



# SENATOR Dr SAM McMAHON

## SENATOR FOR THE NORTHERN TERRITORY

Dear Members & Senators

17<sup>th</sup> November 2021

As you are aware in August this year I introduced a private Senator's bill – *Ensuring Northern Territory Rights Bill 2021*.

The primary purpose of the Bill was to address anomalies which have been in place nearly 25 years since the parliament of the day made changes to the *Self Government Act 1978* to overturn the *Rights of the Terminally Ill Bill* which had been passed by the Northern Territory Legislative Assembly.

At the time the Northern Territory was the first jurisdiction in Australia to introduce such laws around voluntary assisted dying (VAD). The changes enacted at the time effectively made citizens of the Northern Territory and the Australian Capital Territory second class in determining their future.

Since those changes known as the Andrews Bill every state in Australia has either introduced VAD laws or is in the process of introducing and debating those laws.

It is the intent of my bill to at the very least allow a debate around VAD to occur. My Bill is not to reinstate the *Rights of the Terminally Ill Bill* or to reinstate a form or otherwise of VAD.

I had originally included in my private Senator's bill, legislation to address issues around property acquisition and fair work as well, however, following discussion and resistance to the changes, I have now amended my Bill – a copy of which is included.

At this stage the Bill proposed by me purely covers the Northern Territory. I did not seek to include the ACT as I do not represent that jurisdiction, but should an amendment be put forward including the ACT I would not oppose it.

I urge you to consider the importance of democratic choice when so many rights of individuals are being clipped. Should this Bill pass it will allow the Northern Territory to at least debate the issue and determine if they want VAD legislation or not.

The Parliament had the right to make those laws back then, and I urge you to allow Territorians the ability to, again choose their destiny. We often say Government's should not

tell people what to do and we have held fast to that during the pandemic, on that basis I see us and Parliament gaining more by giving choice rather than denying it.

I ask for your support in ensuring all Australians have freedom of choice – not just those who live in certain parts of Australia.

2019-2021

The Parliament of the Commonwealth of Australia

THE SENATE

## Ensuring Northern Territory Rights Bill 2021

*(Amendments to be moved by Senator McMahon, on behalf of the Country Liberal Party, in committee of the whole)*

- (1) Schedule 1, item 1, page 3 (lines 6 to 7), **to be opposed.**

***[acquisition of property]***

- (2) Schedule 1, items 3 to 4, page 3 (lines 10 to 16), **to be opposed.**

***[employment disputes]***

Yours Sincerely,



Senator Dr Sam McMahon  
CLP Senator for the Northern Territory

2019-2021

The Parliament of the  
Commonwealth of Australia

THE SENATE

*Presented and read a first time*

## **Ensuring Northern Territory Rights Bill 2021**

**No.     , 2021**

*(Senator McMahon)*

**A Bill for an Act to amend the *Northern Territory  
(Self-Government) Act 1978* and repeal the  
*Euthanasia Laws Act 1997*, and for related purposes**



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## Contents

1	Short title.....	1
2	Commencement.....	1
3	Object.....	2
4	Schedules .....	2
<b>Schedule 1—Ensuring Northern Territory rights</b>		<b>3</b>
Part 1—Amendments of the Northern Territory (Self-Government) Act 1978		3
<i>Northern Territory (Self-Government) Act 1978</i>		3
Part 2—Repeal of the Euthanasia Laws Act 1997		4
<i>Euthanasia Laws Act 1997</i>		4
Part 3—Application		5



1     **A Bill for an Act to amend the *Northern Territory***  
2     ***(Self-Government) Act 1978* and repeal the**  
3     ***Euthanasia Laws Act 1997*, and for related purposes**

4     The Parliament of Australia enacts:

5     **1 Short title**

6                 This Act is the *Ensuring Northern Territory Rights Act 2021*.

7     **2 Commencement**

8                 (1) Each provision of this Act specified in column 1 of the table  
9                         commences, or is taken to have commenced, in accordance with  
10                        column 2 of the table. Any other statement in column 2 has effect  
11                        according to its terms.  
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Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

**3 Object**

The object of this Act is to deliver people living in the Northern Territory the same rights as people who reside in Australian states.

**4 Schedules**

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.



1 **Schedule 1—Ensuring Northern Territory**  
2 **rights**

3 **Part 1—Amendments of the Northern Territory**  
4 **(Self-Government) Act 1978**

5 *Northern Territory (Self-Government) Act 1978*

6 **1 Subsection 50(1)**

7 Repeal the subsection.

8 **2 Section 50A**

9 Repeal the section.

10 **3 At the end of subsection 53(4)**

11 Add:

12 Note: Sections 29 and 40 of the *Fair Work Act 2009* deal with inconsistency  
13 between awards and agreements made under that Act and laws of the  
14 Territory.

15 **4 Subsections 53(5) and (6)**

16 Repeal the subsections (including the note).

1 **Part 2—Repeal of the Euthanasia Laws Act 1997**

2 ***Euthanasia Laws Act 1997***

3 **5 The whole of the Act**

4 Repeal the Act.

1 **Part 3—Application**

2 **6 Application—repeals relating to euthanasia laws**

3 (1) Despite the repeal of the *Euthanasia Laws Act 1997* and section 50A of  
4 the *Northern Territory (Self-Government) Act 1978* by this Schedule,  
5 the *Rights of the Terminally Ill Act 1995* (NT):

6 (a) continues to have effect as a law of the Territory in relation  
7 to any act or thing that was done before 27 March 1997; but

8 (b) has no force or effect as a law of the Territory in relation to  
9 any act or thing done on or after that day.

10 Note: 27 March 1997 is the day the *Euthanasia Laws Act 1997* received the Royal Assent.

11 (2) Subitem (1) applies subject to a contrary intention in a law of the  
12 Northern Territory that is enacted after the commencement of this item.