

## Senate debates

Thursday, 16 February 2017

### Bills

Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015; Second Reading

4:26 pm



**David Leyonhjelm** (NSW, Liberal Democratic Party)

I do not want to upset anybody in this place but I have some terrible news for you: you are all going to die. And I have news that is even more tragic: I am also going to die. I cannot say when or how any of us will go. But if posting inappropriate tweets is a sin, I may be struck down by lightning any day now. This would actually be a merciful way to go. Many people are not so lucky.

Cancer is now the top cause of death in Australia. About one in four of us will slowly die from cancer. There are many other degenerative diseases where death is a slow and painful process, and the dying know exactly what is going on and become powerless to end their own suffering. At any moment, thousands of Australians are dying. They are the most vulnerable people in the country, and we owe them the greatest care and attention. And yet they are provided with less dignity than our pets. An animal in the same position would be put out of their misery, and we would all agree it was an act of compassion yet it could not provide consent.

Suicide has been legal for decades. But when we become too frail or ill to do it for ourselves, governments continue to intrude into this most fundamental personal decision. Since the last time I spoke about this, I am glad to say that there has been progress in some states. The people of Victoria and [New South Wales](#) will get a chance to debate the details of assisted suicide this year, with both parliaments drafting bills. A bill to remove the ban on assisted suicide in [South Australia](#) was only defeated by the Speaker's casting vote last year. While that was a shame, it was at least democracy in action.

But the people of the [Northern Territory](#) and [ACT](#) are denied the same opportunity because of the Andrews bill passed here in 1997. It is undemocratic. Why should they not have the same rights as other states? We have the power to change that. My bill would not automatically make assisted suicide legal in the territories but it would overturn the Andrews bill and allow the parliaments of the territories to come to their own conclusions, just like people in other states. Those in favour of assisted suicide will support me. But I also seek the support of those who oppose assisted suicide but believe the territories should be free to debate and amend their own laws.

I support assisted suicide because we should own our own lives. I believe if we are not free to end our lives, with assistance if necessary then we are not free at all. But I also support federalism, the idea that the Commonwealth government should stick to its constitutionally prescribed role and not interfere in decisions that are the prerogative of the states and territories. Sometimes we seem to forget about our own mortality.

The assisted suicide issue is not just about our beliefs or religious principles, it is about all of us. I am confident we will win this battle, but, if assisted suicide is not legalised, the time will come when some of us will find ourselves powerless to manage our own suffering.



**[Dean Smith](#)** (WA, Liberal Party)

I am also grateful for the opportunity to speak in this debate this afternoon, because it allows me to touch on an issue that has always been very important to me. I will, at the outset, note that I am not a supporter of euthanasia. I am happy to explain my reasons at another time. I will also briefly note that the issue of assisted suicide is one that does seem to be again making its way onto the political and social agenda. Of course, we had a very significant national debate around these issues in 1997. It was a passionate public debate, with strongly held views on both sides and people's moral and religious convictions were feeding into them. It was a debate that was not necessarily conducted along party lines.

To illustrate the point, one of the most prominent opponents of euthanasia was the member for Menzies, Mr [Kevin Andrews](#), whose private member's bill would be overturned by the bill now before us now. One of the most passionate advocates in support of voluntary euthanasia was, of course, the Hon. [Jeff Kennett](#), who was then the [Premier of Victoria](#). So leading the charge at the two opposite sides of the debate were two Liberals from the state of Victoria, who were not driven by partisan politics but by their own personal, moral and, certainly in the case of Mr Andrews, deeply held religious convictions. Now, that is not too dissimilar another issue which is currently a prominent issue in our national discourse: the issue of same-sex marriage. Yet there were no calls at that time, at least so far as I can recall, for a plebiscite on the issue. That is just a point I would like to make in passing: these issues are absolutely ones that should be dealt with, at all times, by parliaments.

I have seen reports that the issue of euthanasia is again about to be the subject of a parliamentary debate in the state of Victoria, with the state government there planning to hold a conscience vote on the issue. While I personally hope the law is not changed in this area, I am nonetheless pleased it is being dealt with by the state parliament, using a conscience vote of its members. I think, and have always thought, that that is the most appropriate, noble and self-respecting way to address these matters.

