



Euthanasia Laws Act 1997

No. 17, 1997



Euthanasia Laws Act 1997

No. 17 , 1997

An Act concerning euthanasia

Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedules.....	1
	Schedule 1—Amendment of the Northern Territory (Self-Government) Act 1978	2
	Schedule 2 - Amendment of the Australian Capital Territory (Self-Government) Act 1988	3
	Schedule 3 - Amendment of the Norfolk Island Act 1979	4



Euthanasia Laws Act 1997

No. 17 , 1997

An Act concerning euthanasia

[Assented to 27 March 1997]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Euthanasia Laws Act 1997*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedules

The Acts that are specified in Schedules to this Act are amended as set out in the applicable items in the Schedule concerned, and any other items in the Schedules to this Act have effect according to their terms.

Schedule 1—Amendment of the Northern Territory (Self-Government) Act 1978

1 After section 50

Insert

50A Laws concerning euthanasia

- (1) Subject to this section the power of the Legislative Assembly conferred by section 6 in relation to the making of laws does not extend to the making of laws which permit or have the effect of permitting (whether subject to conditions or not) the form of intentional killing of another called euthanasia (which includes mercy killing) or the assisting of a person to terminate his or her life.
- (2) The Legislative Assembly does have power to make laws with respect to:
 - (a) the withdrawal or withholding of medical or surgical measures for prolonging the life of a patient but not so as to permit the intentional killing of the patient; and
 - (b) medical treatment in the provision of palliative care to a dying patient, but not so as to permit the intentional killing of the patient; and
 - (c) the appointment of an agent by a patient who is authorised to make decisions about the withdrawal or withholding of treatment; and
 - (d) the repealing of legal sanctions against attempted suicide.

2 Application

For the avoidance of doubt, the enactment of the Legislative Assembly called the *Rights of the Terminally Ill Act 1995* has no force or effect as a law of the Territory, except as regards the lawfulness or validity of anything done in accordance therewith prior to the commencement of this Act.

Schedule 2—Amendment of the Australian Capital Territory (Self-Government) Act 1988

1 After subsection 23(1)

Insert:

- (1A) The Assembly has no power to make laws permitting or having the effect of permitting (whether subject to conditions or not) the form of intentional killing of another called euthanasia (which includes mercy killing) or the assisting of a person to terminate his or her life.
- (1B) The Assembly does have power to make laws with respect to:
- (a) the withdrawal or withholding of medical or surgical measures for prolonging the life of a patient but not so as to permit the intentional killing of the patient; and
 - (b) medical treatment in the provision of palliative care to a dying patient, but not so as to permit the intentional killing of the patient; and
 - (c) the appointment of an agent by a patient who is authorised to make decisions about the withdrawal or withholding of treatment; and
 - (d) the repealing of legal sanctions against attempted suicide.

Schedule 3—Amendment of the Norfolk Island Act 1979

1 After paragraph 19(2)(c)

Add:

- (d) which permit or have the effect of permitting (whether subject to conditions or not) the form of intentional killing of another called euthanasia (which includes mercy killing) or the assisting of a person to terminate his or her life.

2 After subsection 19(2)

Insert:

(2A) The Legislative Assembly does have power to make laws with respect to:

- (a) the withdrawal or withholding of medical or surgical measures for prolonging the life of a patient but not so as to permit the intentional killing of the patient; and
- (b) medical treatment in the provision of palliative care to a dying patient, but not so as to permit the intentional killing of the patient; and
- (c) the appointment of an agent by a patient who is authorised to make decisions about the withdrawal or withholding of treatment; and
- (d) the repealing of legal sanctions against attempted suicide.

*[Minister's second reading speech made in—
House of Representatives on 28 October 1996
Senate on 12 December 1996]*

(113/96)

I HEREBY CERTIFY that the above is a fair print of the Euthanasia Laws Bill 1997 which originated in the House of Representatives as the Euthanasia Laws Bill 1996 and has been finally passed by the Senate and the House of Representatives.

Clerk of the House of Representatives

IN THE NAME OF HER MAJESTY, I assent to this Act.

Governor-General
March 1997
