUTEUR (Murrumbidgee) (11.37): The Greens of course are very pleased to support Ms Cheyne's motion today because we support the right of people in the ACT to debate and legislate for themselves on everything, including this very important issue of voluntary assisted dying. The ACT Greens believe that the people of the ACT, just like all other Australians, should have the right to make choices about their own life and the manner of their death. At the end of their life, our citizens should have the right to die with dignity how and when they choose.

As Ms Cheyne's motion notes, the issue of voluntary assisted dying has gained increasing national attention over recent months, with bills tabled in both the Victorian and New South Wales parliaments this year. A couple of weeks ago the ACT Greens welcomed the passage of the Victorian bill through the lower house and we anxiously await the upper house's final consideration of this historic piece of legislation.

Here in the ACT of course our situation is completely different, because we are currently subject to the Euthanasia Laws Act 1997, a federal law. The federal government added a section to the Australian Capital Territory (Self-Government) Act 1988, commonly known as the Andrews bill, to specifically prevent the ACT making laws which would prohibit voluntary assisted dying. The question that Ms Cheyne has so rightly brought to this place today is: why are we, the citizens of the ACT, subject to different rules and restrictions than people in Victoria and New South Wales?

Whether you support voluntary assisted dying or not, the ACT was granted self-government in 1988, it has a properly elected democratic government and the territory should have the right to debate and legislate on this issue. The Andrews bill means that Canberrans are prevented from determining our own laws and we are subject to undemocratic and discriminatory restrictions that are not imposed on Australians in state jurisdictions.

It is simply arrogance on the part of the federal government that they have refused to remove this restriction. The ACT government and the Assembly have made repeated calls on the federal government to repeal the limitations imposed by the Euthanasia Laws Act 1997 but these calls have fallen on deaf ears. In September 2014 this Assembly passed a motion brought by my colleague Mr Rattenbury which asked the Speaker to write to the Prime Minister and the federal Minister for Health to make this request and restore the right of the ACT to consider laws on this issue. The federal government's response noted:

The Australian government does not support legislating voluntary euthanasia and does not propose to remove the restrictions on the Legislative Assembly.

The response also noted that euthanasia is unlawful in Australia in all states and territories and that, while state parliaments have been presented with proposals to legislate voluntary euthanasia, none has as yet succeeded.

I am very hopeful—maybe more I am wondering; I would very much like to believe—that the federal government will consider changing its position if either proposal currently before the Victorian and New South Wales parliaments was to pass into law. I note that there is an excellent chance that this will happen in New South Wales in the very near future.

Ultimately though of course this is an issue about the democratic rights of the people of the ACT. Currently we are treated as second-class citizens. I would hope that regardless of members' individual views on voluntary assisted dying there is broad agreement across the chamber that it is time for the ACT to be able to decide this issue for itself without federal intervention or restriction.

Of course the Greens appreciate that issues of life and death are deeply personal, meaningful and inevitably touch us all. I recognise there are moral and practical issues to work through. The issues of balance—the balance between people's dignity and the sanctity of human life—and the extent and safeguards for vulnerable people are important considerations in this debate. But it is worth noting that several countries have developed schemes for voluntary euthanasia that are working effectively as well.

I also note Ms Cheyne's comments that support for voluntary euthanasia is in no way saying that palliative care is not a good thing. It is something that we should all be striving for, better palliative care. One of the reasons that I am a supporter of this is that my mother had the misfortune to spend 11 years in a nursing home and you would not wish that existence on anybody.

It seems that the process undertaken by the Victorian government to develop their legislation provides a model of how this issue can be considered in a serious and mature way. The Victorian government established an advocacy panel chaired by the former head of the AMA, Dr Brian Owler, and included experts with backgrounds in nursing, health administration, law, palliative care and disability services.

The panel undertook extensive consultation and encouraged constructive and informative community conversations based on the principles that every human life has equal value and that a person's autonomy should be respected. Ultimately the panel presented an extensive report which outlined proposed eligibility criteria, the process for accessing voluntary assisted dying and details of 68 oversight measures to ensure that respect for autonomy is balanced with safeguarding individuals and vulnerable communities.

Under the Victorian legislation a person must be 18 years of age or older, be ordinarily resident in Victoria, have decision-making capacity, be diagnosed with a terminal illness and be in the last weeks or months of life, with a prognosis of no longer than 12 months. Their illness must also be causing suffering that cannot be relieved in a manner that the person deems tolerable. I understand the expectation is

that fewer than a hundred people a year in Victoria will take advantage of this legislation. I would also point out to those people who feel that we do not need to do something about it if Victoria and New South Wales are that the proposed legislation in both states includes provisions that the person must be ordinarily resident in Victoria and New South Wales, as applicable.

