



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2018-0208

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	Waived
6. Processing time (in working days)	35
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

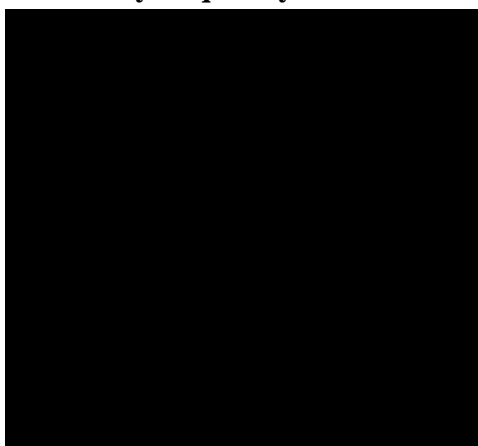
From: [REDACTED]
To: [CMTEDD.FOI](#)
Subject: Freedom of Information request
Date: Tuesday, 14 August 2018 11:26:05 AM

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:
First Name:
Last Name:
Business/Organisation:
Address:
Suburb:
Postcode:
State/Territory:
Phone/mobile:
Email address:



Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field): All documents relating to Federal laws on voluntary assisted dying as it impacts the ACT from 1 April 2018. This includes, but is not limited to, correspondence to the Commonwealth and interstate governments, Members of Parliament, campaign arrangements, advertisements, draft correspondence and invoices.

I do not want to access the following documents in relation to my request::

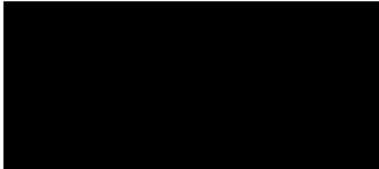
Thank you.
Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2018-0208



via email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION ACCESS APPLICATION

I refer to your application received by the Chief Minister, Treasury and Economic Development Directorate on 14 August 2018 in which you sought access to information under the *Freedom of Information Act 2016* (the Act). Specifically you are seeking “*all documents relating to Federal laws on voluntary assisted dying as it impacts the ACT from 1 April 2018. This includes, but is not limited to, correspondence to the Commonwealth and interstate governments, Members of Parliament, campaign arrangements, advertisements, draft correspondence and invoices*”.

Authority

I am an Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 3 October 2018.

Third Party Consultation

In making this decision, I completed consultation with a relevant third party in accordance with section 38 of the Act. The views of identified third party were taken into account in making this decision.

Decision on access

Searches were completed for relevant documents and 55 documents were identified that fall within the scope of your request.

I have decided to grant full access to 18 documents and partial access to 37 documents. The information redacted in the documents I consider to be information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have included as Attachment A to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as Attachment B to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

Statement of Reasons

In reaching my access decision, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the submissions made by the relevant third party; and
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure (Schedule 2.1)

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
 - (i) *contribute to positive and informed debate on important issues or matters of public interest; and*

(viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

Having considered the factors identified as relevant in this matter, I consider that release of information contained in the documents within the scope of your request may promote open discussion of public affairs, and contribute to positive and informed debate of important issues. This includes issues taken into consideration and the steps taken to legislate for voluntary assisted dying. I am satisfied the information contained within these documents is within the public interest to release as they reveal the reason for a government decision and any background or contextual information that has formed that decision.

Factors favouring non-disclosure (Schedule 2 section 2.2)

As required in the public interest test set out in section 17 of the Act, I have also identified the following public interest factor in favour of non-disclosure that I believe is relevant to determine if release of the information contained within these documents is within the 'public interest':

- (a) disclosure of the information could reasonably be expected to do any of the following:*
 - (ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004; and*
 - (xi) prejudice trade secrets, business affairs or research of an agency or person.*

When considering the documents and factors in favour of non-disclosure, I have considered the personal information contained in the documents, including names and contact information. I am satisfied that the names and contact information of ACT Government employees should be released as these individuals were acting in their official capacity and the personal information being released is done so in relation to these individuals exercising their delegations in a work related capacity. I do not consider the release of this information is unreasonable or could prejudice their right to privacy.

The documents relevant to your request contains personal information, including the names, phone numbers, email address and other personal particulars of individuals. Based on my examination of the relevant documents, I consider it is unreasonable to release the personal information of third parties that are not ACT Government employees. These individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved.

I therefore weight the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that releasing information of individuals who are not ACT Government employees could prejudice their right to privacy under the *Human Rights Act 2004*.

The second factor I have identified as relevant in considering your access application is the prejudice that could occur in releasing trade secrets, business affairs or research of an

agency or person. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'.

Having reviewed the documents identified, I am satisfied that the documents contain information related to the business affairs of Dentsu X and I am of the view that the information contained in the documents is sensitive in nature in particular quotes that were not purchased and marketing presentations. I am satisfied this material is business information as it relates to the third party's business affairs and disclosure could reasonably be expected to affect its commercial affairs.

Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that is not in the public interest to release, while releasing the rest of the documents will ensure the intent of the Act is met and will provide you with access to the majority of information held by CMTEDD within the scope of your request.

Documents subject to third party review

Documents subject to third party review have been withheld pending the conclusion of the third party review period. You will be provided with these documents at the end of this period, unless a review has been sought with the Ombudsman.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107(2)(e) of the Act.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 8 October 2018. Your personal contact details will not be published.

You may view CMTEDD disclosure log at:

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

3 October 2018



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	All documents relating to Federal laws on voluntary assisted dying as it impacts the ACT from 1 April 2018. This includes, but is not limited to, correspondence to the Commonwealth and interstate governments, Members of Parliament, campaign arrangements, advertisements, draft correspondence and invoices.	CMTEDDDFOI2018-0208

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Email - Campaign for review later this week with attachment	30 July 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
2	4-11	Emails - Short Form Campaign Brief September 2017 (002)	3 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
3	12	Email - MBA for Australian ad	7 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
4	13-15	Email - Assisted Dying Ad in the Australian	8 Aug 2018	Full Release	N/A	Yes
5	16-18	Ministerial Brief - CMTEDD2018/4236	8 Aug 2018	Full Release	N/A	Yes
6	19-21	Email - Assisted Dying Ad in the Australian	9 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
7	22-25	Email - For review: Assisted Dying Campaign	9 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
8	26	Email - NT contact	9 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
9	27-29	Email - FW: For review: Assisted Dying Campaign NT and ACT Govts Assisted Dying Ad in the Australian	9 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
10	30-33	Email - FW: For review: Assisted Dying Campaign	9 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
11	34-36	Email - NT and ACT Govts Assisted Dying Ad in the Australian	9 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
12	37-39	Email - For review: Assisted Dying Campaign	9 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes

13	40-41	Email: Re: NT contact	9 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
14	42-43	Email – RE: Urgent turnaround on assisted dying campaign	9 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
15	44-45	Email – Change to assisted dying campaign	10 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
16	46-49	Email: For review: Assisted Dying Campaign	10 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
17	50-55	Email: - NT and ACT Govts Assisted Dying Ad in the Australian	10 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
18	56	Email – Change to assisted dying campaign	10 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
19	57-59	Email – NT and ACT Govts Assisted Dying Ad in the Australian	10 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
20	60-61	Signed - APPROVAL TO REFER ADVERTISING CAMPAIGN TO INDEPENDENT REVIEWER	11 Aug 2018	Full Release	N/A	Yes
21	62-64	Email - Assisted dying legislation campaign - QTB	13 Aug 2018	Full Release	N/A	Yes
22	65	Email - Euthanasia legislation campaign	13 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
23	66-76	Email - Assets for Canberra Weekly and Ooh	13 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
24	77-79	Email - Signed coversheet for assisted dying campaign	13 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
24	80-81	Email - Euthanasia legislation campaign	14 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
		POLICY AND CABINET DOCUMENTS				
25	82-86	Email - ACT-NT Strategic Cooperation Agreement	5 Apr 2018	Full Release	N/A	Yes
26	87-88	Email - Meeting brief: Stephen Jones MP	13 Jul 2018	Full Release	N/A	Yes
27	89-92	Email - Information Paper - Chief Minister meeting with Stephen Jones MP	2 Aug 2018	Full Release	N/A	Yes
28	93-95	Ministerial Brief	8 Aug 2018	Full Release	N/A	Yes
29	96-99	Email - Brief to CM on assisted dying campaign	8 Aug 2018	Full Release	N/A	Yes

30	100	Email - HPE Content Manager CMTEDD - Brief Container : CMTEDD2018/4236	8 Aug 2018	Full Release	N/A	Yes
31	101	Email - Assisted Dying Campaign - contact in NT	9 Aug 2018	Full Release	N/A	Yes
32	102	Email - HPE Content Manager CMTEDD - Brief Container : CMTEDD2018/4236	9 Aug 2018	Full Release	N/A	Yes
33	103	Email - Assisted dying legislation campaign	9 Aug 2018	Full Release	N/A	Yes
34	104-117	Email - Euthanasia legislation campaign QTB, Brief	13 Aug 2018	Full Release Out of scope information has been redacted	N/A	Yes
35	118-124	Email - Euthanasia legislation campaign	14 Aug 2018	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
35						

From: Mahar, Nicole
Sent: Monday, 30 July 2018 11:55 AM
To: Sch 2.2(a)(ii)
Subject: Campaign for review later this week. [SEC=UNCLASSIFIED]
Attachments: CG0015 Go Gentle press ad_Letter.pdf

Hi Sch 2.2(a)(ii)

This is the draft artwork for the joint advertising campaign. A formal request is being prepared.

Please phone me if you'd like to discuss.

Thanks
Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications
Phone: 02 6205 9530 | Mobile: 0414 926 266 Communications & Engagement | Chief Minister, Treasury and
Economic Development Directorate | ACT Government

A message to all Senators of the Parliament of Australia:

ONE THING TERRITORIANS DEFINITELY DON'T NEED IS ASSISTED THINKING.

Australia's democracy is one of the best in the world.

Except when it comes to the laws which determine the rights of the terminally ill to decide when they die.

Thanks to legislation passed by the Federal Parliament two decades ago, our communities in the Northern Territory and the ACT are denied a say on these laws.

Which leaves the people of the NT and the ACT subject to the opinions of federal politicians rather than their own elected representatives.

A bill currently before the Senate aims to change this, and give Territorians the right to make up their own minds on this important issue.

Voting for this bill doesn't mean there will be assisted dying in NT or ACT. It will simply give Territorians the same right to decide on it as other Australians.

We urge all Senators to support this bill and let our people decide what laws apply when it comes to their right to die with dignity.

The Hon Michael Gunner
Chief Minister of the Northern Territory



Andrew Barr
Chief Minister of the Australian Capital Territory



A message to all Senators of the Parliament of Australia:

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We urge all Senators to support this bill and let our people decide what laws apply when it comes to their right to die with dignity.

The Hon Michael Gunner
Chief Minister of the Northern Territory



Andrew Barr
Chief Minister of the Australian Capital Territory



From: Perkins, Anita
Sent: Friday, 3 August 2018 8:39 AM
To: Johnston, ClaireV; Mison, Matt
Cc: Paviour, Mark; Mahar, Nicole; Engele, Sam
Subject: FW: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]
Attachments: Euthanasia v1(Client).xlsx

Hi Matt and Claire

In Mark's absence, he'd let us know you two were our contacts for this campaign. For next steps:

1. Attached is a revised media booking brief for review/approval. Almost all of the spend is in Canberra, with just less than [Sch 2.2(a)(ii)] in the NT. Sam Engele can discuss his counterpart in NT.
2. We need to determine funding arrangements and from which entity.
3. We will need to refer the campaign to the Independent reviewer for campaign review, including providing the various pieces of campaign artwork. I can send over a referral brief for the CM to review and sign.
4. The artwork will need to include the ACT Government logo to be compliant with the Electoral Act, not just the crest. Pending where the payment is coming from we also need to include the name of the directorate or entity responsible for the ad in the artwork somewhere.

Please call me on mobile to discuss (0407 073 000), I'm not in office this morning.

Regards
Anita

Anita Perkins | Executive Director

Phone: 02 6205 0035 | Mobile: 0407 073 000

Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au

From: [Sch 2.2(a)(ii)]@dxglobal.com]
Sent: Thursday, 2 August 2018 6:34 PM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: RE: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]

Yes there should be

Sorry ladies
x

[Sch 2.2(a)(ii)]

Client Service Director

dentsu x

dentsu X Australia

From: Mison, Matt
Sent: Friday, 3 August 2018 1:09 PM
To: Johnston, ClaireV
Cc: Perkins, Anita; Paviour, Mark; Mahar, Nicole; Engele, Sam
Subject: Re: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]

We'll need to discuss - this is over what we had intended spending especially once we deduct the design costs. Also we will need to make sure the NT get their fair share and how the split works out.

It sounds like we will have to request design changes based on Anita's advice too which could incur more costs.

We will have 3 ads - one for national, one for NT and one for local.

Will come back.

Matt

Sent from my iPhone

On 3 Aug 2018, at 1:05 pm, Johnston, ClaireV <ClaireV.Johnston@act.gov.au> wrote:

Thanks Anita, this looks good to me.

I assume we are focusing on online and press rather than Sky news?

Cheers
Claire

Sent from my iPhone

On 3 Aug 2018, at 9:54 am, Perkins, Anita <Anita.Perkins@act.gov.au> wrote:

\$40k, or any lesser value a minister or DG deems appropriate.

From: Mison, Matt
Sent: Friday, 3 August 2018 9:41 AM
To: Perkins, Anita <Anita.Perkins@act.gov.au>
Cc: Johnston, ClaireV <ClaireV.Johnston@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>; Mahar, Nicole <Nicole.Mahar@act.gov.au>; Engele, Sam <Sam.Engele@act.gov.au>
Subject: Re: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]

Thanks Anita what is the threshold for the independent reviewer?