Euthanasia is a sensitive and complex issue. Community members understandably have strong views about dying with dignity and with minimal pain. The underlying principle of the government's investment in health services is quality of life, and this includes during end-of-life care. Of course, we also believe that people should have access to quality palliative care and relief from pain and suffering. Likewise, I believe that where possible, they should be able to choose the extent of active medical treatment they receive. But to my mind, this bill from Senator Leyonhjelm actually raises an issue that is much broader than euthanasia and that relates to the long-held and deeply cherished principle—for me, at least—of Australian federalism.

I said in my first speech in the Senate almost five years ago that I was unashamedly a constitutionalist and a federalist. That is still true today. I am a great believer that our founding fathers took great time

and took great care to fashion for the nation a constitution that would stand the test of time. The evidence is resoundingly clear: our constitution has lived up to and stood the test of time. I have spoken previously in this chamber of the powerful influence that James Bryce's book *The American Commonwealth* exerted on many of the delegates who attended the first of the constitutional conventions of the 1890s, which created the constitution that underpins our system of government today. Bryce's work comprehensively established the benefits that flow from a system of government that clearly divides power between a central, national government and state jurisdictions, which by definition are closer to the people and accordingly have a better capacity to appreciate and respond to the more immediate day-to-day concerns of their constituents.

As a proud [Western Australian](#)—and I am sure I share that with Acting Deputy President Back—I am sure we could say, and I am sure other WA residents would also say, that this is more than a constitutional theory. For [Western Australians](#), it is part of our lived experience. There is a reason that Western Australians were initially reluctant to join the Federation in the lead up to 1 January 1901. Likewise, it is not an accident that with each attempt a federal government has made to alter our nation constitution in a fashion designed to grant increased powers to Canberra, the yes vote in Western Australia tends to be noticeably lower than in other jurisdictions.

However, my view is that these problems have not emerged because of the design of our federalist system, as some would suggest. Rather, these problems have arisen because of political imperatives. There is a desire by federal governments—of both political stripes, I willingly admit—to overreach and to gather more power into their own hands at the expense of the states and territories. I think that what has sometimes been forgotten in this centralist zeal is that when you take powers from the states and territories, it is actually the residents of those states or territories you disempower—not the state or territory government.

The state MPs and ministers still get paid. All you will end up doing is transferring their workload to the Commonwealth and, in the process, taking the decision-making process further away from the people.

This is a complete perversion of the principle of subsidiarity, which was one of the foundational principles of our constitutional form of government. The core elements of this principle were outlined most eloquently by one of Australia's most respected constitutional scholars, Professor Anne Twomey, writing in the *Federal Law Review* in 2008. In that, she says:

*Subsidiarity provides that functions should, where practical, be vested in the lowest level of government to ensure that their exercise is as close to the people as possible and reflects community preferences and local conditions. The principle of subsidiarity places the onus on those who seek to place a function with a higher level of government to make the case for it.*

I believe that is a very sound basis for designing a constitutional system of government.

Unfortunately, what has happened—encouraged, as I said, entirely by both sides of our national politics—is that people have increasingly come to see the federal government not as a body which fulfils the functions delineated in section 51 of our constitution but rather as a sort of political insurance policy. In other words, when the state government fails them or does something they do not like, there is an expectation that the federal government will fix the problem or overturn the bad decision. I think that is a very dangerous expectation, and it is one that is damaging our constitutional foundations. Just because the seemingly unavoidable trend in Australian governance for many decades has been towards centralism—greater control for Canberra—does not mean it is preferable, and nor does it mean that it has to be inevitable.

Last year was a depressing one for Australian federalism. We had the sorry spectacle of state and territory leaders actively refusing to take back some legislative powers when they were offered by the Commonwealth. Recall just last April, when the premier offered state and territory leaders the capacity to share in income taxing powers. What did they do? Of course, with the exception of our own [Colin Barnett](#), they ran a mile. Actually, all that was being proposed was returning some powers to the states that were theirs in the first place. It was hardly a 'radical' proposition.