While this legislation, if passed, will provide valuable information as to how this legislation could work in practice—and I am sure it will be of considerable help to people in those communities—it is not something that will be of any practicable help to the people of the ACT.

The Greens and I believe that people should have the right to relieve their suffering at the end of their lives. Voluntary assisted dying is about giving people choice and control when they are faced with circumstances where so much control is taken away from them. This is why we support the creation of a compassionate, safe and workable scheme for voluntary assisted dying in the ACT.

Of course, if this issue were to be considered in the ACT it would involve very extensive community consultation, input from experts and no doubt vigorous debate in the Assembly—all the parliamentary and community engagement mechanisms which are appropriate in contemplating such an important change. An extensive process, similar to that seen in Victoria, would be needed to ensure that all voices are heard and that people are able to consider all aspects of any proposed scheme.

As Ms Cheyne's motion notes, support for a compassionate, safe and workable scheme for voluntary assisted dying has been consistently shown to sit between 70 and 85 per cent of the Australian community. I was pleased to attend, along with Ms Cheyne, a recent forum by Dying with Dignity ACT and see firsthand the frustration that exists within our community that a decision on this important issue is just out of our hands.

Are we truly to believe that members of the ACT community are somehow less able to have this conversation and consider this issue than our counterparts in Victoria and New South Wales? We are a modern and robust society that can ensure any voluntary assisted dying scheme is managed with the utmost, serious compassion and respect and with strong safeguards. Many places around the world have developed mature, workable schemes for voluntary euthanasia and these would help guide the development of any such scheme in the ACT.

The ACT government administers health, education, prisons, courts, criminal laws—all the regular state functions—in addition to administering local issues. Our grant of power allows us to make laws for the peace, order and good government of ACT residents. The one thing that sticks out like a sore thumb, the one that has been arbitrarily inserted in the self-government act, is the Andrews act, an unprincipled and ad hoc anomaly which diminishes the ACT's autonomy as a jurisdiction. Where does this leave the ACT and in particular where does this leave people in the ACT who may be dying or suffering and who, with their family, are considering their available end-of-life choices?

While I appreciate the intention of the clause in Ms Cheyne's motion which calls for this issue to be raised with our federal counterparts at every available and appropriate forum, I am afraid I hold little hope that formal requests from the ACT government will receive any more positive response than we have received so far. Rather, I suspect that change will depend on an upsurge of people power aimed at the federal government. Citizens in the ACT—both those who support voluntary assisted dying and those who more generally want ACT citizens to be treated equally—need to tell their federal representatives to undo the discriminatory restriction on the ACT's law-making powers. There needs to be a chorus of ACT voices loud enough that the federal government cannot ignore it.

Like Ms Cheyne, the ACT Greens have petitions along these lines and I urge everybody to sign these. I also urge you all to talk to your friends who live in other jurisdictions, because clearly the ACT has only four federal representatives and if we are to have change we have to get people from other jurisdictions on board. Hopefully once New South Wales and Victoria have passed their own legislation, their federal lawmakers will feel emboldened to support it in the federal chamber.

I thank Ms Cheyne for bringing this motion to the Assembly. It is an issue of great concern to many Canberrans and I know it is of personal significance to Ms Cheyne and many other members of this place. And it is my hope that with the current debate, as I said, occurring in other states, the ACT will soon be given the freedom to debate this important issue.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (11.49): I rise in support of Ms Cheyne's motion today. I do so because this Assembly is able to make sensible and balanced decisions in the interests of our community. The restrictions that were placed on the territories in relation to voluntary assisted dying by the federal parliament 20 years ago in the Andrews bill are unfair, outdated and frankly insulting to our community and indeed to all who live in Australia's territories.

Our community has consistently demonstrated that it wants to have a genuine discussion about this extremely important issue, and in most other jurisdictions around this country that discussion is occurring now. We are seeing legislation in various state parliaments across the country, and it would be absurd to continue with restrictions for territories if any Australian state passes legislation.

So today I call on my federal counterparts to repeal the Andrews bill and to allow for genuine community discussion and an appropriate process to be undertaken to develop a scheme and to introduce legislation for this Assembly to debate. Subject to a proper process and appropriate safeguards being in place, I would personally support a scheme and associated legislation to allow voluntary assisted dying.

