

Factsheet 44: Restoring Territory Rights to Voluntary Assisted Dying

(December 2022)

After a 25 year ban, the Northern Territory and the Australian Capital Territory regained the right to debate voluntary assisted dying (VAD). With the passage of the Restoring Territory Rights Bill on December 1, 2022, the Federal Parliament restored the rights of the Territories to introduce and debate VAD legislation.

- On May 25, 1995, the Chief Minister of the NT, Marshall Perron (Country Liberal Party), introduced the first legal VAD scheme in the world under the Northern Territory *Rights of the Terminally Ill Act*. Four people availed themselves of the law.
- In June 1996, Kevin Andrews, a Liberal MP in the Howard Government, announced that he would introduce a private member's Bill to amend the *Northern Territory (Self-Government) Act* which would effectively override the *Rights of the Terminally Ill Act (1995)*.
- The Commonwealth *Euthanasia Laws Act* ('The Andrews Bill') was subsequently passed in March 1997 (38-33 votes).
- Over subsequent years, nine Bills were introduced in the Commonwealth Parliament with the intention of granting one, or both, of the territories the ability to pass laws relating to VAD.
- On August 1, 2022, Labor Member for Canberra, Alicia Payne, and Labor Member for Solomon (NT) Luke Gosling, introduced a private member's bill, the *Restoring Territory Rights Bill*, to remove the constraint on the legislative powers of the NT and ACT Parliaments and restore territory rights. The Bill recognised that Territorians deserved the same democratic freedoms as the states to debate and legislate around complex issues such as voluntary assisted dying.
- The Restoring Territory Rights Bill amended the *Australian Capital Territory (Self-Government) Act 1988* and *Northern Territory (Self-Government) Act 1978*, removing the prohibition on legalising VAD.
- After debate and a vote, the Bill passed the House of Representatives on August 3, 2022, with an overwhelming majority of 99 votes to 37.
- On December 1, 2022, a group of Labor, Coalition, Greens, and Independent Senators supported the Bill in the Senate. No count was taken on the final vote, but one taken immediately before recorded 42-23 in favour.
- The legislation does not compel territory parliaments to legislate on the issue of VAD but restores their right to do so.
- The Australian Capital Territory is set to debate a VAD law in 2023 or 2024, with a timeline of at least a year to pass any legislation. The Northern Territory Chief Minister has stated that VAD is not a priority in this term of Parliament.
- If the ACT and NT choose to legalise VAD they have the opportunity to select the best aspects of the six state laws.
- All states require a person to be domicile for 12 months before requesting VAD. However, when VAD is legal throughout Australia, there is arguably little need for such a requirement.

References and further reading

- ACT Government Media Release ‘A pathway to restoring Territory Rights’, Chief Minister, Treasury and Economic Development Directorate, 3/8/2022 [A pathway to Restoring Territory Rights - Chief Minister, Treasury and Economic Development Directorate \(act.gov.au\)](#)
- Woodmass, A; Australian Territories free to make law on voluntary assisted dying after Senate vote, *Jurist*, 2/12/2022 [Australia territories free to make law on voluntary assisted dying after Senate vote - JURIST - News](#)
- Parliament of Australia, *Restoring Territory Rights* Bill 2022 (Bills Digest 5) [Restoring Territory Rights Bill 2022 – Parliament of Australia \(aph.gov.au\)](#)
- Labor (ACT) Labor is Restoring Territory Rights, [Labor is restoring Territory rights \(actlabor.org.au\)](#)
- White, B; Del Villa, K; & Willmott, L; ‘Territories free to make their own voluntary assisted dying laws, in landmark decision: Here’s what happens next’. *The Conversation* 2/12/2022 [Territories free to make their own voluntary assisted dying laws, in landmark decision. Here's what happens next \(theconversation.com\)](#)