Matt

Sent from my iPhone

From: Johnston, ClaireV
Sent: Friday, 3 August 2018 1:06 PM
To: Perkins, Anita
Cc: Mison, Matt; Paviour, Mark; Mahar, Nicole; Engele, Sam
Subject: Re: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]

Thanks Anita, this looks good to me.

I assume we are focusing on online and press rather than Sky news?

Cheers
Claire

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Cc: Johnston, ClaireV <ClaireV.Johnston@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>; Mahar, Nicole <Nicole.Mahar@act.gov.au>; Engele, Sam <Sam.Engele@act.gov.au>
Subject: Re: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]

Thanks Anita what is the threshold for the independent reviewer?

Matt

Sent from my iPhone

On 3 Aug 2018, at 8:39 am, Perkins, Anita <Anita.Perkins@act.gov.au> wrote:

Hi Matt and Claire

In Mark's absence, he'd let us know you two were our contacts for this campaign. For next steps:

1. Attached is a revised media booking brief for review/approval. Almost all of the spend is in Canberra, with just less than Sch 2.2(a) in the NT. Sam Engele can discuss his counterpart in NT.
2. We need to determine funding arrangements and from which entity.
3. We will need to refer the campaign to the Independent reviewer for campaign review, including providing the various pieces of campaign artwork. I can send over a referral brief for the CM to review and sign.
4. The artwork will need to include the ACT Government logo to be compliant with the Electoral Act, not just the crest. Pending where the payment is

message, the sender is not acting in his/her capacity as our partner or employee Thank you for your cooperation

From: Mahar, Nicole [<mailto:Nicole.Mahar@act.gov.au>]
Sent: Monday, 6 August 2018 11:11 AM
To: Sch 2.2(a)(ii) [redacted] [@dxglobal.com](mailto:[redacted]@dxglobal.com)>
Subject: Re: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]
Importance: High

Hi [redacted]

Can you please provide the quote for the full page ad in the Australian as requested below?

Thanks
Nicole

From: Johnston, ClaireV
Sent: Monday, 6 August 2018 11:05 AM
To: Perkins, Anita <Anita.Perkins@act.gov.au>
Cc: Mison, Matt <Matt.Mison@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>; Mahar, Nicole <Nicole.Mahar@act.gov.au>; Engele, Sam <Sam.Engele@act.gov.au>
Subject: Re: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]

Hi Anita

Can we just get a quote for a full page ad in the Australian? I think that is the most critical thing we want to do and lock it in today if we need to? We can then finalise the artwork.

Cheers
Claire

Sent from my iPhone

On 3 Aug 2018, at 8:39 am, Perkins, Anita <Anita.Perkins@act.gov.au> wrote:

Hi Matt and Claire

In Mark's absence, he'd let us know you two were our contacts for this campaign. For next steps:

1. Attached is a revised media booking brief for review/approval. Almost all of the spend is in Canberra, with just less than [redacted] in the NT. Sam Engele can discuss his counterpart in NT.
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Please call me on mobile to discuss (0407 073 000), I'm not in office this morning.
Regards
Anita

From: Mahar, Nicole
Sent: Monday, 6 August 2018 4:09 PM
To: Mison, Matt; Johnston, ClaireV; Perkins, Anita
Cc: Paviour, Mark; Engele, Sam
Subject: RE: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]
Attachments: Euthanasia v2(Client).xlsx

Hi All

See attached for booking for full page ad in the Australian on 13 August 2018. Please confirm that you want to go ahead and we'll get it booked and confirmed.

Thanks
Nicole

From: Mison, Matt
Sent: Monday, 6 August 2018 1:39 PM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>; Johnston, ClaireV <ClaireV.Johnston@act.gov.au>; Perkins, Anita <Anita.Perkins@act.gov.au>
Cc: Paviour, Mark <Mark.Paviour@act.gov.au>; Engele, Sam <Sam.Engele@act.gov.au>
Subject: RE: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]

Thanks Nicole,

Can you give me a call when you're out of the meeting please.

x59057

Kind regards,

Matt

From: Mahar, Nicole
Sent: Monday, 6 August 2018 11:48 AM
To: Johnston, ClaireV <ClaireV.Johnston@act.gov.au>; Perkins, Anita <Anita.Perkins@act.gov.au>
Cc: Mison, Matt <Matt.Mison@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>; Engele, Sam <Sam.Engele@act.gov.au>
Subject: RE: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]

Hi Claire

Full page (mono, no colour) in the Australian are:

Sch 2.2(a)(xi)
Sch 2.2(a)(xi)

Thanks
Nicole

From: Johnston, ClaireV
Sent: Monday, 6 August 2018 11:05 AM

To: Perkins, Anita <Anita.Perkins@act.gov.au>
Cc: Mison, Matt <Matt.Mison@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>; Mahar, Nicole <Nicole.Mahar@act.gov.au>; Engele, Sam <Sam.Engele@act.gov.au>
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1. Attached is a revised media booking brief for review/approval. Almost all of the spend is in Canberra, with just less than Sch 2.2(a) in the NT. Sam Engele can discuss his counterpart in NT.
2. We need to determine funding arrangements and from which entity.
3. We will need to refer the campaign to the Independent reviewer for campaign review, including providing the various pieces of campaign artwork. I can send over a referral brief for the CM to review and sign.
4. The artwork will need to include the ACT Government logo to be compliant with the Electoral Act, not just the crest. Pending where the payment is coming from we also need to include the name of the directorate or entity responsible for the ad in the artwork somewhere.

Please call me on mobile to discuss (0407 073 000), I'm not in office this morning.

Regards
Anita

Anita Perkins | Executive Director
Phone: 02 6205 0035 | Mobile: 0407 073 000
Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au

From Sch 2.2(a)(i) <[\[redacted\]@dxglobal.com](mailto:[redacted]@dxglobal.com)>
Sent: Thursday, 2 August 2018 6:34 PM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: RE: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]

Yes there should be

From: Mahar, Nicole
Sent: Monday, 6 August 2018 2:01 PM
To: Mison, Matt
Subject: RE: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]

Hi Matt

I'm about to head to a meeting, but please call me on 0414 926266 – I will step out to answer your call.

Nicole

From: Mison, Matt
Sent: Monday, 6 August 2018 1:39 PM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>; Johnston, ClaireV <ClaireV.Johnston@act.gov.au>; Perkins, Anita <Anita.Perkins@act.gov.au>
Cc: Paviour, Mark <Mark.Paviour@act.gov.au>; Engele, Sam <Sam.Engele@act.gov.au>
Subject: RE: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]

Thanks Nicole,

Can you give me a call when you're out of the meeting please.

x59057

Kind regards,

Matt

From: Mahar, Nicole
Sent: Monday, 6 August 2018 11:48 AM
To: Johnston, ClaireV <ClaireV.Johnston@act.gov.au>; Perkins, Anita <Anita.Perkins@act.gov.au>
Cc: Mison, Matt <Matt.Mison@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>; Engele, Sam <Sam.Engele@act.gov.au>
Subject: RE: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]

Hi Claire

Full page (mono, no colour) in the Australian are:

Sch 2.2(a)(xi)
Sch 2.2(a)(xi)

Thanks
Nicole

From: Johnston, ClaireV
Sent: Monday, 6 August 2018 11:05 AM
To: Perkins, Anita <Anita.Perkins@act.gov.au>
Cc: Mison, Matt <Matt.Mison@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>; Mahar, Nicole <Nicole.Mahar@act.gov.au>; Engele, Sam <Sam.Engele@act.gov.au>
Subject: Re: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]

From: [Mison, Matt](#)
To: [Mahar, Nicole](#)
Cc: [Johnston, ClaireV](#); [Perkins, Anita](#); [Paviour, Mark](#); [Engele, Sam](#); [Cook, Michael](#)
Subject: Re: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]
Date: Monday, 6 August 2018 5:30:40 PM

Thanks Nicole,

Yes please go ahead.

Matt

Sent from my iPhone

On 6 Aug 2018, at 4:08 pm, Mahar, Nicole <Nicole.Mahar@act.gov.au> wrote:

Hi All

See attached for booking for full page ad in the Australian on 13 August 2018.
Please confirm that you want to go ahead and we'll get it booked and confirmed.

Thanks
Nicole

From: Mison, Matt
Sent: Monday, 6 August 2018 1:39 PM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>; Johnston, ClaireV <ClaireV.Johnston@act.gov.au>; Perkins, Anita <Anita.Perkins@act.gov.au>
Cc: Paviour, Mark <Mark.Paviour@act.gov.au>; Engele, Sam <Sam.Engele@act.gov.au>
Subject: RE: Short Form Campaign Brief September 2017 (002) [SEC=UNCLASSIFIED]

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Sent: Monday, 6 August 2018 11:48 AM
To: Johnston, ClaireV <ClaireV.Johnston@act.gov.au>; Perkins, Anita <Anita.Perkins@act.gov.au>
Cc: Mison, Matt <Matt.Mison@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>; Engele, Sam <Sam.Engele@act.gov.au>

From: Mahar, Nicole
Sent: Tuesday, 7 August 2018 11:26 AM
To: Sch 2.2(a)(ii)
Subject: MBA for Australian ad [SEC=UNCLASSIFIED]

Hi Sch 2.2(a)(ii)

If we get you're the signed MBA for the Euthanasia ad in the Australian, can you please advise when is the last date to cancel the booking without penalty.

Thanks
Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: 02 6205 9530 | Mobile: 0414 926 266

Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | ACT Government

From: Mahar, Nicole
Sent: Wednesday, 8 August 2018 3:32 PM
To: Paviour, Mark
Cc: Johnston, ClaireV; Mison, Matt; Perkins, Anita
Subject: Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]
Attachments: ACTGov_inline_black.zip

Hi Mark

Please see below re ad in the Australian on Monday 13 August. We have confirmed the booking. Artwork needs to be provided to us COB tomorrow so that we can get it to the Australian via Dentsu.

Booking deadline is 10am 2 business days prior
Material deadline is 10am 1 business day prior (FRIDAY)

Specs 540mm Depth x 372mm Width

Attached is the ACT Government logo. Acknowledgement just needs to be the name of the directorate – Chief Minister, Treasury and Economic Development Directorate.

Specs 540mm Depth x 372mm Width

Please call me on the mobile if there's any issues.

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: 02 6205 9530 | Mobile: 0414 926 266

Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | ACT Government

From: Perkins, Anita
Sent: Wednesday, 8 August 2018 4:10 PM
To: Paviour, Mark
Cc: Johnston, ClaireV; Mison, Matt; Engele, Sam; Mahar, Nicole
Subject: RE: Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Hi Mark

As discussed I have a brief coming over for the Chief for this campaign this afternoon. The brief includes the referral for the Chief Minister to the Independent Reviewer for Campaign Advertising. We have sought initial advice from the Reviewer on the proposed campaign materials, and he has indicated he does not see any compliance issues against the act, and we note the campaign spend is below the dollar figure for campaign reviewal threshold.

As Nicole outlined below, given the timing imperative for the Australian ad booking next week, the ad has been booked, however we ensure we have the Independent Reviewers confirmation for approval before the artwork is supplied on Friday from Dentsu Mitchell.

Please call me if you have any queries or would like to discuss further.

Regards
Anita

Anita Perkins | Executive Director

Phone: 02 6205 0035 | Mobile: 0407 073 000

Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au

From: Paviour, Mark
Sent: Wednesday, 8 August 2018 3:58 PM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Cc: Johnston, ClaireV <ClaireV.Johnston@act.gov.au>; Mison, Matt <Matt.Mison@act.gov.au>; Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: RE: Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Great, I'll sort out the final imagery for the Aus 😊

From: Mahar, Nicole
Sent: Wednesday, 8 August 2018 3:32 PM
To: Paviour, Mark <Mark.Paviour@act.gov.au>
Cc: Johnston, ClaireV <ClaireV.Johnston@act.gov.au>; Mison, Matt <Matt.Mison@act.gov.au>; Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Hi Mark

Please see below re ad in the Australian on Monday 13 August. We have confirmed the booking. Artwork needs to be provided to us COB tomorrow so that we can get it to the Australian via Dentsu.

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Material deadline is 10am 1 business day prior (FRIDAY)

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Specs 540mm Depth x 372mm Width

Please call me on the mobile if there's any issues.

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: 02 6205 9530 | Mobile: 0414 926 266

Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | ACT Government

**Chief Minister, Treasury and Economic
Development Directorate**

UNCLASSIFIED

To:	Chief Minister	Tracking No.: CMTEDD2018/4236
Date:	8 August 2018	
CC:	Director-General	
From:	Executive Director, Communications & Engagement	
Subject:	Voluntary assisted dying legislation campaign	
Critical Date:	Friday 10 August	
Critical Reason:	For campaign to commence on Monday 13 August	

• DG .../.../...

Recommendations

That you:

1. Note the information contained in this brief;

Noted / Please Discuss

2. Sign the attached campaign referral to the Independent Reviewer of Campaign Advertising (Attachment A); and

Agreed / Not Agreed / Please Discuss

3. Agree to progress budget funding for this campaign in the mid-year Budget Review.

Agreed / Not Agreed / Please Discuss

Andrew Barr MLA *Andrew Barr* 11/8/18

Minister's Office Feedback

UNCLASSIFIED

Background

1. As requested by your office, a campaign has been developed in conjunction with the Northern Territory Government on Australian Government legislation relating to voluntary assisted dying.
2. The campaign includes messages to Senators of the Parliament of Australia to support the upcoming bill to ease restrictions on territories to make laws on voluntary assisted dying.
3. You have also indicated you would like to extend an invitation to Mr Andrew Denton to be the keynote speaker at the 2019 Chief Minister's Governance Lecture, to speak on assisted dying. A separate brief will be provided to you in the lecture.