Until 1942, state governments did levy income taxes. The wartime situation facing Australia saw the Commonwealth assume responsibility for income tax in 1942. And then, once the [Second World War](#) ended, the Commonwealth retained rather than gave back that responsibility, although there have previously been attempts to hand it back, first in 1977, when Prime Minister Malcolm Fraser proposed allowing state governments to levy an income tax surcharge or provide an income tax rebate to assist them in meeting their spending requirements. However, then [New South Wales](#) Labor Premier Neville Wran coined the phrase 'double taxation' and launched a scare campaign against the proposal. It was Wran's script that [Bill Shorten](#) and [Chris Bowen](#) were reading from in their shrill, confected outrage over the proposal just last year. Yet the integrity of their position is completely undermined by the outcome of the premiers' and chief ministers' meeting held in Adelaide on 21 and 22 November 1991. The communique to emerge from that meeting is significant. It was chaired by Labor Prime Minister Bob Hawke, and of the eight premiers and chief ministers attending that conference, six led Labor governments.

Let me read what the communique says. It says that all leaders 'reiterated their support for a national income tax sharing scheme based on providing states and territories with access to the personal income tax base and with a corresponding decline in financial assistance grants'. In fact, the leaders agreed on 'a figure of six per cent of the personal income tax base' as being appropriate 'without impinging on fiscal equalisation arrangements between the states'. They also agreed that the proposal was not just 'revenue neutral, but it is also economically sustainable', and that this conclusion was reached by both the Commonwealth Treasury and state Treasury officials. I know what you are thinking, Mr Acting Deputy President Back. You are probably thinking: 'How remarkable, the foresight, in 1991, and we have missed the opportunity. We missed the opportunity in April last year.'

Alas, this breakthrough agreement was mothballed one month later, when [Paul Keating](#)—whose infamous centralist tendencies would never permit him to grant greater autonomy to states—seized Bob Hawke's job and scuppered the deal. The proposal put to state leaders last year was actually far less 'radical' than the one agreed by

a meeting of predominantly Labor leaders 26 years ago. Where is the appetite for reform amongst their modern-day successors? What the Prime Minister suggested last April would have more tightly aligned revenue raising and spending at the state level, created greater incentives for efficient spending and made state governments more accountable to their constituents. Surely any state or territory leader worth their salt should relish the prospect of greater autonomy in decision making and fiscal planning for their states.

The fact that today's crop of state and territory leaders—the vast bulk of them from the Labor Party, I hasten to add—failed to take opportunities to restore some balance to our constitutional arrangements is a damning indictment of their capacity for national leadership. I find, as I am sure others in this place find, their reluctance almost inexplicable—unless, of course, they do not want to be responsible for having to make these decisions for themselves and would rather take up the politically convenient option of Canberra bashing. That may well make life easier for poorly performing state and territory governments but it is not what those who framed our constitution intended, and it is not to the benefit of local communities, especially those that are a long way from Canberra, such as the ones that Senator Back and I represent in Western Australia.

So, if Victoria's premier, [Daniel Andrews](#), does not think he is up to doing something that [Joan Kirner](#) thought herself more than capable of doing, he should simply admit it. If Queensland's premier does not think she can manage far less of a responsibility than [Wayne Goss](#) volunteered to take on 25 years ago, Queensland voters are entitled to know. Numerous opportunities have been offered to premiers and chief ministers to be what former Prime Minister Tony Abbott described as 'sovereign in their own sphere'. Consistently, they beg off and fail to take responsibility. It is high time Australia's state and territory leaders decided whether they wish to be leaders or simply managers. I think any bill that allows for a discussion of the virtues of federalism is one worthy of consideration. For that aspect alone, I thank Senator Leyonhjelm for bringing this issue to the attention of the Senate this afternoon.



**Katy Gallagher** (*ACT, Australian Labor Party*)

I rise to speak in support of the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015, and I do so in my role as an [ACT](#) senator as well as a former chief minister of the ACT. At the outset I would like to make it clear that my support for this bill relates to my concern at the level of interference the so-called Andrews bill represents as to the appropriate level of responsibility that should be afforded by territories in relation to their capacity to legislate on behalf of their constituents. I do not want to canvass any moral, philosophical, ethical or social issues regarding the rights of the terminally ill, as I believe that these issues, while of high importance, are not the focus or the intent of the bill before us today. But I should put on the record that I am supportive of the rights of those individuals to die with dignity.

