

Ensuring both territories' rights

The ACT and the Northern Territory are proven democracies that should be free to decide voluntary assisted dying laws in their jurisdictions. Polling research shows that most Australians agree.

Bill Browne
August 2021

Introduction

Thank you for the opportunity to make a submission to the inquiry into the Ensuring Northern Territory Rights Bill.

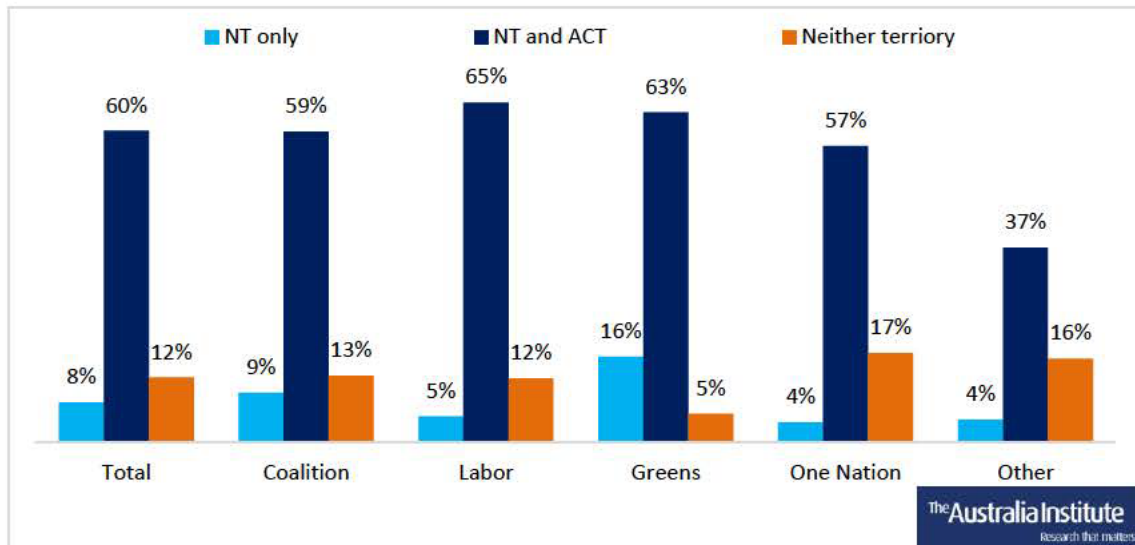
Senator Sam McMahon should be commended for proposing this bill, which is a step towards resolving an injustice that has existed for over 20 years: the *Euthanasia Laws Act 1997*. Better known as the “Andrews Bill”, this legislation unreasonably blocks the territories from making laws for voluntary assisted dying (VAD). The interference with territory rights is more obvious now that several states have adopted voluntary assisted dying laws, including Victoria, Western Australia and Tasmania.¹

However, the Ensuring Northern Territory Rights Bill is incomplete. Repealing the restrictions on the Northern Territory but not those on the Australian Capital Territory would prolong the injustice done in 1997 and highlight the double-standard that territories are subject to.

The Australia Institute has conducted extensive polling research on the topic of voluntary assisted dying, which shows that most Australians support the territories' right to choose whether they legislate for voluntary assisted dying. When Australians are given the choice between allowing neither territory to legalise voluntary assisted dying, allowing both territories to legalise voluntary assisted dying or allowing *only* the Northern Territory to legalise voluntary assisted dying, the latter is the least popular option.

¹ Tasmania's laws have passed but are not yet in force.

Figure 1: The rights of territories to legalise voluntary assisted dying, voting intention



Voluntary assisted dying support across Australia

In February 2021, the Australia Institute surveyed a nationally representative sample of 1,434 Australians about their attitudes to voluntary assisted dying. For full results, please see the polling brief.²

In summary:

- Three in four Australians (76%) agree that a person with terminal illness experiencing unrelievable suffering should be allowed to receive a doctor's assistance to die.
- One in 10 (12%) disagree with the principle, about as many as do not know or aren't sure (12%).
- There has been little change in support for voluntary assisted dying since Australia Institute polls in 2010 and 2012 which found that 71–75% of Australians support the legalisation of voluntary euthanasia/VAD.³

² Australia Institute (2021) *Polling: Voluntary assisted dying and the territories*, <https://australiainstitute.org.au/report/polling-voluntary-assisted-dying-and-the-territories/>

³ The Australia Institute (2011) *Survey results - attitudes to voluntary euthanasia*, <https://australiainstitute.org.au/post/survey-results-attitudes-to-voluntary-euthanasia/>; (2012) *New survey shows majority support for euthanasia*, <https://australiainstitute.org.au/report/new-survey-shows-majority-support-for-euthanasia/>