IssuesAdvertising Campaign

4. The Northern Territory Government and the ACT Government will equally split the costs of campaign artwork and national media placement.
5. The NT Government will be responsible for localised media placement in Darwin, and ACT for media placement in Canberra.
6. Creative content development has been developed external to government. CMTEDD, will reimburse the NT Government its share.
7. A referral to the Independent Reviewer is at Attachment A for approval and referral.

Financial Implications

8. The indicative advertising campaign cost breakdown is as follows:

	Campaign Total	ACT Costs
National media placement (split equally between ACT and NT)	\$24,961	\$12,480
Creative content development (split equally between ACT and NT)	\$7,000	\$3,500
ACT media placement (borne by ACT)		\$9,402
NT media placement (borne by NT)	TBC	Nil
Total Costs (ex gst)		\$25,382

9. As this is an unfunded initiative, it is recommended CMTEDD progresses budget funding for this campaign in the 2017-18 mid year Budget Review.

ConsultationInternal

10. CMTEDD Communications & Engagement has consulted with CMTEDD Policy and Cabinet on the recommendations in this brief.

Cross Directorate

11. Nil.

External

12. CMTEDD Policy and Cabinet has consulted with the NT Government.

Work Health and Safety

13. Not applicable.

Benefits/Sensitivities

14. While the ACT Government's share of the campaign falls below the threshold for referral to the Independent Reviewer, it is recommended it be referred given its sensitive nature and overall campaign cost.

Communications, media and engagement implications

15. The campaign is likely to attract significant media and community interest. CMTEDD Communications & Engagement will continue to work with your office on this issue.

Signatory Name: Anita Perkins

Phone: 50035

Action Officer: Nicole Mahar

Phone: 59530

Attachments

Attachment	Title
Attachment A	Referral to the Independent Reviewer

From: Paviour, Mark
Sent: Thursday, 9 August 2018 12:50 PM
To: Perkins, Anita
Cc: Mahar, Nicole
Subject: FW: Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]
Attachments: CG0015 Go Gentle press ad_Letter_ACT.pdf

See attached the ad.

From: Sch 2.2(a)(ii) [REDACTED]@collinsgartrell.com.au
Sent: Thursday, 9 August 2018 12:49 PM
To: Paviour, Mark <Mark.Paviour@act.gov.au>
Subject: Fwd: Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Hi Mark

Here is the latest version

Begin forwarded message:

From: "Paviour, Mark" <Mark.Paviour@act.gov.au>
Subject: RE: Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]
Date: 9 August 2018 at 12:03:04 pm AEST
To: Sch 2.2(a)(ii) [REDACTED]@collinsgartrell.com.au>

Hi [REDACTED]

Sorry, the full title of the Directorate is **Chief Minister, Treasury and Economic Development Directorate**

I think the Chief Minister part fell off...

From: Sch 2.2(a)(ii) [REDACTED]@collinsgartrell.com.au
Sent: Thursday, 9 August 2018 11:53 AM
To: Paviour, Mark <Mark.Paviour@act.gov.au>
Subject: Fwd: Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Hi Mark

Please find attached the latest version. One question, is it booked as Black and White or full colour?

Regards

Sch 2.2(a)(ii)

PARTNER

COLLINS | GARTRELL

Sch 2.2(a)(ii) W: collinsgartrell.com.au
Level 5, Tower 3, International Towers
300 Barangaroo Ave, Barangaroo, NSW, 2000

I acknowledge the Gadigal people of the Eora nation as the traditional owners of the lands and waters where I work. I pay my respect to their culture, and their elders past and present.

This email is confidential and may be privileged. If you have received this email by mistake: (1) please notify me immediately and delete the email; (2) you must not use this email or its contents; and (3) client legal privilege is not waived.

Sch 2.2(a)(ii)

PARTNER

COLLINS | GARTRELL

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

ONE THING WE DEFINITELY DON'T NEED IS ASSISTED THINKING.

Australia's democracy is one of the best in the world.

Except when it comes to the laws that determine the rights of the terminally ill to decide when they die.

Thanks to legislation passed by the Federal Parliament two decades ago, our communities in the Northern Territory and the Australian Capital Territory are denied a say on these laws.

With other states around Australia now passing laws on voluntary assisted dying, the fact that the Australian territories can't even consider their own legislation is unjust.

A bill currently before the Senate aims to change this, and give Territorians the right to make up their own minds on this important issue.

Voting for this bill doesn't mean there will be assisted dying in the NT or the ACT. It will simply give Territorians the same right to decide on it as other Australians.

We urge all Senators to support this bill and let our people decide what laws apply when it comes to their right to die with dignity.

Andrew Barr

Chief Minister of the Australian Capital Territory



ACT
Government

Chief Minister, Treasury and
Economic Development Directorate

The Hon Michael Gunner

Chief Minister of the Northern Territory



**NORTHERN
TERRITORY**
GOVERNMENT

From: [Mahar, Nicole](#)
To: [Sch 2.2\(a\)\(ii\)](#)
Cc: [Perkins, Anita](#)
Subject: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]
Date: Thursday, 9 August 2018 1:04:01 PM
Attachments: [CG0015 Go Gentle press ad Letter ACT.PDF](#)
[Attachment A Request for Review of Advertising Campaign by Independent R....doc](#)

H [Sch 2.2\(a\)\(ii\)](#)

Please find attached the ad for review and the coversheet. An email will be coming regarding the signed coversheet.

Thanks
Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: [02 6205 9530](tel:0262059530) | Mobile: [0414 926 266](tel:0414926266)

Communications & Engagement | Chief Minister, Treasury and Economic Development
Directorate | ACT Government



APPROVAL TO REFER ADVERTISING CAMPAIGN TO INDEPENDENT REVIEWER

Campaign name: Voluntary assisted dying legislation

Date: ____ August 2018

Directorate/Agency: Chief Minister, Treasury and Economic Development Directorate

Date approved by Responsible Person:

Contact: Anita Perkins, Executive Director, Communications and Engagement, CMTEDD.

Campaign purpose and summary: The Government is communicating to members of the Federal Parliament to vote in support of the Restoring Territory Rights (Assisted Suicide Legislation) Bill.

The campaign also aims to demonstrate the Government's position to the Canberra Community, highlighting its efforts to have a broader community discussion about voluntary assisted dying.

Press advertising in The Australian will be supported by appearances in the Canberra Weekly and signage in the Canberra Centre.

Campaign dates

(identify expected launch date, key delivery milestones and expected date of completion):

The campaign is expected to commence on 13 August 2018 and finish on 26 August 2018.

Budget:

	Total	ACT Costs
National media placement (split equally between ACT and NT)	\$24,961	\$12,480
Creative content development (split equally between ACT and NT)	\$7,000	\$3,500
ACT media placement (borne by ACT)		\$9,402
NT media placement (borne by NT)	TBC	Nil
Total Costs (ex gst)		\$25,382



Please provide the following information.

- 1. Will Ministers and/or MLAs be involved in the campaign?**
Yes. The advertisement is an open letter from the ACT Chief Minister and the Northern Territory to Senators in the Australian Parliament
- 2. Will public servants be involved? If so, have necessary approvals been obtained? (see General Principle (I) of the Guidelines)**
No.
- 3. If TV or radio is to be used, does the material include suitable statements to be made at the end of the segments?**
Not applicable.
- 4. Is there a clear audit trail regarding decision-making?**
Yes.
- 5. Is there compliance with Guideline 4: Avoiding the misuse of public funds?**
Yes.
- 6. What action is proposed to draw information to the attention of disadvantaged groups and individuals?**
Advertising will take place across a range of media, including press and outdoor signage.

CERTIFICATION BY RESPONSIBLE PERSON (Guideline 5.31)

I authorise this advertising campaign to be reviewed by the Independent Reviewer.

Signed:

Title:

Date:

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With other states around Australia now passing laws on voluntary assisted dying, the fact that the Australian territories can't even consider their own legislation is unjust.

A bill currently before the Senate aims to change this, and give Territorians the right to make up their own minds on this important issue.

Voting for this bill doesn't mean there will be assisted dying in the NT or the ACT. It will simply give Territorians the same right to decide on it as other Australians.

We urge all Senators to support this bill and let our people decide what laws apply when it comes to their right to die with dignity.

Andrew Barr

Chief Minister of the Australian Capital Territory



ACT
Government

Chief Minister, Treasury and
Economic Development Directorate

The Hon Michael Gunner

Chief Minister of the Northern Territory



**NORTHERN
TERRITORY**
GOVERNMENT

From: ODonoghue, Yersheena
Sent: Thursday, 9 August 2018 8:58 AM
To: Perkins, Anita
Subject: FW: Assisted Dying Campaign - contact in NT [SEC=UNCLASSIFIED]

Hi Anita

Great minds – I just sent this email to Mark....and then yours came through as well!

Y

From: ODonoghue, Yersheena **On Behalf Of** CMCD DLO
Sent: Thursday, 9 August 2018 8:46 AM
To: Paviour, Mark <Mark.Paviour@act.gov.au>
Subject: Assisted Dying Campaign - contact in NT [SEC=UNCLASSIFIED]

Hi Mark,

Steph has provided you with a brief on the Assisted Dying Campaign from CMTEDD Communications. We spoke about how best to invoice this campaign a few weeks ago.

The advice is that once we have the indicative figures CMTEDD would get agreement from the NT public service and then invoice them the costs.

You mentioned you had the names of the NT Public Servants that that CMTEDD could consult with?

If you send those through to me, I can get CMTEDD Policy and Cabinet to get the agreement in place.

Thanks

Y

Yersheena O'Donoghue | Directorate Liaison Officer – Chief Minister's Office
Office of the Chief Minister

Chief Minister, Treasury and Economic Development Directorate | ACT Government

☎ (02) 6205 3029 | ✉ CMCDDLO@act.gov.au | ACT Legislative Assembly, 196 London Circuit Canberra City ACT 2601

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Sch 2.2(a)(ii)

PARTNER

COLLINS | GARTRELL

Sch 2.2(a)(ii) W: collinsgartrell.com.au
Level 5, Tower 3, International Towers
300 Barangaroo Ave, Barangaroo, NSW, 2000

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Sch 2.2(a)(ii)

PARTNER

COLLINS | GARTRELL

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Andrew Barr

Chief Minister of the Australian Capital Territory



ACT
Government

Chief Minister, Treasury and
Economic Development Directorate

The Hon Michael Gunner

Chief Minister of the Northern Territory



**NORTHERN
TERRITORY**
GOVERNMENT

From: Mahar, Nicole
Sent: Thursday, 9 August 2018 4:23 PM
To: Perkins, Anita
Cc: WholeofGovComms
Subject: FW: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]
Attachments: ACTReviewerReportAssistedDying.doc

FYI

From: Sch 2.2(a)(ii) [REDACTED]@anu.edu.au
Sent: Thursday, 9 August 2018 2:56 PM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Subject: RE: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]

Dear Nicole

Here is a draft report. Do you think that it deals with the issues satisfactorily?

Sch 2 s2.2(a)(ii) [REDACTED]

From: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Sent: Thursday, 9 August 2018 1:52 PM
To: Sch 2.2(a)(ii) [REDACTED]@anu.edu.au
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: Re: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]

Thanks Sch 2 s2.2(a)(ii) [REDACTED] - appreciate the quick turnaround.

Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: [02 6205 9530](tel:0262059530) | Mobile: [0414 926 266](tel:0414926266)

Communications | Chief Minister, Treasury and Economic Development Directorate | ACT Government

On 9 Aug 2018, at 1:48 pm, Sch 2.2(a)(ii) [REDACTED]@anu.edu.au> wrote:

Dear Nicole

The campaign is OK. I will send you a draft report shortly. Final will be provided next week when I have sighted the CM's sign off.

Best wishes

Sch 2.2(a)(ii) [REDACTED]

From: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Sent: Thursday, 9 August 2018 1:04 PM
To: Sch 2.2(a)(ii) [REDACTED]@anu.edu.au
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]

Hi Sch 2.2(a)(ii) [REDACTED]

Please find attached the ad for review and the coversheet. An email will be coming regarding the signed coversheet.

Thanks

Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: 02 6205 9530 | Mobile: 0414 926 266

Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | ACT Government

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[DRAFT: FINAL ON RECEIPT OF SIGNED APPROVAL]

REVIEWER ASSESSMENT

Directorate/Agency: Chief Minister, Treasury and Economic Development Directorate

Campaign: Voluntary assisted dying legislation

Date Received by Reviewer: 9 August 2018

Comments: The Government is communicating with members of the Federal Parliament to urge them to vote in support of the Restoring Territory Rights (Assisted Suicide Legislation) Bill.

The campaign also aims to demonstrate the Government's position to the Canberra Community, highlighting its efforts to have a broader community discussion about voluntary assisted dying.

The campaign takes the form of a message in an open letter from the ACT and Northern Territory Chief Ministers directed to Senators in the Australian Parliament.

The letter will be advertised in a range of media, including the press and will also be displayed on outdoor signage. The press advertising will be in *The Australian* and the *Canberra Weekly*. There will be signage in the Canberra Centre.

Apart from the signature of the Chief Minister on the letter, Ministers and MLAs will not be involved in the campaign.

Although the cost of the campaign is below the mandatory threshold in the *Government Agencies (Campaign Advertising) Act 2009* requiring referral to me, I have been asked to examine the campaign because of its sensitivity.

Section 5 of the Act provides that the object of the Act is to prevent the use of public funds for advertising or other communications for party political purposes. This general prohibition is expanded in the Act and, relevantly to the present campaign, in the *Government Agencies (Campaign Advertising) Guidelines 2010*.