I believe the appropriate focus of the debate on the bill is and must be the restoration of the democratic rights of the territories to pass laws in the best interests of their citizens, which were trammelled so thoroughly in 1997 when the Andrews bill, or the Euthanasia Laws Act 1997, was passed by the federal parliament. It has been 20 years now since this legislation was passed. Both territory parliaments legislate as mature jurisdictions in our nation. There are some 630,000 people who live in the ACT and the [Northern Territory](#), and their governments are responsible for running hospitals, schools, child protection, jails—multimillion-dollar economies. Much is made of the promise of the development of the Northern Territory and the knowledge economy of the ACT. But at the moment both jurisdictions are barred from debating or legislating for the rights of the terminally ill. That is wrong, in my view, and it is timely that we revisit this, which is allowed through this legislation. We have now had the opportunity to reflect, with the benefit of 20 years hindsight, on what has changed in relation to our view of the democratic rights of the territories and, hopefully, have come to a view that it is time to remove the constraint, embedded in the Andrews bill, on the right to debate and legislate on an equal basis with the states about euthanasia.

In turning to my comments on the bill itself, I would like to put on the record my appreciation for Senator Leyonhjelm in bringing this bill to the Senate and for his initiative, which gives us the opportunity for our actions to match our words in support of parliamentary democracy. As for the detail of the bill, it reduces the extent of Commonwealth interference with the laws of the ACT and the Northern Territory; it contributes to competitive federalism by encouraging states and territories to legislate, refine and improve law-making; it recognises the right of the ACT and the Northern Territory to legislate on euthanasia in their respective jurisdictions; and, finally, it allows the Northern Territory parliament to revisit, at a time of its own choosing, new legislation which addresses in a similar vein the rights of the terminally ill as originally contemplated in the [Rights of the Terminally Ill Act](#).

But let's be clear: this bill is about restoring democratic rights to the ACT and Northern Territory to legislate in relation to euthanasia on their terms, in their words and on behalf of their citizens, if they choose to do so. It does not compel these parliaments to legislate; it merely restores their right to do so. It is up to them to legislate, not the federal parliament on their behalf. In supporting this bill, I am merely recognising that these two jurisdictions should and must have the right to legislate on their own behalf. I would like to challenge senators who believe that this legislation should be opposed because it could lead to either or both territories legislating to allow euthanasia to stop and consider what I believe is the overriding argument in favour of supporting this bill. The people of the Northern Territory and the ACT should have the same rights as every other Australian citizen, whether they live in [Alice Springs](#) or Tuggeranong, or in Sydney, Melbourne or Adelaide. I would suggest, if you vote against this bill, that you are in effect saying to all territorians, whether they are an [SES](#) officer in Forrest or a stockman in Katherine, that they are second-class citizens in your view, that the federal parliament wants to continue to treat them in a paternalistic way, that they are not full citizens and that we know best what to let them and their elected representatives do in regard to the rights of the terminally ill.

As a proud Canberran and a former [Chief Minister](#) of the ACT, I will always stand up for Canberra, unlike the other senator, Senator Seselja, who this morning voted to remove jobs from Canberra. That

is not something I will ever do, and I will always stand in this place to support the rights of the people of the ACT.

4:47 pm



**[Richard Di Natale](#)** (Victoria, Australian Greens)

I rise to speak in support of the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. There are many grounds upon which this bill can be argued. Let me begin by discussing a point that was raised by Senator Gallagher, which is the issue of territory rights. In 1995 the [Northern Territory](#) Legislative Assembly enacted this legislation. It was the first time anywhere in the world that a legislature had authorised medically-assisted suicide. It was a very important piece of legislation. It was trailblazing. I believe that it is a fundamental right of any people to contribute to the laws which govern them. The Howard government, for reasons of their own, decided to use their constitutional power—a power that is only there, really, because of a quirk of history, that the territories were established after Federation and not before it—to run roughshod over the Northern Territory assembly's right to make laws affecting Territorians, and we reject that. It is on that basis—the right of the territories to enact their own legislation and not to have the Commonwealth use their own constitutional power to come over the top—that we believe that this bill has merit.

But it is not simply on that aspect of the bill that we think this legislation restoring territory rights should be passed. It is also because we in the Greens have a view that physician-assisted dying is an important concept whose time has come. We believe that, in a liberal democracy like Australia, everybody has the right to control the manner and timing of their death. We know that public support is overwhelming when it comes to the issue of the rights of the terminally ill. We know that every opinion poll conducted over the last few decades has shown roughly three-quarters of Australians support the concept of medically-assisted dying in the case of people with a terminal illness. We know that a poll by the [Australia Institute](#) in 2012 showed 71 per cent of Australians support it, and that experience has

been replicated time and again. Only roughly 10 per cent of people do not support it, with a small number of people undecided.

