

FACTSHEET 19: The Northern Territory Act

The Northern Territory was the first jurisdiction in the world to legalise voluntary euthanasia. It was codified in the Netherlands in 2002, although for many years doctors there were not prosecuted provided they follow guidelines (see [Fact Sheet 4](#)). Voluntary euthanasia was also decriminalised in Belgium in September 2002. In Oregon, USA, physician assisted suicide was approved by referendum in 1994 but was blocked for three years by an appeal on constitutional grounds. Physician assisted suicide is now legally available in Oregon following a second referendum in 1997 (see [Fact Sheet 18](#)).

The Rights of the Terminally Ill Act 1995 was passed on 25 May and came into effect on 1 July 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. Consequently, it was not until late September 1996 that the first patient was assisted to die under the terms of the Act.

The Act included the following provisions:

- 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 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 its availability must be given by a doctor who is so qualified.
- 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.
- The 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 from an informed verbal request before a "certificate of request" is 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.

Four patients were helped to die under the terms of the Act before it was revoked by Federal Parliament with effect from 27 March 1997.