Clause 9 of the *Guidelines* reads:

Public funds may be used for ACT Government advertising and promotion campaigns in the pursuit of any of the following objectives: (a) to maximise compliance with the law; (b) to inform the community of new, existing,

changed or proposed legislation, policies, programs and services; (c) to raise awareness of a planned or new initiative or event; (d) to initiate community consultation; (e) to promote awareness of rights, responsibilities, duties or entitlements; or (f) to encourage social cohesion, civic pride, community spirit, tolerance, or to inform the community about a public policy outcome.

Clause 24 of the Guidelines provides:

24. Public funds should not be used to disseminate information in circumstances where a reasonable person would interpret the information as being given on behalf of a political party, or as directed at influencing public support for a political party rather than as communicating a factual message.

Clause 25 of the Guidelines spells out that particular concerns are likely to arise where the party in government is identified.

This campaign is undoubtedly a political campaign but I do not consider that the campaign is being used for *party* political purposes. It would seem to me to fall within a number of the bases for which public funds may be used that are set out in Clause 9 above. Clauses 24 and 25 of the Guidelines are not breached because the open letter does not give indication of being given on behalf of a party or invite support for a party. The party in government is not identified except to the extent that the Chief Minister is shown as a signatory to the open letter.

While it is correct to say that issues are raised as to compliance with the *Government Agencies (Campaign Advertising) Act 2009*, I do not consider that the campaign is in breach of the Act or Guidelines.

The Chief Minister has certified that there is compliance with Guideline 5.31.

The Campaign is scheduled to begin on 13 August 2018.

Budget

The overall cost of the campaign is to be shared between the ACT and the Northern Territory. The cost to the ACT is \$25,382.

I, Professor Dennis Pearce AO, declare that the Voluntary assisted dying legislation campaign meets the requirements of the *Government Agencies (Campaign Advertising) Act 2009*.

Professor Dennis Pearce AO
Independent Reviewer
Date: 9 August 2018

From: Mahar, Nicole
Sent: Thursday, 9 August 2018 8:45 PM
To: Perkins, Anita; Paviour, Mark; Engele, Sam
Subject: Fwd: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]
Attachments: CG0015 Go Gentle press ad_Letter_ACT.pdf; ATT00001.htm

Hi All

I will leave it to Sam to reply to **Sch 2.2(a)(ii)**, but passing this onto Mark and Anita for info and action if required.

Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: [02 6205 9530](tel:0262059530) | Mobile: [0414 926 266](tel:0414926266)

Communications | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Begin forwarded message:

From: **Sch 2.2(a)(ii)** <[\[REDACTED\]@nt.gov.au](mailto:[REDACTED]@nt.gov.au)>
Date: 9 August 2018 at 8:33:04 pm AEST
To: ACT - Sam Engele <sam.engele@act.gov.au>, "nicole.mahar@act.gov.au" <nicole.mahar@act.gov.au>
Cc: **Sch 2.2(a)(ii)** <[\[REDACTED\]@nt.gov.au](mailto:[REDACTED]@nt.gov.au)>
Sch 2.2(a)(ii) <[\[REDACTED\]@nt.gov.au](mailto:[REDACTED]@nt.gov.au)>
Sch 2.2(a)(ii) <[\[REDACTED\]@nt.gov.au](mailto:[REDACTED]@nt.gov.au)>
Subject: Fwd: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Hi Nicole and Sam

On behalf of **Sch 2.2(a)(ii)**, I can confirm the NTG is comfortable with the proposed attachment.

I note there are currently 2 Assisted Dying bills before the Senate - one by Senator Leyonhjelm and one by Senators Di Natale and Gallagher.

The draft ad only refers to a Bill.

We are OK with this however if this is deliberate due to emphasis on the most current Bill under consideration.

Happy to discuss on **Sch 2.2(a)(ii)** and thank you for the opportunity to comment.

Kind regards **Sch 2.2(a)(ii)**
Executive Director
Federal Policy and Strategic Coordination
Department of the Chief Minister

From: Mahar, Nicole [<mailto:Nicole.Mahar@act.gov.au>]
Sent: Thursday, 9 August 2018 12:48 PM

To: Sch 2.2(a)(ii) [redacted] <[redacted]@nt.gov.au>
Cc: Engele, Sam <Sam.Engele@act.gov.au>; Payne, Cassia <Cassia.Payne@act.gov.au>
Subject: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Dear Sch 2.2(a)(ii) [redacted]

Please find attached the advertisement on assisted dying (euthanasia) which has been prepared to be published in The Australian on Monday 13 August.

I would be appreciated if you would review and approve the advertisement. Unfortunately we are working to a very tight deadline, and would be grateful if you could reply before close of business today.

If you would like to discuss any aspect of the advertisement please contact Sam Engele, Executive Director – Policy and Cabinet within this directorate on 02 6205 0230 or Sam.Engele@act.gov.au.

Regards

Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: 02 6205 9530 | Mobile: 0414 926 266

Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate
| ACT Government

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ONE THING WE DEFINITELY DON'T NEED IS ASSISTED THINKING.

Australia's democracy is one of the best in the world.

Except when it comes to the laws that determine the rights of the terminally ill to decide when they die.

Thanks to legislation passed by the Federal Parliament two decades ago, our communities in the Northern Territory and the Australian Capital Territory are denied a say on these laws.

With other states around Australia now passing laws on voluntary assisted dying, the fact that the Australian territories can't even consider their own legislation is unjust.

A bill currently before the Senate aims to change this, and give Territorians the right to make up their own minds on this important issue.

Voting for this bill doesn't mean there will be assisted dying in the NT or the ACT. It will simply give Territorians the same right to decide on it as other Australians.

We urge all Senators to support this bill and let our people decide what laws apply when it comes to their right to die with dignity.

Andrew Barr

Chief Minister of the Australian Capital Territory



ACT
Government

Chief Minister, Treasury and
Economic Development Directorate

The Hon Michael Gunner

Chief Minister of the Northern Territory



**NORTHERN
TERRITORY**
GOVERNMENT

From: Mahar, Nicole
Sent: Thursday, 9 August 2018 1:52 PM
To: Sch 2.2(a)(ii)
Cc: Perkins, Anita
Subject: Re: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]

Thanks Sch 2.2(a)(ii) - appreciate the quick turnaround.

Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: [02 6205 9530](tel:0262059530) | Mobile: [0414 926 266](tel:0414926266)

Communications | Chief Minister, Treasury and Economic Development Directorate | ACT Government

On 9 Aug 2018, at 1:48 pm, Sch 2.2(a)(ii) <[Sch 2.2\(a\)\(ii\)@anu.edu.au](mailto:Sch 2.2(a)(ii)@anu.edu.au)> wrote:

Dear Nicole

The campaign is OK. I will send you a draft report shortly. Final will be provided next week when I have sighted the CM's sign off.

Best wishes

Sch 2.2(a)(ii)

From: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Sent: Thursday, 9 August 2018 1:04 PM
To: Sch 2.2(a)(ii) <[Sch 2.2\(a\)\(ii\)@anu.edu.au](mailto:Sch 2.2(a)(ii)@anu.edu.au)>
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]

Hi Sch 2.2(a)(ii)

Please find attached the ad for review and the coversheet. An email will be coming regarding the signed coversheet.

Thanks

Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: 02 6205 9530 | Mobile: 0414 926 266

Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | ACT Government

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From: Mahar, Nicole
Sent: Thursday, 9 August 2018 4:42 PM
To: Sch 2.2(a)(ii)
Subject: RE: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]

Sorry Sch 2.2(a)(ii), I had meant to indicate that yes, I did think it covered the issues sufficiently. It's ready to finalise.

Thank you

Nicole

From: Sch 2.2(a)(ii) @anu.edu.au
Sent: Thursday, 9 August 2018 4:28 PM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Subject: RE: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]

OK. I shall hold it until you send me the sign off.

Sch

From: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Sent: Thursday, 9 August 2018 4:22 PM
To: Sch 2.2(a)(ii) @anu.edu.au
Subject: RE: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]

Thanks Sch 2.2(a)(ii) – yes, I think so.

Thanks again

Nicole

From: Sch 2.2(a)(ii) @anu.edu.au
Sent: Thursday, 9 August 2018 2:56 PM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Subject: RE: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]

Dear Nicole

Here is a draft report. Do you think that it deals with the issues satisfactorily?

Sch 2.2(a)(ii)

From: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Sent: Thursday, 9 August 2018 1:52 PM
To: Sch 2.2(a)(ii) @anu.edu.au
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: Re: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]

Thanks Sch 2.2(a)(ii) - appreciate the quick turnaround.

Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications
Phone: [02 6205 9530](tel:0262059530) | Mobile: [0414 926 266](tel:0414926266)

On 9 Aug 2018, at 1:48 pm, **Sch 2.2(a)(ii)** <[Sch 2.2\(a\)\(ii\)@anu.edu.au](mailto:Sch 2.2(a)(ii)@anu.edu.au)> wrote:

Dear Nicole

The campaign is OK. I will send you a draft report shortly. Final will be provided next week when I have sighted the CM's sign off.

Best wishes

Sch 2.2(a)(ii)

From: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Sent: Thursday, 9 August 2018 1:04 PM
To: **Sch 2.2(a)(ii)** <[Sch 2.2\(a\)\(ii\)@anu.edu.au](mailto:Sch 2.2(a)(ii)@anu.edu.au)>
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]

Hi **Sch 2.2(a)(ii)**

Please find attached the ad for review and the coversheet. An email will be coming regarding the signed coversheet.

Thanks
Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications
Phone: 02 6205 9530 | Mobile: 0414 926 266
Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | ACT Government

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From: Engele, Sam
Sent: Thursday, 9 August 2018 1:50 PM
To: Slobodian, Alexandra
Cc: Mahar, Nicole
Subject: RE: NT contact [SEC=UNCLASSIFIED]

Thanks Alex,

Nicole has sent the advert to [redacted].

Sam

SAM ENGELE | Executive Director | Policy and Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039

Email Sam.Engele@ACT.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government

1 Constitution Av, Canberra

GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: Slobodian, Alexandra
Sent: Thursday, 9 August 2018 1:48 PM
To: Engele, Sam <Sam.Engele@act.gov.au>
Subject: RE: NT contact [SEC=UNCLASSIFIED]

Hi, spoke to [redacted] EA and she said she is expecting a draft advertisement from you today? She said she will then discuss with [redacted] and work out a time from there, wasn't keen on booking me a time.

Alex

From: Engele, Sam
Sent: Thursday, 9 August 2018 1:02 PM
To: Slobodian, Alexandra <Alexandra.Slobodian@act.gov.au>
Subject: FW: NT contact [SEC=UNCLASSIFIED]

Alex,

I need to contact [redacted] who is the head of NT Chief Minister's Directorate to discuss a media campaign around Territory rights including around euthanasia.

Could you contact her EA and schedule a time for us to talk, probably only requires 15 minutes. Ideally today or tomorrow if possible.

Thanks

SAM ENGELE | Executive Director | Policy and Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039

Email Sam.Engele@ACT.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government
1 Constitution Av, Canberra
GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: Perkins, Anita
Sent: Thursday, 9 August 2018 9:59 AM
To: Engele, Sam <Sam.Engele@act.gov.au>
Cc: ODonoghue, Yersheena <Yersheena.ODonoghue@act.gov.au>
Subject: FW: NT contact [SEC=UNCLASSIFIED]

Sam, over to you, to discuss with CEO Sch 2.2(a)(ii).
Thanks
Anita

From: Paviour, Mark
Sent: Thursday, 9 August 2018 9:19 AM
To: Perkins, Anita <Anita.Perkins@act.gov.au>
Cc: Engele, Sam <Sam.Engele@act.gov.au>; ODonoghue, Yersheena <Yersheena.ODonoghue@act.gov.au>
Subject: RE: NT contact [SEC=UNCLASSIFIED]

Thanks, the CM's COS told me he would pass it onto Sch 2.2(a)(ii).

From: Perkins, Anita
Sent: Thursday, 9 August 2018 8:52 AM
To: Paviour, Mark <Mark.Paviour@act.gov.au>
Cc: Engele, Sam <Sam.Engele@act.gov.au>; ODonoghue, Yersheena <Yersheena.ODonoghue@act.gov.au>
Subject: NT contact [SEC=UNCLASSIFIED]

Hi Mark
Can you please let us know who the contact in NT Premier and Cabinet is that your office has been speaking to, or has been referred to by the NT Chief Minister's office?
Thanks
Anita

Anita Perkins | Executive Director
Phone: 02 6205 0035 | Mobile: 0407 073 000
Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au

From: Mahar, Nicole
Sent: Thursday, 9 August 2018 9:45 AM
To: Sch 2.2(a)(ii)
Subject: RE: Urgent turnaround on assisted dying campaign [SEC=UNCLASSIFIED]

Excellent – many thanks Sch 2.2(a)(ii), I appreciate it.

Nicole

From: Sch 2.2(a)(ii) @anu.edu.au]
Sent: Thursday, 9 August 2018 9:44 AM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Subject: RE: Urgent turnaround on assisted dying campaign [SEC=UNCLASSIFIED]

Dear Nicole

I have a meeting at 10.15 that will go probably for an hour and a half. After that I can look at it for clearance purposes. Report to follow.

Cheers

Sch 2.2(a)(ii)

From: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Sent: Thursday, 9 August 2018 9:14 AM
To: Sch 2.2(a)(ii) @anu.edu.au>
Subject: Urgent turnaround on assisted dying campaign [SEC=UNCLASSIFIED]

Hi Sch 2.2(a)(ii)

We're hoping to have the final artwork for the assisted dying campaign that you saw last week along with the signed coversheet this morning. We would very much appreciate an urgent turnaround on this if possible please.

