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Delegate: Mr. Denizhan Alan

Topic: Legality of Euthanasia

Voluntary assisted dying (VAD) refers to the assistance provided to a person by a health practitioner to end their life. It includes: 'self-administration', where the person takes the VAD medication themselves (this is sometimes called physician-assisted suicide or dying), and 'practitioner administration', where the person is given the medication by a doctor (or in some Australian States, a nurse practitioner or registered nurse) (this is sometimes called voluntary euthanasia). ‘Voluntary’ indicates that the practice is a voluntary choice of the person, and that they are competent (have capacity) to decide to access VAD. The term 'voluntary assisted dying' evolved in Australia in recent years following inquiries and parliamentary debates of laws enabling a terminally ill person to seek medical assistance to die. This term is now commonly used in Australia, rather than euthanasia or physician-assisted suicide or dying. The definition of VAD in each Australian State with VAD laws is discussed below. Different terms are used elsewhere in the world. For example, ‘physician-assisted suicide’ is used in Oregon and other States in the USA. ‘Medical Assistance in Dying’ is the term used in Canada, while ‘euthanasia’ is used in Belgium and The Netherlands. For further information see Legality of euthanasia and assisted dying outside of Australia.

The laws regarding euthanasia and assisted suicide in Australia are matters for state governments and territories, where the federal government is concerned. While assisting in euthanasia and suicide is often a crime, prosecutions are rare. In Victoria, an assisted suicide scheme has existed since June 2019, and a similar scheme will apply in Western Australia in mid-2021. Voluntary euthanasia and assisted suicide are illegal in all other Australian states and territories.

Euthanasia was legal in the Northern Territory from 1996 to 1997, until a federal law was passed that overturned district law (and abolished districts' right to legislate over euthanasia). In Australia, the Federal Parliament can overturn laws passed by territories, while states reserve the right to make laws independently on certain matters such as health care. States that debate and do not agree to euthanasia law include Tasmania, South Australia and New South Wales. Across Australia, a patient can choose not to receive any treatment for a terminal illness and can also choose to have life support turned off.

In 2018, Liberal Democrats MP David Leyonhjelm introduced a bill to the Senate to lift the federal ban enacting euthanasia legislation in the Australian Capital Territory and Northern Territory. The bill was given priority in the Senate and was subject to a vote of conscience for both the Coalition Government and the opposition Labor Party, but was defeated in the second reading round by 36 votes to 34.