Of course, public opinion is not the sole reason upon which we base our support for the rights of the terminally ill to choose the manner and timing of their death; it is also because in a liberal democracy like Australia, as I said, we believe that people have a fundamental right to control their own body. The real question that this bill asks is: 'Does someone else have the right to tell me that I need to go on living despite the fact that I have an experience of suffering that is unbearable and that I want to end?' We believe that it is the right of patients themselves to exercise that decision. As far as I am concerned, the right to have some control over the manner and timing of our own death is a classical liberal philosophy, which I know everyone in this chamber to some degree adheres to. If we were true to our commitment of the fundamental rights of individuals then we would have had physician-assisted suicide legislation a long time ago and indeed the Northern Territory legislation would still be with us today.

I can tell you from experience that physician-assisted suicide is happening already. The reality is that every year, hundreds of terminally ill people across the country are assisted to an early death by compassionate medical professionals. Sometimes it is done under what is called the doctrine of double effect—that is, the doctor administers a heavy dose of morphine to respond to pain when they know the consequence is that it may hasten that person's death. But that is not always the case. Sometimes, particularly in palliative care, doctors exercise discretion in conjunction with patients and so on. It is already happening. Do we want it to continue to happen in an unregulated environment? I think that presents us with some very acute dangers.

The good news is that this is a debate that is shifting. We saw a very substantial report prepared last year by the Victorian parliament's Legal and Social Issues Committee. The recommendations of that committee in favour of assisted dying legislation are going to be put to the Victorian parliament this year, when there will be a vote on physician assisted dying. There are some moves afoot in [New South Wales](#) as well.

I am very pleased that my Greens colleagues in many states and territories have been working tirelessly on the issue, as have hundreds of the enormously committed volunteers and workers in organisations right across the country. There is a real sense that this debate is moving and we are at last having in the right direction. I do believe that we will see assisted death legislation very soon. I am very optimistic about it.

It is not a decision I came to lightly—my own view as a [GP](#) who was forced to wrestle with this question. It is something I thought very deeply about. Death is not easy. We know, of course, that it is inevitable, but some deaths are horrible, agonising deaths. I have spoken to patients who have said to me, 'I do not want to continue,' and we know that in the last week or two of their life they experience intolerable suffering—people lying in bed drowning in a pool of secretions, basically suffocating slowly to death. We are allowed to stop feeding and we can sometimes remove the source of sustenance to people. That just makes the death more agonising and much more prolonged.

One of the people who contributed to this debate and really made a big impression on me was a man named [Peter Short](#), who had oesophageal cancer. He was a very successful businessman who was in his 50s. His metastatic cancer ultimately got the better of him and he became a campaigner for physician assisted dying. He became a campaigner because he feared what those last few weeks and months of his life would look like and he wanted to have what he thought was a dignified death. It was a matter of just knowing that he had the option, because he basically had managed to secure the means to do it—of course illegally—should that occur. Just knowing he had the option made those last few months more bearable. Many people with a terminal illness will never choose to exercise the option, but they want to know that if the circumstances arise, if their suffering is intolerable, they have the option to say goodbye to their loved ones in a dignified way.

We, the Greens, will continue to advocate, not just to ensure the passage of this legislation—the Greens have similar legislation for restoring Territory rights—but we would like to see a national bill enacted. Hopefully, movement on this issue at the state level will

continue, but, overall, what we need is an overarching national framework so that we have consistent legislation no matter what state you live in. We will continue our advocacy for it. We commend the passage of this bill.

4:55 pm



**Pauline Hanson** (Queensland, Pauline Hanson's One Nation Party)

I rise to speak in support of the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. Dying is a very painful grieving process for families, for loved ones and for friends. I believe that people have the right to choose how they die. A lot of us do not have that choice—we may die in a road accident or through illness. But I have spoken to people who say that if they are ever in that situation they want the choice to say, 'My time has come. I do not have quality of life any more,' so they want to leave this world.