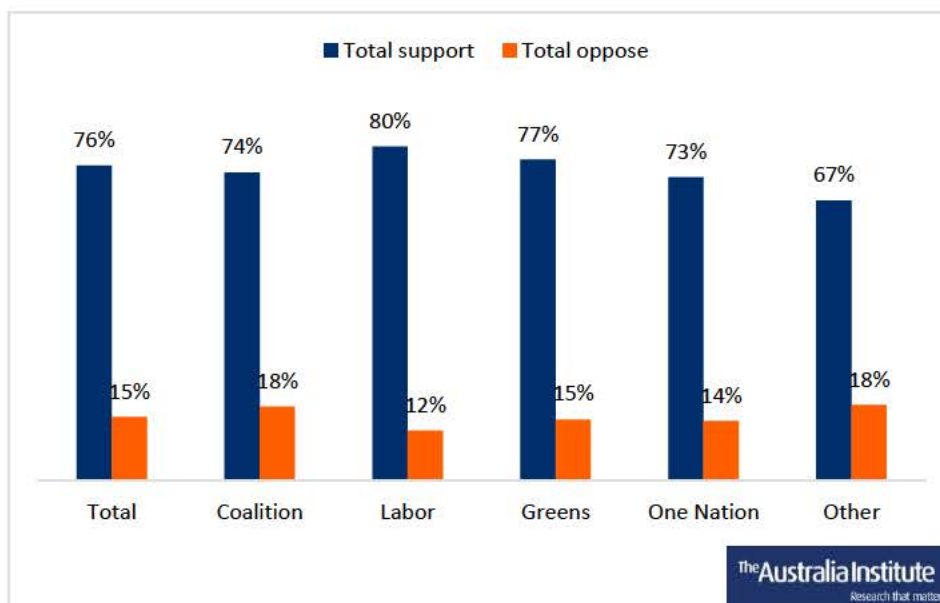
- Support for the specific laws adopted by Victoria was somewhat higher than in-principle support for voluntary assisted dying, with four in five Australians outside of Victoria (79%) supporting their state adopting similar VAD laws to Victoria.
- Victorians were asked a similar question, whether they support the existing voluntary assisted dying laws. Four in five (83%) support the laws, including half (52%) who strongly support the laws – the highest result for any large state.

Support for territories' right to choose - general

Respondents in the Australia Institute's February 2021 poll were told that Commonwealth legislation bans the Australian Capital Territory and Northern Territory from legalising the medical provision of voluntary assisted dying to terminally ill people. Respondents were asked if they supported or opposed the Commonwealth allowing territory governments to legalise VAD within their jurisdictions.

Three in four Australians (76%) support the Commonwealth allowing territory governments to legalise VAD within their jurisdictions.

Figure 1: Support for territories' right to legislate VAD laws, by voting intention



- Support is high among voters of all parties, with 74% of Coalition, 80% of Labor, 77% of Greens and 73% of One Nation voters in support.
- Support is somewhat lower among Independent/Other voters, although even there two in three (67%) support the proposal with only 18% opposed.