An email indicating your satisfaction it meets the guidelines would be fine with the formal report to be delivered less urgently.

I will send it across it as soon it's available. Please let me know if you think there will be issues.

Many thanks

Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: 02 6205 9530 | Mobile: 0414 926 266

Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | ACT Government

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immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Mahar, Nicole
Sent: Friday, 10 August 2018 12:02 PM
To: Sch 2.2(a)(ii)
Cc: Perkins, Anita
Subject: Change to assisted dying campaign. Final advertisement [SEC=UNCLASSIFIED]
Attachments: CG0015_ACT_NT_press ad_AUS_540x372.pdf

Hi Sch 2.2(a)(ii)

Please note the ad has been changed. Would you please provide a revised report at your earliest convenience.

Thanks

Nicole

From: Paviour, Mark
Sent: Friday, 10 August 2018 11:48 AM
To: Perkins, Anita <Anita.Perkins@act.gov.au>
Cc: Mahar, Nicole <Nicole.Mahar@act.gov.au>; Nelson, Mark <Mark.Nelson@act.gov.au>
Subject: Final advertisement

Hi Anita,

This was the final advertisement agreed upon with the Northern Territory Chief Minister.

As discussed, the Chief Minister Sch 2 s2.2(a)(ii) and will sign the brief for the Independent Reviewer when he returns to the office next week.

Mark Paviour | Director
ACT Government Communications Unit | Office of the ACT Chief Minister

Phone: 02 6205 2775 | Mobile: 0466 521 634 | Email: mark.paviour@act.gov.au



IT'S ABOUT OUR RIGHTS.

Australia's democracy is one of the best in the world.

Except when it comes to the laws that determine the rights of the terminally ill to decide when they die.

Thanks to legislation passed by the Federal Parliament two decades ago, our communities in the Northern Territory and the Australian Capital Territory are denied a say on these laws.

With other states around Australia now passing laws on voluntary assisted dying, the fact that the Australian territories can't even consider their own legislation is unjust.

A bill currently before the Senate aims to change this, and give Territorians the right to make up their own minds on this important issue.

Voting for this bill doesn't mean there will be assisted dying in the NT or the ACT. It will simply give Territorians the same right to decide on it as other Australians.

We urge all Senators to support this bill and let our people decide what laws apply when it comes to their right to die with dignity.

Andrew Barr

Chief Minister of the Australian Capital Territory



ACT
Government

Chief Minister, Treasury and
Economic Development Directorate

The Hon Michael Gunner

Chief Minister of the Northern Territory



**NORTHERN
TERRITORY**
GOVERNMENT

From: Mahar, Nicole
Sent: Friday, 10 August 2018 12:14 PM
To: Gombar-Millynn, Helen
Subject: FW: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]
Attachments: CG0015 Go Gentle press ad_Letter_ACT.PDF; Attachment A_Request for Review of Advertising Campaign by Independent R....doc

From: Mahar, Nicole
Sent: Thursday, 9 August 2018 1:04 PM
To: Sch 2.2(a)(ii) @anu.edu.au>
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: For review: Assisted Dying Campaign [SEC=UNCLASSIFIED]

Hi Sch 2.2(a)(ii)

Please find attached the ad for review and the coversheet. An email will be coming regarding the signed coversheet.

Thanks
Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications
Phone: 02 6205 9530 | Mobile: 0414 926 266
Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | ACT Government



APPROVAL TO REFER ADVERTISING CAMPAIGN TO INDEPENDENT REVIEWER

Campaign name: Voluntary assisted dying legislation

Date: ____ August 2018

Directorate/Agency: Chief Minister, Treasury and Economic Development Directorate

Date approved by Responsible Person:

Contact: Anita Perkins, Executive Director, Communications and Engagement, CMTEDD.

Campaign purpose and summary: The Government is communicating to members of the Federal Parliament to vote in support of the Restoring Territory Rights (Assisted Suicide Legislation) Bill.

The campaign also aims to demonstrate the Government's position to the Canberra Community, highlighting its efforts to have a broader community discussion about voluntary assisted dying.

Press advertising in The Australian will be supported by appearances in the Canberra Weekly and signage in the Canberra Centre.

Campaign dates

(identify expected launch date, key delivery milestones and expected date of completion):

The campaign is expected to commence on 13 August 2018 and finish on 26 August 2018.

Budget:

	Total	ACT Costs
National media placement (split equally between ACT and NT)	\$24,961	\$12,480
Creative content development (split equally between ACT and NT)	\$7,000	\$3,500
ACT media placement (borne by ACT)		\$9,402
NT media placement (borne by NT)	TBC	Nil
Total Costs (ex gst)		\$25,382



Please provide the following information.

- 1. Will Ministers and/or MLAs be involved in the campaign?**
Yes. The advertisement is an open letter from the ACT Chief Minister and the Northern Territory to Senators in the Australian Parliament
- 2. Will public servants be involved? If so, have necessary approvals been obtained? (see General Principle (I) of the Guidelines)**
No.
- 3. If TV or radio is to be used, does the material include suitable statements to be made at the end of the segments?**
Not applicable.
- 4. Is there a clear audit trail regarding decision-making?**
Yes.
- 5. Is there compliance with Guideline 4: Avoiding the misuse of public funds?**
Yes.
- 6. What action is proposed to draw information to the attention of disadvantaged groups and individuals?**
Advertising will take place across a range of media, including press and outdoor signage.

CERTIFICATION BY RESPONSIBLE PERSON (Guideline 5.31)

I authorise this advertising campaign to be reviewed by the Independent Reviewer.

Signed:

Title:

Date:

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Voting for this bill doesn't mean there will be assisted dying in the NT or the ACT. It will simply give Territorians the same right to decide on it as other Australians.

We urge all Senators to support this bill and let our people decide what laws apply when it comes to their right to die with dignity.

Andrew Barr

Chief Minister of the Australian Capital Territory



ACT
Government

Chief Minister, Treasury and
Economic Development Directorate

The Hon Michael Gunner

Chief Minister of the Northern Territory



**NORTHERN
TERRITORY**
GOVERNMENT

From: Perkins, Anita
Sent: Friday, 10 August 2018 9:28 AM
To: Paviour, Mark
Cc: Mahar, Nicole
Subject: FW: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Hi Mark

Let's discuss below from NT. We need to get the art to Dentsu asap, but we want to clarify if the 2 bills is an issue requiring an update to the art.

Cheers
Anita

FROM NT:

I note there are currently 2 Assisted Dying bills before the Senate - one by Senator Leyonhjelm and one by Senators Di Natale and Gallagher.

From: Engele, Sam
Sent: Thursday, 9 August 2018 10:55 PM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>; Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: RE: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Nicole,

I've been trying to get in touch with NT reps today but we have kept playing phone tag, so have not spoken to them. Has anyone else spoken to them about share of costs or do I need to raise with Sch 2.2(a)(ii) I'll call her mobile tomorrow.

Sam

SAM ENGELE | Executive Director | Policy and Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039
Email Sam.Engele@ACT.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government
1 Constitution Av, Canberra
GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: Mahar, Nicole
Sent: Thursday, 9 August 2018 8:45 PM
To: Perkins, Anita <Anita.Perkins@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>; Engele, Sam <Sam.Engele@act.gov.au>
Subject: Fwd: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Hi All

I will leave it to Sam to reply to Sch 2.2(a)(ii), but passing this onto Mark and Anita for info and action if required.

Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: [02 6205 9530](tel:0262059530) | Mobile: [0414 926 266](tel:0414926266)

Communications | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Begin forwarded message:

From: Sch 2.2(a)(ii) [redacted] <[\[redacted\]@nt.gov.au](mailto:[redacted]@nt.gov.au)>

Date: 9 August 2018 at 8:33:04 pm AEST

To: ACT - Sam Engele <sam.engele@act.gov.au>, "nicole.mahar@act.gov.au" <nicole.mahar@act.gov.au>

Cc: Sch 2.2(a)(ii) [redacted]

<[\[redacted\]@nt.gov.au](mailto:[redacted]@nt.gov.au)>

Sch 2.2(a)(ii) [redacted]

Subject: Fwd: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Hi Nicole and Sam

On behalf of Sch 2.2(a)(ii) [redacted], I can confirm the NTG is comfortable with the proposed attachment.

I note there are currently 2 Assisted Dying bills before the Senate - one by Senator Leyonhjelm and one by Senators Di Natale and Gallagher.

The draft ad only refers to a Bill.

We are OK with this however if this is deliberate due to emphasis on the most current Bill under consideration.

Happy to discuss on Sch 2.2(a)(ii) [redacted] and thank you for the opportunity to comment.

Kind regards Sch 2.2(a)(ii) [redacted]

Executive Director

Federal Policy and Strategic Coordination

Department of the Chief Minister

From: Mahar, Nicole [<mailto:Nicole.Mahar@act.gov.au>]

Sent: Thursday, 9 August 2018 12:48 PM

To: Sch 2.2(a)(ii) [redacted] <[\[redacted\]@nt.gov.au](mailto:[redacted]@nt.gov.au)>

Cc: Engele, Sam <Sam.Engele@act.gov.au>; Payne, Cassia <Cassia.Payne@act.gov.au>

Subject: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Dear Sch 2.2(a)(ii) [redacted]

Please find attached the advertisement on assisted dying (euthanasia) which has been prepared to be published in The Australian on Monday 13 August.

I would be appreciated if you would review and approve the advertisement. Unfortunately we are working to a very tight deadline, and would be grateful if you could reply before close of business today.

If you would like to discuss any aspect of the advertisement please contact Sam Engele, Executive Director – Policy and Cabinet within this directorate on 02 6205 0230 or Sam.Engele@act.gov.au.

Regards

Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: 02 6205 9530 | Mobile: 0414 926 266

Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate
| ACT Government

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From: Perkins, Anita
Sent: Friday, 10 August 2018 9:28 AM
To: Paviour, Mark
Cc: Mahar, Nicole
Subject: FW: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Hi Mark

Let's discuss below from NT. We need to get the art to Dentsu asap, but we want to clarify if the 2 bills is an issue requiring an update to the art.

Cheers
Anita

FROM NT:

I note there are currently 2 Assisted Dying bills before the Senate - one by Senator Leyonhjelm and one by Senators Di Natale and Gallagher.

From: Engele, Sam
Sent: Thursday, 9 August 2018 10:55 PM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>; Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: RE: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Nicole,

I've been trying to get in touch with NT reps today but we have kept playing phone tag, so have not spoken to them. Has anyone else spoken to them about share of costs or do I need to raise with Sch 2.2(a)(ii) I'll call her mobile tomorrow.

Sam

SAM ENGELE | Executive Director | Policy and Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039
Email Sam.Engele@ACT.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government
1 Constitution Av, Canberra
GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: Mahar, Nicole
Sent: Thursday, 9 August 2018 8:45 PM
To: Perkins, Anita <Anita.Perkins@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>; Engele, Sam <Sam.Engele@act.gov.au>
Subject: Fwd: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Hi All

I will leave it to Sam to reply to Sch 2.2(a)(ii), but passing this onto Mark and Anita for info and action if required.

Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: [02 6205 9530](tel:0262059530) | Mobile: [0414 926 266](tel:0414926266)

Communications | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Begin forwarded message:

From: Sch 2.2(a)(ii) [redacted] <[\[redacted\]@nt.gov.au](mailto:[redacted]@nt.gov.au)>

Date: 9 August 2018 at 8:33:04 pm AEST

To: ACT - Sam Engele <sam.engele@act.gov.au>, "nicole.mahar@act.gov.au" <nicole.mahar@act.gov.au>

Cc: Sch 2.2(a)(ii) [redacted]

Sch 2.2(a)(ii) [redacted]

Sch 2.2(a)(ii) [redacted]

Subject: Fwd: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Hi Nicole and Sam

On behalf of Sch 2.2(a)(ii) [redacted], I can confirm the NTG is comfortable with the proposed attachment.

I note there are currently 2 Assisted Dying bills before the Senate - one by Senator Leyonhjelm and one by Senators Di Natale and Gallagher.

The draft ad only refers to a Bill.

We are OK with this however if this is deliberate due to emphasis on the most current Bill under consideration.

Happy to discuss on Sch 2.2(a)(ii) [redacted] and thank you for the opportunity to comment.

Kind regards Sch 2.2(a)(ii) [redacted]

Executive Director

Federal Policy and Strategic Coordination

Department of the Chief Minister

From: Mahar, Nicole [<mailto:Nicole.Mahar@act.gov.au>]

Sent: Thursday, 9 August 2018 12:48 PM

To: Sch 2.2(a)(ii) [redacted] <[\[redacted\]@nt.gov.au](mailto:[redacted]@nt.gov.au)>

Cc: Engele, Sam <Sam.Engele@act.gov.au>; Payne, Cassia <Cassia.Payne@act.gov.au>

Subject: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Dear Sch 2.2(a)(ii) [redacted]

Please find attached the advertisement on assisted dying (euthanasia) which has been prepared to be published in The Australian on Monday 13 August.

I would be appreciated if you would review and approve the advertisement. Unfortunately we are working to a very tight deadline, and would be grateful if you could reply before close of business today.

If you would like to discuss any aspect of the advertisement please contact Sam Engele, Executive Director – Policy and Cabinet within this directorate on 02 6205 0230 or Sam.Engele@act.gov.au.

Regards

Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: 02 6205 9530 | Mobile: 0414 926 266

Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate
| ACT Government

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Mahar, Nicole
Sent: Friday, 10 August 2018 12:11 PM
To: Sch 2 s2(a)(ii)
Cc: Perkins, Anita
Subject: RE: Change to assisted dying campaign. Final advertisement [SEC=UNCLASSIFIED]

Thanks Sch 2 s2(a)(ii) – yes I believe so. We'll double check and get back to you if more than the headline was changed.

