

2013-2014-2015

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

**RESTORING TERRITORY RIGHTS (ASSISTED SUICIDE LEGISLATION)
BILL 2015**

EXPLANATORY MEMORANDUM

(Circulated by authority of Senator Leyonhjelm)

RESTORING TERRITORY RIGHTS (ASSISTED SUICIDE LEGISLATION) BILL 2015

OUTLINE

The purpose of the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015 is fourfold.

First, it reduces the extent of Commonwealth interference with the laws of the Australian Capital Territory and the Northern Territory.

Second, it will encourage competitive federalism – the process whereby each state enacts laws in competition with the others – thereby refining and improving law-making.

Third, it recognises the right of the Australian Capital Territory and the Northern Territory to legislate for assisted suicide in their respective jurisdictions.

Fourth, it ensures that the *Rights of the Terminally Ill Act* (NT) is not automatically revived, allowing the Parliament of the Northern Territory to revisit the issue in a time and manner of its choosing.

NOTES ON CLAUSES

Clause 1: Short title

1. This clause provides for the Act, when enacted, to be cited as the *Restoring Territory Rights (Assisted Suicide Legislation) Act 2015*.

Clause 2: Commencement

2. This clause provides for sections 1 to 4, and anything in the Bill not elsewhere covered by the commencement table, to commence on the day the Bill receives the Royal Assent, and for the commencement of Schedule 1 to the Bill 28 days after it receives the Royal Assent.

Clause 3: Objects

3. This clause states that the objects of this Bill are:

- (a) to reduce Commonwealth interference with the laws of the Australian Capital Territory and the Northern Territory; and
- (b) to facilitate competitive federalism in law-making; and
- (c) to recognise the right of the Australian Capital Territory and the Northern Territory to legislate for assisted suicide within their jurisdictions; and
- (d) to repeal the *Euthanasia Laws Act 1997*, the enactment of which was inimical to the objects stated in paragraphs (a) to (c).

Clause 4 – Schedules

4. This clause provides that legislation that is specified in a Schedule to the Bill is amended or repealed as set out in that Schedule, and any other item in a Schedule operates according to its terms.

Schedule 1 – Amendments

Part 1 – Amendments

Australian Capital Territory (Self-Government) Act 1988

Item 1 – Subsections 23(1A) and (1B)

5. This item repeals subsections 23(1A) and (1B), as inserted by the *Euthanasia Laws Act 1997*, which prevented the Australian Capital Territory from enacting assisted suicide legislation.

Northern Territory (Self-Government) Act 1978

Item 2 – Section 50A

6. This item repeals section 50A, as inserted by the *Euthanasia Laws Act 1997*, which prevented the Northern Territory from enacting assisted suicide legislation and rendered the *Rights of the Terminally Act* (NT) inoperative.

Part 2 – Repeal of the *Euthanasia Laws Act 1997*

Item 3 – *Euthanasia Laws Act 1997*

7. This item repeals the *Euthanasia Laws Act 1997*

Part 3 – Application

Item 4 – Application

8. **Paragraph (1)(a)** ensures that the *Rights of the Terminally Ill Act* (NT) remains in effect in relation to any act or thing done while it was in force before the enactment of the *Euthanasia Laws Act 1997*.

9. **Paragraph (1)(b)** ensures that the *Rights of the Terminally Ill Act* (NT) has no effect in relation to any act or thing done after it was rendered inoperative.

10. **Subitem (2)** ensures that subitem (1) remains on foot unless the Northern Territory legislates to the contrary after the commencement of this item.