

## FACTSHEET 19: Northern Territory Rights of the Terminally Ill Act (1995)

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The Northern Territory was the first jurisdiction in the world to legalise voluntary euthanasia. The Chief Minister of the Northern Territory, Hon Marshall Perron, introduced the *Rights of the Terminally Ill Bill* in 1995 as one of his last actions before retiring from the Parliament. The Bill was passed by 15 votes to 10 on May 25 1995, and was proclaimed on July 1 1996. The Australian Parliament effectively repealed the NT Act on March 25 1997, after passing a Private Members' Bill introduced by Liberal backbencher Kevin Andrews, the *Euthanasia Laws Act (1997)*.

Four people used provisions of the Act to die before the Territory's power to administer such an Act was removed by the Andrews Bill. The first person was Bob Dent, a Darwin carpenter, who died in September 1996. The medical certificates required by the Act proved difficult to obtain in the face of hostility from the Australian Medical Association, proposals to repeal the Act with provision to prosecute any doctor providing assistance under the Act knowing it to be under challenge, and extraordinary public scrutiny through the media.

The Act included multiple safeguards including

- A patient who is 18 years or more, terminally ill and experiencing severe pain or suffering may request a doctor's assistance to end life.
- The assistance may take the form of prescribing a substance, preparing it and giving it to the patient for self administration, or administering it.
- The patient may rescind the request at any time and in any manner.
- The doctor is free to refuse the request.
- The assistance is not to be given if palliative care acceptable to the patient is available. If the attending doctor is not qualified in palliative care, information on palliative care must be given by a palliative care physician.
- A second, independent doctor, specialising in the terminal illness concerned, must examine the patient and confirm the medical condition.
- A qualified psychiatrist must examine the patient and confirm that the patient is not suffering from a treatable clinical depression.
- Both doctors must be satisfied that the patient is fully informed, has considered the implications for his or her family, is of sound mind and has made the decision freely, voluntarily and after due consideration.

- There must be a cooling off period of at least 7 days after an informed verbal request is made before a "certificate of request" can be signed and witnessed.
- There must be a further cooling off period of at least 48 hours before the request is implemented.
- An interpreter must be provided if the doctor and patient do not share the same first language.
- Proper medical records must be kept and the implementation of the request reported to the authorities.
- The attending doctor must provide the assistance and remain present until death occurs.

Marshall Perron has continued to campaign for euthanasia law reform across Australia. In November 2017 he was in the South Australian Parliament until 4.12am on November 17, in company with Andrew Denton, when the Death with Dignity Bill was defeated on the casting vote of the Speaker, Hon Michael Atkinson MP.

**See also SAVES Newsletter 14.**