Thanks
Nicole

From: Sch 2 s2(a)(ii)@anu.edu.au
Sent: Friday, 10 August 2018 12:10 PM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: RE: Change to assisted dying campaign. Final advertisement [SEC=UNCLASSIFIED]

Nicole
Am I right in thinking that only the heading has been changed? If so, the draft sent yesterday will cover it.
Cheers

Sch 2 s2(a)(ii)

From: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Sent: Friday, 10 August 2018 12:02 PM
To: Sch 2 s2(a)(ii)@anu.edu.au
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: Change to assisted dying campaign. Final advertisement [SEC=UNCLASSIFIED]

Hi Sch 2 s2(a)(ii)

Please note the ad has been changed. Would you please provide a revised report at your earliest convenience.

Thanks

Nicole

From: Paviour, Mark
Sent: Friday, 10 August 2018 11:48 AM
To: Perkins, Anita <Anita.Perkins@act.gov.au>
Cc: Mahar, Nicole <Nicole.Mahar@act.gov.au>; Nelson, Mark <Mark.Nelson@act.gov.au>
Subject: Final advertisement

Hi Anita,

This was the final advertisement agreed upon with the Northern Territory Chief Minister.

As discussed, the Chief Minister remains unwell and will sign the brief for the Independent Reviewer when he returns to the office next week.

Mark Paviour | Director
ACT Government Communications Unit | Office of the ACT Chief Minister

From: Perkins, Anita
Sent: Friday, 10 August 2018 7:26 AM
To: Engele, Sam
Cc: Mahar, Nicole
Subject: Re: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

We haven't spoken to them and haven't raised costs yet.
Let us know how you go.

Sent from my iPad

On 9 Aug 2018, at 10:55 pm, Engele, Sam <Sam.Engele@act.gov.au> wrote:

Nicole,

I've been trying to get in touch with NT reps today but we have kept playing phone tag, so have not spoken to them. Has anyone else spoken to them about share of costs or do I need to raise with Sch 2.2(a)(i) I'll call her mobile tomorrow.

Sam

SAM ENGELE | Executive Director | Policy and Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039
Email Sam.Engele@ACT.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government
1 Constitution Av, Canberra
GPO Box 158 Canberra ACT 2601 | www.act.gov.au

<image001.jpg>

From: Mahar, Nicole
Sent: Thursday, 9 August 2018 8:45 PM
To: Perkins, Anita <Anita.Perkins@act.gov.au>; Paviour, Mark <Mark.Paviour@act.gov.au>; Engele, Sam <Sam.Engele@act.gov.au>
Subject: Fwd: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Hi All

I will leave it to Sam to reply to Sch 2.2(a)(i), but passing this onto Mark and Anita for info and action if required.

Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: [02 6205 9530](tel:0262059530) | Mobile: [0414 926 266](tel:0414926266)

Communications | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Begin forwarded message:

From: Sch 2.2(a)(ii) [redacted] <[\[redacted\]@nt.gov.au](mailto:[redacted]@nt.gov.au)>
Date: 9 August 2018 at 8:33:04 pm AEST
To: ACT - Sam Engele <sam.engele@act.gov.au>, "nicole.mahar@act.gov.au" <nicole.mahar@act.gov.au>
Cc: Sch 2.2(a)(ii) [redacted]
Sch 2.2(a)(ii) [redacted]
Sch 2.2(a)(ii) [redacted]
Subject: Fwd: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Hi Nicole and Sam

On behalf of Sch 2.2(a)(ii) [redacted], I can confirm the NTG is comfortable with the proposed attachment.

I note there are currently 2 Assisted Dying bills before the Senate - one by Senator Leyonhjelm and one by Senators Di Natale and Gallagher.

The draft ad only refers to a Bill.

We are OK with this however if this is deliberate due to emphasis on the most current Bill under consideration.

Happy to discuss on Sch 2.2(a)(ii) [redacted] and thank you for the opportunity to comment.

Kind regards Sch 2.2(a)(ii) [redacted]
Executive Director
Federal Policy and Strategic Coordination
Department of the Chief Minister

From: Mahar, Nicole [<mailto:Nicole.Mahar@act.gov.au>]
Sent: Thursday, 9 August 2018 12:48 PM
To: Sch 2.2(a)(ii) [redacted] <[\[redacted\]@nt.gov.au](mailto:[redacted]@nt.gov.au)>
Cc: Engele, Sam <Sam.Engele@act.gov.au>; Payne, Cassia <Cassia.Payne@act.gov.au>
Subject: NT and ACT Govts Assisted Dying Ad in the Australian [SEC=UNCLASSIFIED]

Dear Sch 2.2(a)(ii) [redacted]

Please find attached the advertisement on assisted dying (euthanasia) which has been prepared to be published in The Australian on Monday 13 August.

I would be appreciated if you would review and approve the advertisement. Unfortunately we are working to a very tight deadline, and would be grateful if you could reply before close of business today.

If you would like to discuss any aspect of the advertisement please contact Sam Engele, Executive Director – Policy and Cabinet within this directorate on 02 6205 0230 or Sam.Engele@act.gov.au.

Regards

Nicole

Nicole Mahar | Deputy Director, Whole of Government Communications

Phone: 02 6205 9530 | Mobile: 0414 926 266

Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | ACT Government

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APPROVAL TO REFER ADVERTISING CAMPAIGN TO INDEPENDENT REVIEWER

Campaign name: Voluntary assisted dying legislation

Date: ____ August 2018

Directorate/Agency: Chief Minister, Treasury and Economic Development Directorate

Date approved by Responsible Person:

Contact: Anita Perkins, Executive Director, Communications and Engagement, CMTEDD.

Campaign purpose and summary: The Government is communicating to members of the Federal Parliament to vote in support of the Restoring Territory Rights (Assisted Suicide Legislation) Bill.

The campaign also aims to demonstrate the Government's position to the Canberra Community, highlighting its efforts to have a broader community discussion about voluntary assisted dying.

Press advertising in The Australian will be supported by appearances in the Canberra Weekly, digital advertising on the Riot Act website and signage in the Canberra Centre.

Campaign dates

(identify expected launch date, key delivery milestones and expected date of completion):

The campaign is expected to commence on 13 August 2018 and finish on 26 August 2018.

Budget:

	Total	ACT Costs
National media placement (split equally between ACT and NT)	\$24,961	\$12,480
Creative content development (split equally between ACT and NT)	\$7,000	\$3,500
ACT media placement (borne by ACT)		\$9,402
NT media placement (borne by NT)	TBC	Nil
Total Costs (ex gst)		\$25,382



Please provide the following information.

- 1. Will Ministers and/or MLAs be involved in the campaign?**
Yes. The advertisement is an open letter from the ACT Chief Minister and the Northern Territory to Senators in the Australian Parliament
- 2. Will public servants be involved? If so, have necessary approvals been obtained? (see General Principle (I) of the Guidelines)**
No.
- 3. If TV or radio is to be used, does the material include suitable statements to be made at the end of the segments?**
Not applicable.
- 4. Is there a clear audit trail regarding decision-making?**
Yes.
- 5. Is there compliance with Guideline 4: Avoiding the misuse of public funds?**
Yes.
- 6. What action is proposed to draw information to the attention of disadvantaged groups and individuals?**
Advertising will take place across a range of media, including press and outdoor signage.

CERTIFICATION BY RESPONSIBLE PERSON (Guideline 5.31)

I authorise this advertising campaign to be reviewed by the Independent Reviewer.

Signed: *Andrew Barr*

Title: *Chief Minister*

Date: *11.8.18*

From: Perkins, Anita
Sent: Monday, 13 August 2018 3:49 PM
To: CMCD DLO
Cc: Mahar, Nicole; Engele, Sam
Subject: Assisted dying legislation campaign [SEC=UNCLASSIFIED]
Attachments: August - Assisted Dying Campaign.docx

Hi Yersheena

As discussed, please refer attached for a QTB on the assisted dying legislation campaign.

Regards

Anita

Anita Perkins | Executive Director

Phone: 02 6205 0035 | Mobile: 0407 073 000

Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au

Chief Minister

ISSUE: VOLUNTARY ASSISTED DYING LEGISLATION CAMPAIGN

Talking points:

- Canberrans should have the same rights as Australians in other states to determine their own laws, including assisted dying.
- The Andrews bill passed by the Federal Parliament over two decades ago removed Canberrans rights to consider legislation about assisted dying.
- A full page advertisement in The Australian was published on Monday 13 August 2018, co-signed by ACT Chief Minister Barr and Northern Territory Chief Minister Gunner. The national ad will be supported in local media the Canberra Weekly and a billboard in the Canberra Centre.
- This campaign is designed to communicate directly with Federal politicians who currently have before them bills to return to residents of the ACT and Northern Territory the right to determine their own legislation on assisted dying.
- Even if this bill is passed and Canberrans are returned their rights to determine their own legislation on this issue, it doesn't mean there will be assisted dying, it will however, allow Canberrans to have the same rights as Australians in other states.

Key Information

- The ACT Government has partnered with the Northern Territory government to communicate with members of the Federal Parliament to vote in support of the Restoring Territory Rights (Assisted Suicide Legislation) Bill.
- The Australian has a week-day circulation of 94,448.
- The national ad will be supported in local media the Canberra Weekly on Thursday 16 August and a billboard in the Canberra Centre from Monday 13 August to Saturday 25 August 2018.
- The costs of producing and displaying the national ad in The Australian are being shared by the Northern Territory and the ACT. The ACT share was \$15,980 (\$3,500 for artwork and \$12,480 for placement).

Cleared as complete and accurate: 13/08/2018
Cleared by: Executive Director Ext: 50035
Contact Officer Name: Nicole Mahar Ext:
Lead Directorate: Chief Minister, Treasury and
Economic Development

TRIM Ref:

- A further \$9,402 will be spent on local advertising. In total the cost of the campaign to the ACT is \$25,382.
- The campaign was referred to the Independent Reviewer of Campaign Advertising to assess it's compliance with the *Government Agencies (Campaign Advertising) Act 2009*. While under the \$40,000 threshold requiring review, the campaign was referred due to its sensitive nature.
- In providing a final assessment of the campaign, the Independent Reviewer noted that:
 - while it is undoubtedly a political campaign, he did not consider that the campaign is being used for party political purposes;
 - the campaign falls within a number of bases for which public funds may be used;
 - that the open letter does not give indication of being given on behalf of a party or invite support for a party; and
 - the party in government is not identified except to the extent that the Chief Minister is shown as a signatory to the open letter.
- While it is correct to say that issues are raised as to compliance with the Government Agencies (Campaign Advertising) Act 2009, the Independent Reviewer does not consider that the campaign is in breach of the Act or Guidelines.

Background Information – may not be suitable for public disclosure

- Community views research was undertaken for the ACT Government by Orima Research in March/April of 2018 on assisted dying, and other topics to support policy, initiative and project development.
- The omnibus research program of 600 respondents in the ACT, using Computer Assisted Telephone Interviewing (CATI) methodology. Respondents are stratified by region - North Canberra; South Canberra; Woden and Weston Creek; Belconnen and Gungahlin; and Tuggeranong. Overall results are provided at 95% ± 4pp confidence level.
- This research supports in principle the concept of legislation supporting assisted dying in the ACT.
- 82% of people agreed/strongly agreed that if someone is suffering from a terminal or incurable illness and wishes to end their own life they should be allowed to do so.
- 79% agreed or strongly agreed that the ACT should have the right to pass its own legislation on assisted dying.
- This research will be considered in future policy decisions.

Cleared as complete and accurate: 13/08/2018
Cleared by: Executive Director Ext: 50035
Contact Officer Name: Nicole Mahar Ext:
Lead Directorate: Chief Minister, Treasury and
Economic Development

From: Engele, Sam
Sent: Monday, 13 August 2018 4:18 PM
To: Sch 2.2(a)(ii)@nt.gov.au
Cc: Mahar, Nicole
Subject: Euthanasia legislation campaign [SEC=UNCLASSIFIED]

Hi Sch 2.2(a)(ii),

Regarding the cost sharing for the Euthanasia legislation campaign the suppliers have agreed to raise separate invoices for our cost shares (50% each) – the NT’s share is outlined below. If you could send me the billing details for your organisation (Organisation name, a contact person, and any instructions for issuing invoices) we will pass them onto the suppliers.

\$12,480 for advert placement in The Australian – Dentsu X

\$3,500 for artwork – Collins Gartrell Ltd

Regards,

SAM ENGELE | Executive Director | Policy and Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039

Email Sam.Engele@ACT.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government
1 Constitution Av, Canberra
GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: Mahar, Nicole
Sent: Monday, 13 August 2018 9:47 AM
To: 'Sch 2.2(a)(ii)'
Cc: Perkins, Anita
Subject: FW: Assets for Canberra Weekly and Ooh [SEC=UNCLASSIFIED]
Attachments: CG0015_Canberra Ooh Billboard_1080x1920.jpg; CG0015_Canberra Weekly_press ad_295x235.pdf

Hello Sch 2.2(a)(ii)

Please see attached the further two pieces of advertising material for the assisted dying campaign. The ad which will feature in the Canberra Weekly (same wording as the original ad but references to Territorians changed to Canberrans and without the signature of the NT Chief Minister).

Please let me know if you think this will affect your report.

Thanks
Nicole

From: Paviour, Mark
Sent: Monday, 13 August 2018 9:32 AM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: Fwd: Assets for Canberra Weekly and Ooh

Hi Nicole,

See attached the assets for Canberra Weekly and Ooh. Let me know if there are any issues.