I had that experience personally with my father, when he was in hospital. Dad was quite ill—he had Parkinson's—and as he deteriorated he went through a very hard time. They thought of looking after him with palliative care. But I thought, 'No.' As happens on many occasions they give them morphine to ease the pain, but it did not in my father's case. It actually aggravated my father more. So he was in pain—more so—from the morphine he was given. This went on for a couple of weeks, so his passing was actually a blessing.

I have heard of other people in these circumstances. I believe that everyone has the right to a choice. I know there are people out there who believe it is so wrong for you to have a right to say when your time is up. They are not tolerant of those who feel differently about it. I have spoken openly about this to my children and said that if I were ever to be in a situation where I became brain dead, or did not have quality of life, or were on machines, or were in a situation in a nursing home or a hospital or whatever, and I did not want to be here any longer, please make the choice to end my life. This is not only for myself but also for my children. My family and my loved ones should not have to go through turning up at my bedside every day, watching me go through that suffering, because it is more painful to them.

We have more compassion for animals than we do for people. If an animal is in pain or is suffering, we have it put down. That is compassion, yet we do not have that same compassion when it comes to people. I ask those people who oppose what I am saying today, 'Have you ever watched the cachexic wasting of a dying loved one? Have you ever watched the downhill spiral of someone who is bedridden, wasting away, unable to toilet themselves, wash themselves, feed themselves or speak for themselves?'

One in two men and one in three women will get cancer by 85. Just last year an estimated 46,880 people died of cancer—26,566 men and 20,314 women. Were they given the opportunity? I do not think so.

There is also another case that we have here. It is known that doctors and nurses will give morphine to ease the pain. That is palliative care, but it is illegal. They are not supposed to—not really and not to the point where they know it will eventually take a life. What we are doing is putting these nurses and these doctors at risk of facing a criminal offence. Why? My belief is that when you are of sound mind you draw up a will of your possessions, where you wish them to go and what is to happen with them. What more valuable possession do you have than your own body and your own destiny? So why not, when you are of sound mind, make up a will and give the right to someone that you trust to carry out your wishes—a loved one, a friend, a family member—to make that final decision were it to ever get to that point. And then, in conjunction with two doctors, they decide, in a compassionate way, it is time be put to sleep or death—whatever you want to call it. So why are people out there opposing my rights? That is why I think that it is the right of the territories and the people there to decide their rights. I believe it should be on the national agenda as well. Everyone should have the right.

We have other countries and states around the world where it is legal: [The Netherlands](#), Belgium, Luxembourg, Switzerland, Columbia, California, Oregon, Washington, Vermont and Montana. We need to look at this on compassionate grounds and give people their right. At this stage, I seek leave to continue my remarks later.

Leave granted.

5:02 pm

**Derryn Hinch** (Victoria, Derryn Hinch's Justice Party)

Mr Acting Deputy President, if I could indulge you for one minute.



**Glenn Sterle** (WA, Australian Labor Party)

You may.

**Derryn Hinch** (Victoria, Derryn Hinch's Justice Party)

It is about the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. Since Senator Hanson has adjourned her speech, I am on the list—it is not here yet—but I will be adjourned behind her.



**Glenn Sterle** (WA, Australian Labor Party)

You can speak now if you want.

**Derryn Hinch** (Victoria, Derryn Hinch's Justice Party)

Thank you very much. I will only speak for about five minutes. Twenty-five years ago, I sat alongside my mother's bed and watched her die. She was under palliative care. If she had been a dog and an [RSPCA](#) inspector had walked into that room, I would have been arrested and charged with cruelty to animals. She weighed about 30 kilograms, if not 25 kilograms, and looked like a Biafran refugee. I think this law has to be amended. You do have the right. The movie said, 'Whose life is it anyway', and that is the exact way that I feel about this.

The original successful attempt by the Liberal government to meddle in the affairs of the [Northern Territory](#) government, the [ACT](#) and [Norfolk Island](#)—that bill was introduced by [Kevin Andrews](#), but it had Prime Minister Howard's grubby fingerprints all over it. It was done to stop [Philip Nitschke](#), who has campaigned for decades over this and I have supported him for about 30 years. You do have the right to die. Some people get offended by the term 'voluntary euthanasia'. They prefer to say 'dying with dignity', and I can see the merit in that.

