

Parliamentary process and timeline for voluntary euthanasia bills in the South Australian parliament

Parliamentary process

The South Australian parliament comprises a Lower House, the House of Assembly, and an Upper House, the Legislative Council.

The House of Assembly (Lower House) has 47 members, each representing a constituency. Members are elected by simple majority taking into account second preferences. The main business of government is conducted in this House.

The Legislative Council (Upper House) has 22 members elected by proportional representation with each member representing the whole State. It operates primarily as a house of review.

Nearly all MP's belong to a political party so that there are only a few Independents. Bills (draft laws) may be introduced by Government or individual (ie private) members in either House, and in general must be passed by both Houses to become law. A "conscience vote", ie, a vote not formally directed by party policy, may be allowed on Bills dealing with ethically controversial issues such as voluntary euthanasia. These are usually introduced by private members and are likely to be referred to a Select Committee for detailed consideration before being debated in the House initiating the Bill. It may or may not then pass to the other House. Sometimes the Bill is referred to a Standing Committee, ie a Committee permanently set up with several related matters to consider, rather than a Select Committee. As limited time is allowed for Private Members' Bills, progress is slow.

Firstly a bill is introduced into either House by a member of parliament and this is a first reading. The bill is normally adjourned until another sitting day.

Members can make one second reading speech on the bill. At the conclusion of these contributions, the mover can summarise the debate. If the bill passes the second reading vote it passes into the committee stage. All Members can participate as the bill is scrutinised clause by clause. In the House of Assembly there is some restriction on the number of consecutive questions asked by one Member, but there is no restriction in the Legislative Council.

Once the committee stage is completed the sponsoring Member moves that the Bill - unamended or with amendments - be read a third time. At this point Members can make further contributions, but generally these are brief. Once these are concluded, the question is put that the bill be read a third time. If carried, the question is put that the bill pass and if so it then has to go to the other House and passed before it can be proclaimed into law.

When an election is called, all Bills under consideration and all Committees lapse. The incoming government has the option of reinstating consideration of a lapsed Bill. The end of parliamentary terms also means that bills have to be presented again.

Timeline

1995: Voluntary Euthanasia Bill presented to the House of Assembly by John Quirke but rejected without debate 13-31. The topic was also considered by a Parliamentary Select Committee which enquired into the 'law and practice relating to death and dying'. This rejected choice for voluntary euthanasia but led to the *Consent to Medical Treatment and Palliative Care Act 1995*.

1996: Voluntary Euthanasia Bill 1996 (which had been drafted by SAVES) was presented by Hon. Anne Levy in the Legislative Council; had a substantial second reading debate for six months and was then referred to a Select Committee. It was proposed that the Bill be amended to require a referendum to be held before coming law, in the event that it was eventually passed by both houses. Separate to this, Hon. Sandra Kanck presented a bill in the Legislative Council proposing a referendum on voluntary euthanasia to be conducted at the next election. In October 1997 Anne Levy's Bill lapsed due to the election. There were 3000 written submissions but no oral submissions taken at the time. Anne Levy retired. Carolyn Pickles in the Legislative Council moved that the Select Committee, and later the Social Development Committee, be established to consider the submissions and take oral submissions.

1999: The Social Development Committee tabled its report with 11 recommendations. Only two of these referred specifically to the Bill and nine related to issues around palliative care. It was recommended that voluntary euthanasia and physician assisted suicide remain criminal offences, and that the lapsed Bill not be introduced. This was reported in the March 2000 *VE Bulletin*.

2000: The *Dignity in Dying* Bill was presented in the Legislative Council and the House of Assembly in November by Hon Sandra Kanck and Hon Dr Bob Such respectively.

2001: In March the Bill in the Legislative Council was voted into committee stage ten votes to nine, but was then dismantled by a strategy of voting against the 'Objects of the Act' by 12 votes to 9.

2002: The *Dignity in Dying* Bill 2002 was presented in the Legislative Council by Sandra Kanck. It was voted into the committee stage nine votes to eight where the first three clauses were accepted, but the Bill was then 'railroaded' and voted down by thirteen votes to nine.

2003: The *Dignity in Dying* Bill 2002 was presented to the House of Assembly by Hon Dr Bob Such, and withdrawn in 2005 due to the pending election; members of parliament in marginal seats are reluctant to vote on controversial issues near an election.

2006: The *Voluntary Euthanasia Bill 2006* was presented by Hon Dr Bob Such. After the pro-roguing of parliament interrupted the process in early 2007 Bob presented the bill again, entitled the *Voluntary Euthanasia Bill 2007*.