

# Respect For Human Life (Serial 111)

The following is the second reading speech made by Mr Neil Bell (Member for Macdonnell) on 15 March 1996 when introducing his private member's bill.

Bill presented and read a first time.

Mr BELL (MacDonnell): Mr Speaker, I move that the bill be now read a second time.

I do not believe that there is a grave necessity for me to speak at length about the principles involved in this bill. It is going to be associated with a bill I intend presenting later, called the Care for the Dying Consultation Bill.

Honourable members will recall that I spoke up at length in the Legislative Assembly on 20 February, seeking a suspension of standing orders so that this bill could be dealt with on urgency. Reminding honourable members of my comments at that time, I will wait until the Care for the Dying Consultation Bill comes before us before I refer to the issues that that bill will deal with. Quite clearly, the 2 are closely related, and I will be interested to hear what the views of honourable members are in respect of making those 2 bills cognate. It is quite possible that honourable members will want to make them cognate. On the other hand, there may be members who support the principle of active voluntary euthanasia but would still want to establish a Care for the Dying Consultation Committee, as that bill will suggest. I mention that at the outset so that people have a clear idea of the relationship between the 2 bills. But I will say more about that when it is called on in the order that the government has insisted on, which to my mind is rather unfortunate.

This bill is coming forward because, in the words of interstate commentators, the law in the Northern Territory is a mess. I believe that we are doing no service to ourselves, or paying respect to the parliamentary process in the Northern Territory, by keeping this particular bill on the Notice Paper. It has been the subject of derision in New South Wales. I refer honourable members to the Sydney Morning Herald's editorial on 15 April. It referred to the Premier of that state's comments, in which he indicated the extreme unlikelihood that New South Wales would legislate to permit euthanasia. It went on to say:

The difficulty with this most monumental of ethical questions was to codify safeguards against abuses, he said. As Mr Carr points out, the Northern Territory legislation is a myth. No other country in the world has passed a law that spells out the conditions under which a human life in a hospital can legally be extinguished.

In case honourable members are tempted to believe that that is not a bipartisan point of view, I draw their attention to the statement by the Leader of the Opposition in New South Wales, Peter Collins, who in a press release dated 19 April said that legal changes to facilitate euthanasia had little support within the New South Wales Liberals. He said, that, following proposals to change euthanasia laws in the Northern Territory in 1995, and a request by the Carr government that the issue be considered on a conscience basis, euthanasia should not be treated on a partisan political basis. So he went on, indicating his lack of support for euthanasia legislation.

It was about that time that the private member's bill that had been considered in New South Wales was removed. That simply adds New South Wales to a list of states which have either rejected active voluntary euthanasia, or have simply not considered it.

I will briefly state my position on this question. I will not expatiate. That has been done in debates last year and at other times. I remain committed to good care of the dying legislation in the Territory. I believe that the first step is to repeal what was so hastily enacted earlier last year, and to carry out the same sort of process as was carried out in South Australia - a 6-year process. That would enable some positive measures to be considered by the Territory community. I have admitted that there is moral dilemma with regard to people who are in excruciating, unrelievable pain. However, I do not believe that moral dilemma is solved by creating another moral dilemma - namely, authorising suicide and assisted suicide.

We have already seen how difficult it is to establish a boundary within the Rights of the Terminally Ill Act. I am genuinely concerned. As the Chief Minister put it so eloquently, when he spoke in opposition to the Rights of the Terminally Ill Bill, the possibility of a 'right to die' becoming a 'duty to die' is too great to contemplate. That continues to be a matter of great concern to me, as it does to the vast majority of medical practitioners and health professionals to whom I have spoken over the last 12 months during which this legislation has been on the books in the Northern Territory. My position is basically that you do not resolve a moral dilemma by creating an even greater moral dilemma.

I want to make it clear that I am genuinely embarrassed about being perceived as somehow leading the charge against active voluntary euthanasia, and I very much appreciate the support that I have received from some government members in this regard, and I would very much like to be in a position of co-sponsoring this bill. Various accusations have been made of me with regard to this that I am grandstanding and so on. I simply say that I have been placed in this position because journalists have approached me, and I believe it is important to oppose this. However, if there are other members of this Assembly, particularly government members, with whom we could arrange some co-sponsorship arrangement, I would be very happy to do it. As I say, I am a little embarrassed by the extent to which I have been put out front in this debate. I can honestly say that it has not been particularly of my choosing.

Mr Coulter: No.

Mr BELL: I pick up the interjection from the Leader of Government Business and I trust he is not being cynical with his interjection.

Mr Coulter: And the sarcasm that goes with it.

Mr BELL: Thank you. I should point out that I put this forward as a private member. Obviously, there are a substantial number of my colleagues who are supporters of active voluntary euthanasia, and they wish me to make it clear that I make these comments as a private member and not as shadow attorney-general or shadow minister for health and community services. It is a coincidence that the 2 government portfolios that have responsibility in respect of implementing the so-called Rights of the Terminally Ill Act are portfolios that I shadow. That is entirely a coincidence, and perhaps consideration should be given to that. I wish to make it perfectly clear that I put this bill forward, as I will be putting forward the Care of the Dying Consultation Bill, as a private member.

I presume there will be a conscience vote of all members in respect of this bill as the government has undertaken. I am concerned that the government has a position on it. I note that the minister responsible

for it is a supporter of the bill. The Minister for Health Services indicated in the debate in May last year that he was a supporter. I suppose he feels comfortable administering it. I do not believe that should deter a conscience vote. I do not believe that, if a conscience vote is allowed on this bill, and if such a conscience vote is successful, it will create administrative problems for the government. I do not believe that there are difficulties, either administratively or politically, for the government by assenting to this bill. So I hope we have a pure and unalloyed conscience vote.

There have been suggestions that some previous opponents of the so-called Rights of the Terminally Ill Act have decided they will not support repeal. I would be disappointed if that were the case, but I do urge all members to vote on the basis of their conscience. This brings me to the question of the numbers. There are now only 11 members of this Assembly who supported the original legislation, and I believe the remaining members are all on the public record opposing the active voluntary euthanasia legislation we have. Therefore, there is a very good prospect that this repeal bill will be successful. I certainly hope that is the case. I have already mentioned the situation elsewhere around the country. In spite of the promises of some of the proponents the idea of active voluntary euthanasia legislation has not taken off. Other jurisdictions elsewhere around the country, and elsewhere around the world, have not decided to follow suit.

There is one remaining issue, and that is the distinction between active and passive voluntary euthanasia. I will speak at greater length on that issue when the Care for the Dying Consultation Bill is introduced, but I continue to be seriously concerned that there is a deep well of ignorance about the distinction between those 2 issues. I urge honourable members to inform themselves. The report presented to the parliament in respect of the Rights of the Terminally Ill Act was vitiated in that regard. There was very little information provided about the Natural Death Act; it was simply reported that people were ignorant of it. There was no mention in that committee's report that the Natural Death Act had been repealed in South Australia.

I believe that, in May last year, this parliament legislated in ignorance, and I have been using my time and efforts to gain a better result. There is real need for reform of the legislative, administrative and community services framework associate with care of the dying. However, I strongly believe that doing away with the Rights of the Terminally Ill Act is an important step along the way towards obtaining better care of the dying legislation and administrative practices in the Northern Territory. I commend the bill to honourable members.

Debate adjourned.

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