



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**BILLS**

**Restoring Territory Rights (Assisted  
Suicide Legislation) Bill 2015**

**Second Reading**

**SPEECH**

**Tuesday, 14 August 2018**

BY AUTHORITY OF THE SENATE

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## SPEECH

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<b>Questioner</b>	<b>Responder</b>
<b>Speaker</b> Paterson, Sen James	<b>Question No.</b>

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**Senator PATERSON** (Victoria) (20:23): I'm happy to admit that I had to wrestle with this issue because for me it is one of competing principles. But, after reflection, I have nevertheless come to a firm conclusion. I will be voting no, and I want to briefly outline why.

I am sympathetic to the principles of federalism that underline the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. It would be nice to simply dismiss these considerations on the technicality that the Northern Territory and the ACT are territories and not states and are therefore not entitled to so-called states' rights. But, if we believe in federalism as a matter of principle, as I do, it is not that easy. I don't believe in a federal system of government just because that's what we happened to agree at Federation. I believe in federalism because I believe in decentralisation. I believe in subsidiarity. Local decisions are best made by local people. Too much policy in this nation is dictated in Canberra and imposed around the nation to variable results. It is not states which have rights but people. People should enjoy no fewer rights simply because of where they live in Australia, even though residents of the territories have not yet taken up the option available to them to become a state.

But this isn't only a bill about federalism. It's also a bill about euthanasia and the principle of the individual dignity of every human life. I can't wipe clean from my conscience the ultimate impact of the vote that I will cast on this bill and on this principle. The actions that we will all take on this bill will have consequences that we all must be prepared to accept. I do understand why many Australians want to have the option of doctor assisted suicide at the end of their life. A painful death is a fear widely shared and a painful death is not something I blame people at all for wanting to avoid if possible. If there were some way of guaranteeing that only those who really wanted and needed that option were able to access it, perhaps I would adopt a different view.

Because we are all flawed human beings, I recognise the profound limitations we have as legislators. Despite our best intentions, there are aspects of human behaviour that we can never perfectly regulate, no matter how hard we try. The consequences of getting regulation wrong in most areas of public life are irritation and inefficiency, but when it comes to regulating life and death they are as profound as they can be. I am yet to see a system for regulating euthanasia anywhere in the world, including in my home state of Victoria, that gives me confidence that no person would ever be put to death wrongly. For me, even one wrongful death is one too many. In years to come, I suspect Victorians will regret the decision that our parliament reached late last year. I believe it is inevitable that there will be misdiagnoses, that some people will feel pressure, real or imagined, and that, if we start to normalise state sanctioned taking of life, the criteria will inevitably widen, as they have overseas. I'm worried that the participation and tacit endorsement of the state and the medical profession in this process will compromise both.

Resolving contests of deeply held principles is always the most difficult decision to make. Federalism and protecting the individual dignity of human life are both dear to my heart. If forced to choose, I have to pick the most fundamental. If, in the future, people are wrongfully killed under a euthanasia regime that is in effect permitted by our votes here today, I doubt that the principles of federalism will provide much comfort to our consciences. That's why I will be voting no.