Having said that, I acknowledge that this is not an easy topic. It is a question of deep moral and ethical debate which is extremely sensitive and personal to many Canberrans. But it is a discussion and a debate that we must be able to have in this territory. I thank Ms Cheyne for bringing this important and longstanding issue to the

attention of the Assembly today and hope that after 20 years the federal parliament can respect our maturity as a jurisdiction and the right of this territory to make its own laws.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (11.52): I too rise to support this motion. As a community, we make decisions about a range of important rights and protections in our community. We enact laws to prevent discrimination. We make decisions about criminal sentences and rights to a fair trial. We are elected as members to make these decisions on behalf of the people of Canberra.

As we are a self-governing territory, members of this community have the right to participate in this process democratically. They vote and they seek to have us as members hear and represent their views. The fact that a topic is controversial and may be interesting to national politicians should never be cause to abrogate the rights and responsibilities inherent in self-government. Yet unfortunately this is exactly what has happened when it comes to the debate on voluntary assisted dying.

The commonwealth Euthanasia Laws Act 1997, widely known as the Andrews bill after the then federal Liberal backbencher Kevin Andrews who introduced the legislation, explicitly provided that the Northern Territory and the ACT “have no power to make laws permitting or having the effect of permitting ... euthanasia ... or the assisting of a person to terminate his or her life.” When the Commonwealth legislated for the territories on this issue, it foreclosed any meaningful political discussion by the lawmakers and therefore the voters most affected by the change.

Calling on our federal colleagues and counterparts is something that we as representatives of Canberra have a responsibility to do, no matter what our views may be on the matter of voluntary assisted dying. Just that an issue provides a convenient platform for commonwealth legislators to make a statement, presumably aimed at their own electors outside the ACT, is never justification to take away the rights of Canberrans.

There are more examples than just voluntary assisted dying. I note that most recently the Canberra Liberals sought to take advantage of federal powers in the territory by going directly to two federal Liberal ministers in the hope of shutting down a pill-testing trial. The ACT government had undertaken a thorough examination of the evidence on how pill testing could help minimise the harm of illegal drugs.

The evidence, the consultation and the community support behind that initiative did not seem to be relevant to the Canberra Liberals. Not only did they choose to ignore the evidence but also, more importantly, they chose to reject democracy and instead look for an alternative authority that they could turn to. For authority is what this boils down to. Canberrans are being told that, when it comes to issues that might attract national interest, there is always the risk that a federal parliamentarian will seek to deny them access to the democratic process. In contrast, this government has a long track record of advocating for the democratic rights of Canberrans. We believe in and

respect the rights of Canberrans. We acknowledge their interest in issues across the full breadth of society. We do not believe that they should be shut out.

There have been a number of attempts in the commonwealth parliament to restore the ability of the ACT and the Northern Territory to have the debate around voluntary assisted dying. Two bills have been brought forward in the commonwealth parliament over the past decade to restore the ability of the territories to legislate on voluntary assisted dying.

Former Chief Minister Jon Stanhope publicly supported those efforts by writing to all members of the Australian parliament, calling on them to support the democratic rights of the territories. If the capacity of the territory to make such laws were restored, any future legislative proposal would give the members of the Legislative Assembly an opportunity to examine all of the available information and vote according to their responsibility to the people of the ACT.

In June 2014 the Australian Senate considered an exposure draft of a bill to legalise euthanasia at a federal level. Both the then Chief Minister, Katy Gallagher, and Minister Rattenbury made submissions in response to that bill calling for the repeal of the Andrews bill so that the ACT community could consider the issue of euthanasia. The former Chief Minister submitted to the committee that there was no basis for the commonwealth to remove the power to legislate about euthanasia from the ACT Legislative Assembly. That support for democracy has carried through strongly to this term of government. In the first sitting days of the Ninth Assembly, Minister Rattenbury called the Andrews bill “an undemocratic and out-of-date limitation.” I agree with that assessment. The existence of the restriction on territory rights represented by the federal Euthanasia Laws Act remains a degradation of our fundamental democratic process.

While the views of Ms Cheyne on the matter of voluntary assisted dying are well known and public, I do not believe that the members who take an alternative view on the matter have grounds to oppose this motion. The concerns and the concepts that the Leader of the Opposition raised about voluntary assisted dying are important matters to be heard, and they should be heard. They should be heard, they should be debated and they should be considered along with other and competing views here on the floor of the Assembly, the chamber of the people who are elected to represent and govern the ACT.

At the heart of this motion it is about respecting the people of Canberra and being willing to take our responsibility as elected members seriously. I believe that it would be a sad reflection if members here did not trust this Assembly on important decisions such as this.