Mark Paviour
Director, Government Communications Unit
Office of the ACT Chief Minister
0466 521 634

Begin forwarded message:

Subject: Fwd: Assets for Canberra Weekly and Ooh

Hi Mark

Please find the revised assets as per your request.

Please note if you're going to use the billboard for social media purposes we can resize it to whatever proportions you need it at, ie MREC, Leaderboard, skyscraper etc.

Right now its set up to the Ooh billboard size, not quite appropriate for social media spaces.

Please let me know

**ONE THING
CANBERRANS
DEFINITELY
DON'T NEED
IS ASSISTED
THINKING.**

**The Federal Government must let Canberrans
make their own laws about assisted dying.**



ACT
Government

Andrew Barr
Chief Minister, Treasury and
Economic Development Directorate

ONE THING CANBERRANS DEFINITELY DON'T NEED IS ASSISTED THINKING.

Australia's democracy is one of the best in the world.

Except when it comes to the laws that determine the rights of the terminally ill to decide when they die.

Thanks to legislation passed by the Federal Parliament two decades ago, communities in the Australian Capital Territory and the Northern Territory are denied a say on these laws.

With other states around Australia now passing laws on voluntary assisted dying, the fact that Canberrans can't even consider their own legislation is unjust.

A bill currently before the Senate aims to change this, and give Canberrans the right to make up their own minds on this important issue.

Voting for this bill doesn't mean there will be assisted dying in the ACT. It will simply give Canberrans the same right to decide on it as other Australians.

We urge all Senators to support this bill and let Canberrans decide what laws apply when it comes to their right to die with dignity.

Andrew Barr

Chief Minister of the Australian Capital Territory



ACT Chief Minister, Treasury and
Government Economic Development Directorate

From: Mahar, Nicole
Sent: Monday, 13 August 2018 12:00 PM
To: WholeofGovComms
Subject: FW: Assets for Canberra Weekly and Ooh [SEC=UNCLASSIFIED]
Attachments: ACTReviewerReportAssistedDying.doc

From: Sch 2.2(a)(ii) [REDACTED]@anu.edu.au
Sent: Monday, 13 August 2018 11:33 AM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: RE: Assets for Canberra Weekly and Ooh [SEC=UNCLASSIFIED]

Dear Nicole

Here is the final version of my report. It is unchanged from the draft sent to you previously except for the deletion of the Draft heading and the inclusion of the date as part of the Bill title.

Cheers

Sch 2.2(a)(ii) [REDACTED]

From: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Sent: Monday, 13 August 2018 9:47 AM
To: Sch 2.2(a)(ii) [REDACTED]@anu.edu.au
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: FW: Assets for Canberra Weekly and Ooh [SEC=UNCLASSIFIED]

Hello Sch 2.2(a)(ii) [REDACTED]

Please see attached the further two pieces of advertising material for the assisted dying campaign. The ad which will feature in the Canberra Weekly (same wording as the original ad but references to Territorians changed to Canberrans and without the signature of the NT Chief Minister).

Please let me know if you think this will affect your report.

Thanks

Nicole

From: Paviour, Mark
Sent: Monday, 13 August 2018 9:32 AM
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Subject: Fwd: Assets for Canberra Weekly and Ooh

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Mark Paviour
Director, Government Communications Unit

Office of the ACT Chief Minister
0466 521 634

Begin forwarded message:

Subject: Fwd: Assets for Canberra Weekly and Ooh

Hi Mark

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Right now its set up to the Ooh billboard size, not quite appropriate for social media spaces.

Please let me know

Regards

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REVIEWER ASSESSMENT

Directorate/Agency: Chief Minister, Treasury and Economic Development Directorate

Campaign: Voluntary assisted dying legislation

Date Received by Reviewer: 9 August 2018

Comments: The Government is communicating with members of the Federal Parliament to urge them to vote in support of the *Restoring Territory Rights (Assisted Suicide Legislation) Bill 2018*.

The campaign also aims to demonstrate the Government's position to the Canberra Community, highlighting its efforts to have a broader community discussion about voluntary assisted dying.

The campaign takes the form of a message in an open letter from the ACT and Northern Territory Chief Ministers directed to Senators in the Australian Parliament.

The letter will be advertised in a range of media, including the press and will also be displayed on outdoor signage. The press advertising will be in *The Australian* and the *Canberra Weekly*. There will be signage in the Canberra Centre.

Apart from the signature of the Chief Minister on the letter, Ministers and MLAs will not be involved in the campaign.

Although the cost of the campaign is below the mandatory threshold in the *Government Agencies (Campaign Advertising) Act 2009* requiring referral to me, I have been asked to examine the campaign because of its sensitivity.

Section 5 of the Act provides that the object of the Act is to prevent the use of public funds for advertising or other communications for party political purposes. This general prohibition is expanded in the Act and, relevantly to the present campaign, in the *Government Agencies (Campaign Advertising) Guidelines 2010*.

Clause 9 of the *Guidelines* reads:

Public funds may be used for ACT Government advertising and promotion campaigns in the pursuit of any of the following objectives: (a) to maximise compliance with the law; (b) to inform the community of new, existing, changed or proposed legislation, policies, programs and services; (c) to raise

awareness of a planned or new initiative or event; (d) to initiate community consultation; (e) to promote awareness of rights, responsibilities, duties or entitlements; or (f) to encourage social cohesion, civic pride, community spirit, tolerance, or to inform the community about a public policy outcome.

Clause 24 of the Guidelines provides:

24. Public funds should not be used to disseminate information in circumstances where a reasonable person would interpret the information as being given on behalf of a political party, or as directed at influencing public support for a political party rather than as communicating a factual message.

Clause 25 of the Guidelines spells out that particular concerns are likely to arise where the party in government is identified.

This campaign is undoubtedly a political campaign but I do not consider that the campaign is being used for *party* political purposes. It would seem to me to fall within a number of the bases for which public funds may be used that are set out in Clause 9 above. Clauses 24 and 25 of the Guidelines are not breached because the open letter does not give indication of being given on behalf of a party or invite support for a party. The party in government is not identified except to the extent that the Chief Minister is shown as a signatory to the open letter.

While it is correct to say that issues are raised as to compliance with the *Government Agencies (Campaign Advertising) Act 2009*, I do not consider that the campaign is in breach of the Act or Guidelines.

The Chief Minister has certified that there is compliance with Guideline 5.31.

The Campaign is scheduled to begin on 13 August 2018.

Budget

The overall cost of the campaign is to be shared between the ACT and the Northern Territory. The cost to the ACT is \$25,382.

I, Professor Dennis Pearce AO, declare that the Voluntary assisted dying legislation campaign meets the requirements of the *Government Agencies (Campaign Advertising) Act 2009*.

Professor Dennis Pearce AO
Independent Reviewer
Date: 9 August 2018

From: Mahar, Nicole
Sent: Monday, 13 August 2018 10:56 AM
To: Sch 2.2(a)(ii)
Cc: Perkins, Anita
Subject: RE: Assets for Canberra Weekly and Ooh [SEC=UNCLASSIFIED]

Thanks Sch 2.2(a)(ii) – no I will follow it up now.

Thanks

Nicole

From: Sch 2.2(a)(ii) @anu.edu.au
Sent: Monday, 13 August 2018 10:54 AM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: RE: Assets for Canberra Weekly and Ooh [SEC=UNCLASSIFIED]

Nicole

No change needed.

Do you have the signed approved version yet?

Cheers

Sch 2.2(a)(ii)

From: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Sent: Monday, 13 August 2018 9:47 AM
To: Sch 2.2(a)(ii) @anu.edu.au
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
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Please let me know if you think this will affect your report.

Thanks

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See attached the assets for Canberra Weekly and Ooh. Let me know if there are any issues.

Mark Paviour
Director, Government Communications Unit
Office of the ACT Chief Minister
0466 521 634

Begin forwarded message:

Subject: Fwd: Assets for Canberra Weekly and Ooh

Hi Mark

Please find the revised assets as per your request.

Please note if you're going to use the billboard for social media purposes we can resize it to whatever proportions you need it at, ie MREC, Leaderboard, skyscraper etc.

Right now its set up to the Ooh billboard size, not quite appropriate for social media spaces.

Please let me know

Regards

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Sch 2.2(a)(ii) @anu.edu.au>
Sent: Monday, 13 August 2018 11:33 AM
To: Mahar, Nicole
Cc: Perkins, Anita
Subject: RE: Assets for Canberra Weekly and Ooh [SEC=UNCLASSIFIED]
Attachments: ACTReviewerReportAssistedDying.doc

Dear Nicole

Here is the final version of my report. It is unchanged from the draft sent to you previously except for the deletion of the Draft heading and the inclusion of the date as part of the Bill title.

Cheers

Sch 2.2(a)(ii)

From: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Sent: Monday, 13 August 2018 9:47 AM
To: Sch 2.2(a)(ii) @anu.edu.au>
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: FW: Assets for Canberra Weekly and Ooh [SEC=UNCLASSIFIED]

Hello Sch 2.2(a)(ii)

Please see attached the further two pieces of advertising material for the assisted dying campaign. The ad which will feature in the Canberra Weekly (same wording as the original ad but references to Territorians changed to Canberrans and without the signature of the NT Chief Minister).

Please let me know if you think this will affect your report.

Thanks
Nicole

From: Paviour, Mark
Sent: Monday, 13 August 2018 9:32 AM
To: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Cc: Perkins, Anita <Anita.Perkins@act.gov.au>
Subject: Fwd: Assets for Canberra Weekly and Ooh

Hi Nicole,

See attached the assets for Canberra Weekly and Ooh. Let me know if there are any issues.

Mark Paviour
Director, Government Communications Unit
Office of the ACT Chief Minister
0466 521 634

Begin forwarded message:

Subject: Fwd: Assets for Canberra Weekly and Ooh

Hi Mark

Please find the revised assets as per your request.

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From: Mahar, Nicole
Sent: Monday, 13 August 2018 11:23 AM
To: Sch 2.2(a)(ii)
Cc: WholeofGovComms
Subject: Signed coversheet for assisted dying campaign [SEC=UNCLASSIFIED]
Attachments: 20180813121944247.pdf

Hi Sch 2.2(a)(ii)

Apologies for the delay. Please see attached signed coversheet.

Thanks again for your quick assistance.

Regards
Nicole



APPROVAL TO REFER ADVERTISING CAMPAIGN TO INDEPENDENT REVIEWER

Campaign name: Voluntary assisted dying legislation

Date: ____ August 2018

Directorate/Agency: Chief Minister, Treasury and Economic Development Directorate

Date approved by Responsible Person:

Contact: Anita Perkins, Executive Director, Communications and Engagement, CMTEDD.

Campaign purpose and summary: The Government is communicating to members of the Federal Parliament to vote in support of the Restoring Territory Rights (Assisted Suicide Legislation) Bill.

The campaign also aims to demonstrate the Government's position to the Canberra Community, highlighting its efforts to have a broader community discussion about voluntary assisted dying.

Press advertising in The Australian will be supported by appearances in the Canberra Weekly, digital advertising on the Riot Act website and signage in the Canberra Centre.

Campaign dates

(identify expected launch date, key delivery milestones and expected date of completion):

The campaign is expected to commence on 13 August 2018 and finish on 26 August 2018.

Budget:

	Total	ACT Costs
National media placement (split equally between ACT and NT)	\$24,961	\$12,480
Creative content development (split equally between ACT and NT)	\$7,000	\$3,500
ACT media placement (borne by ACT)		\$9,402
NT media placement (borne by NT)	TBC	Nil
Total Costs (ex gst)		\$25,382



Please provide the following information.

- 1. Will Ministers and/or MLAs be involved in the campaign?**
Yes. The advertisement is an open letter from the ACT Chief Minister and the Northern Territory to Senators in the Australian Parliament
- 2. Will public servants be involved? If so, have necessary approvals been obtained? (see General Principle (I) of the Guidelines)**
No.
- 3. If TV or radio is to be used, does the material include suitable statements to be made at the end of the segments?**
Not applicable.
- 4. Is there a clear audit trail regarding decision-making?**
Yes.
- 5. Is there compliance with Guideline 4: Avoiding the misuse of public funds?**
Yes.
- 6. What action is proposed to draw information to the attention of disadvantaged groups and individuals?**
Advertising will take place across a range of media, including press and outdoor signage.

CERTIFICATION BY RESPONSIBLE PERSON (Guideline 5.31)

I authorise this advertising campaign to be reviewed by the Independent Reviewer.

Signed: *Andrew Barr*

Title: *Chief Minister*

Date: *11.8.18*

From: Paviour, Mark
Sent: Tuesday, 14 August 2018 3:51 PM
To: Mahar, Nicole
Subject: RE: Euthanasia legislation campaign [SEC=UNCLASSIFIED]

Hi Nicole,

Do you know when the Canberra centre screen will go live with the ad?

From: Mahar, Nicole
Sent: Tuesday, 14 August 2018 11:16 AM
To: Paviour, Mark <Mark.Paviour@act.gov.au>
Subject: FW: Euthanasia legislation campaign [SEC=UNCLASSIFIED]

Hi Mark

Please see below re details for NT share of costs.

From: Sch 2.2(a)(ii) [redacted] <[redacted]@nt.gov.au>
Sent: Tuesday, 14 August 2018 7:37 AM
To: Engele, Sam <Sam.Engele@act.gov.au>
Cc: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Subject: RE: Euthanasia legislation campaign [SEC=UNCLASSIFIED]

Thanks Sam

Can you please have the invoice made out to the below, attention to and emailed to myself?