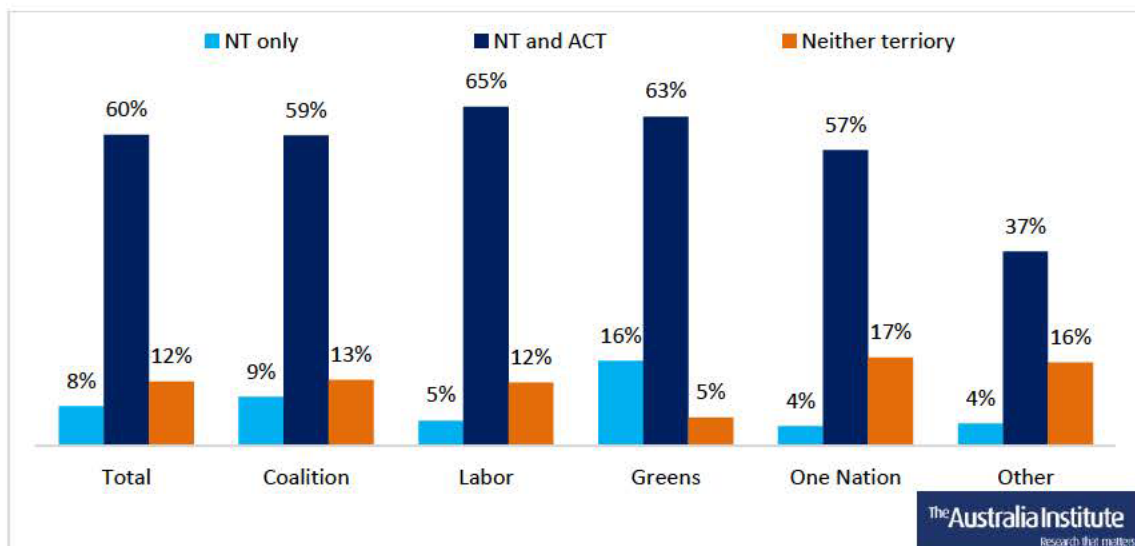
NT-only proposition

In July, the Australia Institute had the opportunity to specifically ask Australians about the consequences of the Ensuring Northern Territory Rights Bill, which would remove restrictions on the ability of the NT to legislate to allow voluntary assisted dying but leave restrictions on the ACT in place.

The results show that:

- Six in ten (60%) Australians support both the ACT and NT being allowed to legalise voluntary assisted dying.
- 12% say neither territory should be allowed.
- Only 8% of Australians say only the NT should be allowed to legalise VAD.
- 59% of Coalition, 65% of Labor, 63% of Greens and 57% of One Nation voters support both the ACT and NT being allowed to legalise voluntary assisted dying.

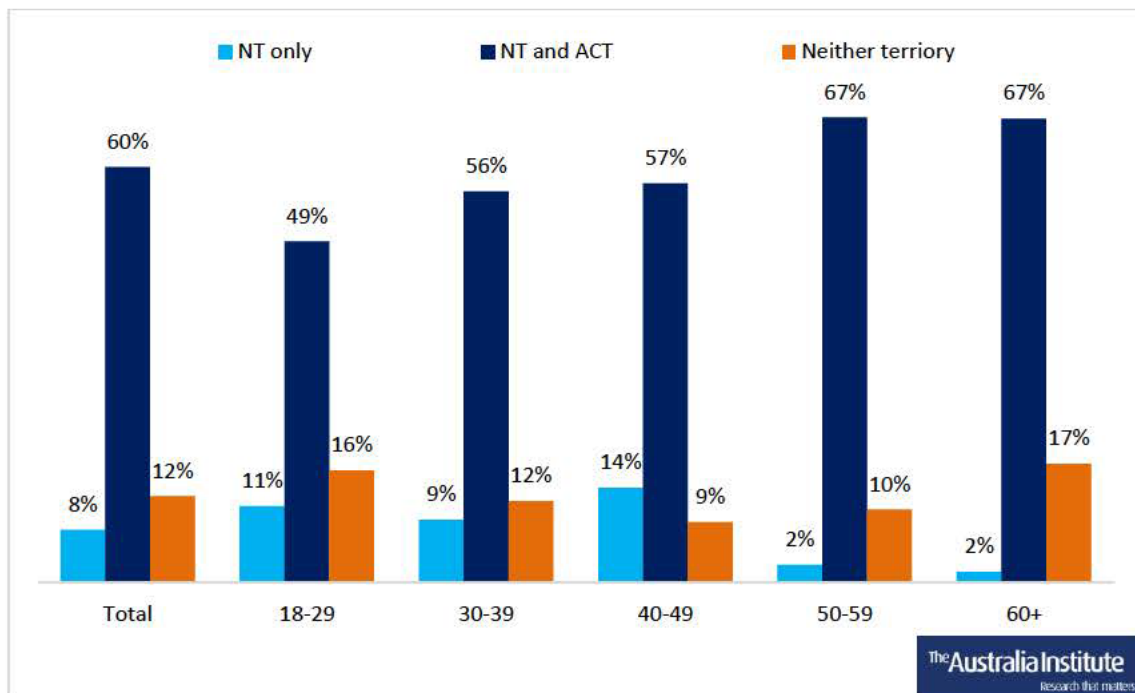
Figure 1: The rights of territories to legalise voluntary assisted dying, voting intention



Older Australians are more likely to support allowing the ACT and NT to legalise voluntary assisted dying.

- 67% of people aged 50 or older support both the ACT and NT being allowed to legalise VAD.
- With the exception of the youngest age group (18-29), a majority of each age group say both the ACT and NT should be allowed to legalise VAD.

Figure 2: The rights of territories to legalise voluntary assisted dying, by age group



Conclusion

A decade of polling research by the Australia Institute consistently finds that the vast majority of Australians support voluntary assisted dying laws.

Further polling conducted this year shows that Australians also support both the Northern Territory and Australian Capital Territory being able to make laws for voluntary assisted dying if they wish.

There is no reason for either territory to have fewer legislative powers than the states, and that is reflected in the opinion of the Australian people.