Accordingly, I hope that all members will recognise that, as representatives of Canberrans, we should be strident and unified in protecting the rights of the people in this city to be represented on issues that they care about. I commend the motion to the Assembly.

MR PETTERSSON (Yerrabi) (11.58): Death is an uncomfortable topic. Often we would rather not talk about it all. However, across the country, across Canberra, many people die in deep distress, with debilitating pain and without dignity. Assisted suicide or euthanasia would give these Canberrans the ability to make their own choice about their death.

With legislation to legalise assisted dying passing in the Victorian lower house, it is clear that across Australia local communities are ready for a sensible discussion on the issue. However, here in the ACT our ability to legislate on this issue has been removed by the commonwealth, and this must change.

Watching a loved one die is one of the hardest things a person can do. I know that many members in this place have gone through this traumatic experience with their own loved ones. I myself have seen my loved ones suffer unnecessarily. Across our community, in homes, care facilities and hospitals, families are watching someone they love die a long, traumatic death. Whilst death is never any easy process, for some people this is especially extended and difficult.

With terminal illness, there are circumstances where pain relief is not adequate. They must live with constant pain. In some circumstances, palliative care cannot adequately support a dying person. This can be the case for patients dying of cancer or even dementia. In circumstances where death is imminent, the final weeks can cause extreme discomfort and distress.

For many people the loss of dignity is especially confronting. Patients who cannot feed, clothe or bathe themselves and must rely on others for every need often experience this distress. This often causes added stress and embarrassment for the patient and their family. The lack of mobility can be particularly challenging for patients.

The compassionate response to suffering is to do our best to alleviate it. Assisted dying allows those people who choose it the dignity of making their own choices. In our society we value self-determination. In our society we help those suffering.

We have examples from afar to look to as well: other jurisdictions that have legalised assisted dying, including the US states of Oregon and Washington, and even Canada. The success of these jurisdictions' programs indicates that euthanasia legislation can be practically implemented. When legalised it remains a choice undertaken only by the terminally ill who are suffering, despite the claims of some who are opposed.

In Oregon, only 0.39 per cent of deaths in 2015 were as a result of assisted suicide. In the same year in Washington only 0.32 per cent of deaths were from euthanasia. In Oregon since the legalisation of euthanasia the use of palliative care has actually increased. Far from drastically changing the palliative care system, assisted dying is an option for the few members of our community whose needs cannot be met by the palliative care system.

Supporting assisted suicide does not mean that you do not support palliative care. It means you support members of our community making their own decisions about the end of their life. That may mean support through palliative care until a natural death, or it may mean choosing to end one's own life if one is unable to prevent suffering. It is the right thing to do to allow people who are suffering and are terminally ill the ability to choose to end their own life on their terms. We should not continue to let members of our community suffer in the last stages of their life unnecessarily.

I am far from alone in my support for assisted suicide. Assisted dying has widespread support across the Australian community. In a survey the ABC ran last year through Vote Compass, which I am assuming some of you tried yourselves, a massive three out of four Australians surveyed supported assisted suicide for a person with a terminal illness who is in pain.

Numerous other polls have similar findings. A 2012 Newspoll has support at 85 per cent. Almost all polls have support at at least 70 per cent. This support remains high across all sections of the community. A recent survey of 500 New South Wales doctors, just across the border, found that 60 per cent of them favoured changing the law in support of assisted dying. Consistently these polls are showing overwhelming community support.

Since 1995 there have been 40 bills introduced to parliaments across Australia with the intent of legalising euthanasia. Currently a bill to legalise euthanasia has passed in the Victorian lower house, and a similar bill exists in New South Wales. For both bills there is cross-party support. Party politics has no place on this issue.

In light of the community support, and the current legislation being developed in other jurisdictions, it is time that the ACT hold its own debate on the issue. Frustratingly the right to determine our own laws has been taken from us. We remain second-class citizens in Australian democracy.

Since the passing of the Andrews bill in 1997 quashing the Northern Territory's bid to legalise euthanasia, Australian territories have been unable to legislate on this issue. As democratically elected representatives of the ACT community, we should be able to legislate on our community's behalf. It is ridiculous that we are prevented from presenting legislation that has such widespread support amongst our own constituents.

Since the Andrews bill was passed, Canberra has grown and, conveniently, so has our Assembly. There is a wealth of knowledge and legislative experience in this government and in this chamber. It is time that we be able to determine our own laws in line with community expectations. Canberrans should not be subject to the decisions of federal MPs who do not represent them and who they have no democratic recourse against.