Last year, I attended the Victorian government's upper house investigation and committee hearing into dying with dignity. Their legislation means they could be the first state in Australia to make it

legal. You have Dr Rodney Syme, in Melbourne, who challenged the police and the government to charge him. He has admitted that he has helped people die. He has been honest and he has been brave. But of course you have doctors—I say, 'Doctors do it all the time', but they do not actually. It is the doctors who tell the nurses what they should do. They tell people to say goodbye—'nudge-nudge, wink-wink; go home'—and mum or dad dies mysteriously through the night. This has to be changed even if the Victorian law does come in—and I think it will come in, even if it is too restrictive.

I know of a young man who sent me an email just this afternoon. He will not mind me using his name. His name [Jay Franklin](#). He has been in pain for years and years. He will not be able to take his own life. He will not be able to access nembutal and take his own life, because he is not considered to be terminally ill even though he spends so much time in hospital—most of his life has been spent in hospital—and that is why that rule is too restrictive. But just start it off; take it step by step. If we can repeal that restriction on Norfolk Island, the Northern Territory and the ACT it will be a start. This should be national legislation. Premier Dan Andrews has raised the issue that Victoria is in danger of becoming sort of like a suicide tourism state, to put it very crudely and very bluntly. But people should not have to go to another state. They should not have to go anywhere. It is my body and if I decided that I wanted to kill myself, then I would do that.

About five or six year ago, I was diagnosed with terminal cancer. I was told by doctors that I would be dead within 12 months unless I could get a liver transplant. Luckily, I did get one, although I was very close to dying before that. Afterwards, I held my old liver in my hand and I asked the pathologist how long he thought—I said, 'Do you see many as bad as that?' He said, 'Usually at autopsies.' I said: 'Okay. How long do you reckon I had?' He said, 'Well, now I've got it out and had a good look at it, I reckon about two weeks.' My transplant surgeon, Dr [Bob Jones](#), said it was even worse than that. He said: 'Your liver operation was down to 20 per cent. If it had got down to 18 per cent, we would have taken you off the transplant list', and I would not have been here. So some of you can blame Bob Jones for the fact that I am here and causing you problems.

On a serious note, it must be repealed. It is my life; it is my body. When I was told, 'You've got less than 12 months to live,' I decided it was my quality of life, in my opinion. If my quality of life got so bad that I did not want to do it anymore, I made plans, and I told friends and family, that I would take myself out. I would say, 'Thanks for the loan of the hall,' and I would depart, but it would be done on my terms and at my time. The problem here for some people is that they fear that, if they get motor neurone disease, they will not even be able to pick up a pill even if they have access to Nembutal, even if they know a friendly vet. That is the thing, or you get to the stage where you no longer feel confident that you can do anything. You are stranded in your bed.

I went to that Victorian upper house inquiry and, as I walked in the door, there was a Catholic priest in the witness box, and he looked like a priest from central casting. He had the white hair, the white beard and the big, booming voice. As I walked in the door, the first words I heard him say were, 'We can all die a happy and holy death,' as he talked about the merits of palliative care. I thought: 'How dare you? You sit up there and say, "We can all die a happy and holy death."' It does not work that way. My poor mother was lying there. She was a very proud woman and a very private woman, and she was lying there on her bed with a pillow between her legs because she was incontinent. She could not eat. She could not drink. For several months she could only have ice-cream because of the thrush in her throat that had happened from all the chemo and the radiation. I thought: 'This is not living, and my mother would not want to be that way. She would have wanted to have gone away quietly and died with some dignity.'

So I appeal to the Senate today. It is not your business. It is the people's business to say, 'Hey, I've decided I've had enough, I can't take it anymore and I'm going to shuffle off this mortal coil, as they say.' So I would put my pennyworth in here and just say that we should consider this very seriously. This should go for the two territories, and there should be a new national dying with dignity bill.

5:09 pm



**Ian Macdonald** (*Queensland, Liberal Party*)

I will not take long. I will more or less simply seek leave to continue my remarks so that I can speak later on the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. Suffice it to say that I have already been involved in this debate twice in this chamber in my long term here. I voted against the Andrews bill that has been mentioned. A lot of the experiences that the speakers I have heard today have related and the arguments they have put are arguments that I totally endorse and that I have actually used myself. So I want to associate myself with most of the remarks—not all of them—that have been made. I will perhaps have an opportunity to elaborate later, but at this stage I seek leave to continue my remarks later.

Leave granted; debate adjourned.