Members of the Assembly, whether or not you personally agree with assisted suicide is ultimately a separate issue. As representatives of our community, members of this chamber should have the right to debate and legislate on this issue. We are elected by the people of the ACT and we should be able to act for them. The current situation is

undemocratic and the people of Canberra deserve better. We must call on the federal government to repeal the Andrews bill and allow territorians the right to legislate for ourselves.

For the terminally ill in our community, the right to end their life is a choice that they should be able to make. To allow this choice is the most compassionate thing we can do for these members of our community. The suffering of a prolonged death is an extremely traumatic experience for all involved. The broader Australian community overwhelmingly supports legislative change.

As other states debate this issue, it is time that the ACT be allowed to as well. Canberra should not be a second-class jurisdiction. We should be able to determine our own laws. It is our right. And it is the right of people in our community to be able to end their life with dignity.

MS CHEYNE (Ginninderra) (12.05): I thank most of the members for their contributions today and support today. Currently, as we have heard, federal legislation exists that is outdated, is paternalistic and reduces us as a jurisdiction. It is repugnant and reprehensible that it continues to operate and that the federal parliament could be so disrespectful to ACT and the Northern Territory citizens by allowing it to continue to operate in 2017. I am grateful that the majority of members here today agree with me and spoke so passionately.

I particularly thank Minister Ramsay for his comments and for drawing attention to the heart of the motion. A member's personal views on voluntary assisted dying should not preclude them from supporting this motion.

I do not thank the opposition leader for intentionally misrepresenting the motion as a front for trying to stir fear and to put forward his own conservative views. This motion is about restoring territory rights and having a mature debate about something that is of significance to so many people. I am appalled, and we should all be appalled, that the opposition leader would support the continued restriction on our powers in this place. By doing so, Mr Coe is disrespecting this institution, the elected members, including those of the party he leads, and the citizens of the ACT. By doing so, Mr Coe has effectively said he does not trust the citizens of the ACT to have a genuine debate about the possibility of a voluntary assisted dying scheme. His disrespect is shameful and it should be widely condemned.

Knowing the views of some of the members on the other side, and the respect that I thought many of them had for this institution and for ACT citizens—although I did hear Mrs Jones laughing before—it is unfathomable to me, or at least it was unfathomable to me, that they supported this position, the position that Mr Coe put forward, in their party room.

While they are not the subject of this motion, I need to address two things Mr Coe raised. Mr Coe spoke about the sanctity of life. What is more sacred in our lives than the final decision, the final moments, in our lives? Why should someone's final moments be full of pain and undignified? What a way to leave this world!

Mr Coe tried to use a straw man argument by bringing up suicide. I know I can confidently speak for all members in this place in saying that we take suicide prevention seriously. But, given his specific comments on it, I need to reiterate something that he clearly missed in my speech. There are people right across Australia who are terminally ill, who are already suffering unbearably, and their families are suffering by watching them and being with them. And “unbearably” means that in some cases for these people their pain is so great that they are taking their own lives. This is a tragedy. They are doing so often without their loved ones around them, to ensure that their loved ones are not incriminated.

Let me say this again. People who are already suffering unbearably are taking their own lives alone. They feel they have no other option. Some are secretly hoarding medication and sending their family members away, not telling them of their intentions. Consider that scenario for a moment. Consider the flow-on effects for their loved ones.

The heart of this motion is about restoring territory rights and the rights of Canberrans. But if Mr Coe wants to use this place to bring up morals, I suggest he listen to the stories of so many, including so many ACT citizens—so many stories that should not have happened and that should not have had to happen—and that he adjust his moral compass. I commend this motion to the Assembly.

Question resolved in the affirmative.

ACT Policing—funding

MRS JONES (Murrumbidgee) (12.10): I move:

That this Assembly:

(1) notes:

- (a) that, between 2015-16 and 2016-17, demand for ACT police services has exceeded the rate of population growth, including:
 - (i) calls requiring policing services increased by 16.7 percent;
 - (ii) offences reported against the person increased 14.8 percent;
 - (iii) robbery increased 53.3 percent, including a 27.4 percent rise in armed robbery and a 96.5 percent rise in unarmed robbery;
 - (iv) motor vehicle theft increased 25.7 percent;
 - (v) arson increased 12.4 percent; and
 - (vi) drug driving offences increased 161.8 percent;
- (b) the ACT Government has struggled to address the scourge of Outlaw Motorcycle Gang violence, which includes shootings, assaults and vandalism in Farrer, Fisher, Isaacs, Isabella Plains, Kambah and Waramanga;