Office of The Chief Minister
GPO Box 3146
DARWIN NT 0801

Regards

Sch 2.2(a)(ii) | **Director Corporate Services**
Corporate Services | **Chief Minister** of the Northern Territory
Northern Territory Government of Australia

Level 5, Parliament House, Darwin NT
GPO Box 3146, Darwin NT 0801, Australia

Sch 2.2(a)(ii) [redacted]

Confidentiality and Disclaimer Statement:

Use or transmittal of the information in this email other than for authorised NT Government business purposes may constitute misconduct under the NT **Public Sector Code of Conduct** and could potentially be an offence under the NT **Criminal Code**. If you are not the intended recipient, any use, disclosure or copying of this message or any attachments is unauthorised. If you have received this document in error, please advise the sender. No representation is given that attached files are free from viruses or other defects. Scanning for viruses is recommended.

From: Engele, Sam [mailto:Sam.Engele@act.gov.au]
Sent: Monday, 13 August 2018 3:48 PM
To: Sch 2.2(a)(ii) [redacted] <[redacted]@nt.gov.au>
Cc: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Subject: Euthanasia legislation campaign [SEC=UNCLASSIFIED]

Hi Sch 2.2(a)(ii)

Regarding the cost sharing for the Euthanasia legislation campaign the suppliers have agreed to raise separate invoices for our cost shares (50% each) – the NT’s share is outlined below. If you could send me the billing details for your organisation (Organisation name, a contact person, and any instructions for issuing invoices) we will pass them onto the suppliers.

\$12,480 for advert placement in The Australian – Dentsu X

\$3,500 for artwork – Collins Gartrell Ltd

Regards,

SAM ENGELE | Executive Director | Policy and Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039

Email Sam.Engele@ACT.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government

1 Constitution Av, Canberra

GPO Box 158 Canberra ACT 2601 | www.act.gov.au



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From: Andersen, Jackie (Health)
Sent: Thursday, 5 April 2018 4:21 PM
To: CMD, ACT IGR
Subject: RE: ACT-NT Strategic Cooperation Agreement [SEC=UNCLASSIFIED]
Attachments: Attachment A - response to CMTEDD - ACT NT strategic cooperation agreeme....doc

Hi Stacey

Please see attached response from ACT Health.

Regards

Jackie Andersen | Senior Manager, Ministerial and Government Services
| ACT Health | ACT Government
Level 5, 6 Bowes St Woden ACT 2606 | GPO Box 825 Canberra ACT 2601
Ph: (02) 6205 0829 | M 0466 169 984 | Email: jackie.andersen@act.gov.au

-----Original Message-----

From: Matthews, Stacey On Behalf Of CMD, ACT IGR
Sent: Monday, 19 March 2018 12:41 PM
To: Andersen, Jackie (Health) <Jackie.Andersen@act.gov.au>
Subject: FW: ACT-NT Strategic Cooperation Agreement [SEC=UNCLASSIFIED]

Hi Jackie

At the COAG meeting on 9 February, the ACT and NT Chief Ministers signed a Strategic Cooperation Agreement (Attached). IGR is now in discussions with the NT about development of a work program under the agreement.

The ACT media coverage around the signing focussed on the Andrew's Bill: <http://www.canberratimes.com.au/act-news/act-joins-forces-with-nt-to-call-for-voluntary-euthanasia-reform-20180223-h0wkla.html>

This is an issue that has been flagged for possible cooperation under a work program and we would like to better understand how that cooperation might work in practice.

Would it be possible to get a short brief for the information of our executives that includes information on:

- The ACT's position regarding voluntary euthanasia
- Past ACT efforts to lobby for the repeal of the Andrew's Bill
- Relevant forums (COAG Ministerial Councils or working groups for example) where joint positioning with the NT might be possible on voluntary euthanasia
- Other possible avenues for joint positioning/lobbying of the Commonwealth Government
- Relevant contacts in Health for ongoing engagement with the Northern Territory on this issue

I've also requested similar advice from JACS.

Grateful if this advice can be provided by Friday 30 March 2018.

Happy to discuss further.

Kind regards
Stacey

Stacey Matthews | A/g Senior Manager - Intergovernmental Relations | Policy and Cabinet Division
Ph: +61 2 6205 3337 | stacey.n.matthews@act.gov.au Chief Minister, Treasury and Economic Development
Directorate | ACT Government Level 4 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

Purpose/Context: Advice to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD)

Topic: ACT-NT Strategic Cooperation Agreement

The ACT's position on voluntary euthanasia

The ACT Government has publicly expressed its opposition to the prohibition on the introduction of any euthanasia legislation in both the ACT and the Northern Territory Legislative Assemblies. This was brought about by the *Euthanasia Laws Act 1997* (Cth), known as the Andrews Bill.

The establishment of the ACT Legislative Assembly Select Committee on End of Life Choices in the ACT provides the ACT Community with an opportunity to discuss the important social policy and legal considerations relating to end of life choices in the ACT.

The ACT Government provided a submission to the Select Committee inquiry. At the request of the Minister for Health and Wellbeing, the submission was developed under the lead of ACT Health with input from JACS.

The ACT Government submission addressed matters including:

- a. the current legal impediments to an ACT assisted dying scheme;
- b. the current legal framework for end of life choices in the ACT;
- c. the current practices undertaken by ACT Health in relation to palliative care services;
- d. community and national views on voluntary assisted dying; and
- e. the relevance of the *Human Rights Act 2004*.

The submission argues that although there are current legal impediments to implementing an assisted dying scheme, the ACT Government should not be prevented from legislating for an assisted dying scheme; and that the states and territories should be treated equally in terms of their power to legislate on this matter.

Over recent years, the ACT has focused on improving end of life care for all Canberrans through the resourcing of palliative care services and advance care planning. Palliative care is an important part of end-of-life care. The goal is to help patients achieve dignity, comfort and maximise the quality of life for patients and their carers. It also aims to fulfil choices about care style and location for those approaching death.

For most patients at the end of life, pain and suffering can be alleviated through the provision of good quality end of life care, including palliative care that focuses on symptom relief, the prevention of suffering and improvement of quality of life. There are some instances where palliative care is not enough to achieve satisfactory relief of suffering. Certainly, even the best palliative care service cannot prevent patients sometimes asking for alternative approaches to relieve extreme suffering. Changed legislation in some states and an ongoing public discussion across Australia indicate that a consensus can be difficult to achieve due to a broad range of ethical norms and values underlying these discussions.

ACT Health work under development

The Territory-wide Health Services Framework (the Framework) is a high level strategic document that establishes the overarching principles to guide the development and redesign of health care services across the Territory over the next ten years. Under the Framework, new clinical Centres will be established to deliver better integrated care and outcomes for patients while ensuring the sustainability of ACT Health services.

ACT Health will be developing a Specialty Service Plan (SSP) for Palliative Care. Significant consultation will occur during the development of the Palliative Care SSP, including internal and external stakeholders to ACT Health.

Past ACT efforts to lobby for the repeal of the Andrew's Bill

Not known by ACT Health.

Relevant forums (COAG Ministerial Councils or working groups for example) where joint positioning with the Northern Territory might be possible on voluntary euthanasia

The Health Services Principal Committee (HSPC) operates under the Australian Health Ministers' Advisory Council (AHMAC).

The HSPC has an ongoing role to advise AHMAC on health services reform requiring national collaboration. In addition, the Committee promotes national population health initiatives while collaborating to improve key interfaces between national and state and territories funding and management of services, particularly: primary/acute hospital interface, care of older persons and the public/private interface. HSPC also works to improve health system capability (including digital health, performance measures and national health information strategy) as well as advising on workforce planning and reform arising from the work of the National Nursing and Midwifery Education Advisory Network, the National Medical Training Advisory Network and the Australian Health Practitioner Regulation Agency.

The HSPC oversees a number of committees which support its work:

- National Aboriginal and Torres Strait Islander Health Standing Committee
- End-of-Life Project Reference Group
- National Framework for Chronic Conditions Project Reference Group

Deputy-Secretaries with responsibility for funding and managing health services, and other related skills such as performance frameworks.

ACT Health is currently represented on the HSPC by Mary Wood, Acting Deputy Director-General, Innovation.

Other possible avenues for joint positioning/lobbying of the Commonwealth;

- Joint letters from the ACT and NT Chief Ministers to Federal Members of Parliament;
- Targeted lobbying of those Federal Members of Parliament who are known to be sympathetic to the ACT and NT being allowed to make their own laws;
- Joint lobbying by the ACT and NT Chief Ministers with state counterparts to support the ACT and NT;
- Determining if the NT has undertaken or intends to undertake an inquiry similar to the ACT Select Committee on End of Life Care – may add value to the ACT Inquiry outcomes and subsequent joint lobbying; and
- Conducting parallel community engagement and survey activities.

Relevant contacts in Health for ongoing engagement with the Northern Territory

Please contact Mary Wood, Acting Deputy Director-General, Innovation, ACT Health via email at mary.wood@act.gov.au or phone 6205 3646.

From: JACS Governance, Coordination and Reporting
Sent: Friday, 13 July 2018 4:45 PM
To: Matthews, Stacey
Cc: CMD, ACT IGR; Allen, Jay
Subject: FW: Meeting brief: Stephen Jones MP [SEC=UNCLASSIFIED]

Categories: Stacey

Hi Stacey

I have requested information from our Legislation, Policy and Programs area and they have asked for some clarification.

Are you able to confirm if there is any specific documentation for the Repeal of the Andrews Bill that is able to be provided for review or if there is any other specific information that is being sought?

Please feel free to give me a call if you wish to discuss.

Kind regards

Jay Allen | A/g Coordination and Administration Officer

Governance, Coordination and Reporting | Justice and Community Safety Directorate | ACT Government

☎ 02 620 57150 | ✉ jay.allen@act.gov.au | 📮 GPO Box 158, Canberra ACT 2601



#diversitygoeswithme 

From: Matthews, Stacey
Sent: Wednesday, 4 July 2018 12:14 PM
To: Delahaye, Angeliq <Angelique.Delahaye@act.gov.au>; JACS Governance, Coordination and Reporting <JACSGCR@act.gov.au>
Cc: Hauptberger, Daniel <Daniel.Hauptberger@act.gov.au>; CMD, ACT IGR <CMDACTIGR@act.gov.au>
Subject: RE: Meeting brief: Stephen Jones MP [SEC=UNCLASSIFIED]

Hi JACS

I don't know what 'pprovided' means in my message below. My apologies...I meant to write 'seek and'

Cheers
Stacey

From: Matthews, Stacey
Sent: Wednesday, 4 July 2018 12:04 PM
To: Delahaye, Angeliq <Angelique.Delahaye@act.gov.au>; JACS Governance, Coordination and Reporting <JACSGCR@act.gov.au>

Cc: Hauptberger, Daniel <Daniel.Hauptberger@act.gov.au>; CMD, ACT IGR <CMDACTIGR@act.gov.au>
Subject: FW: Meeting brief: Stephen Jones MP [SEC=UNCLASSIFIED]

Hi Angelique

IGR has been asked to coordinate briefing for a meeting between the Chief Minister and Stephen Jones MP on 13 August. Could you please provide relevant input from JACS on:

- Repeal of the Andrews Bill (To prevent the Northern Territory, the Australian Capital Territory and Norfolk Island from passing certain laws permitting euthanasia.)

Could I request your input by Cob **27 July 2018**.

Many thanks
Stacey

Stacey Matthews | A/g Senior Manager - Intergovernmental Relations | **Policy and Cabinet Division**

Ph: +61 2 6205 3337 | stacey.n.matthews@act.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 4 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: Schofield, Karen
Sent: Thursday, 2 August 2018 4:47 PM
To: Matthews, Stacey
Subject: Information Paper - Chief Minister meeting with Stephen Jones MP - Repeal of the ~ Dear Sir Tan, Beng Chang [SEC=UNCLASSIFIED]
Attachments: Information Paper - Chief Minister meeting with Stephen Jones MP - Repeal of the ~ Dear Sir Tan, Beng Chang.DOCX

Hi Stacey,

Please see attached input from JACS for the CMs meeting with Stephen Jones. I have been asked to highlight any text that has also been captured in the Hansard from when the Attorney-General appeared before the Select Committee on End of Life Choices in the ACT. This text is highlighted in yellow.

If you require any further information, please give me a call on x54775.

Kind Regards

Karen Schofield | Senior Manager

Ministerial Services Unit | Justice and Community Safety Directorate

Phone: 02 6205 4775 | Email: karen.schofield@act.gov.au

Level 9, 12 Moore Street, Canberra ACT 2601 | PO Box 158 Canberra ACT 2601



Input for Chief Minister meeting with Stephen Jones MP – 13 August 2018 – Inequity of Euthanasia Laws Act 1997

Key Points

- The ACT cannot legislate for voluntary assisted dying due to law making restrictions placed on the ACT Legislative Assembly by the Commonwealth Parliament.
- Section 122 of the Australian Constitution enables the Commonwealth Parliament to override any Territory law, which it did by enacting the *Euthanasia Laws Act 1997* (Cwth). This legislation precludes the Legislative Assembly from passing a voluntary assisted dying scheme similar to Victoria's *Voluntary Assisted Dying Act 2017*.
- The Government is strongly of the view that regardless of one's views on voluntary assisted dying, Canberrans should be afforded equality under the law to legislate on this issue if the community desires.
- The Government welcomes the upcoming Senate debate on the Restoring Territory Rights (Assisted Suicide Legislation) Bill and encourages Senators to give people in the ACT the right to decide if voluntary assisted dying laws should be introduced in the ACT.

Effect of Euthanasia Laws Act 1997

- In 1995 the Northern Territory enacted the *Rights of the Terminally Ill Act 1995* (NT) that established a framework for a person with a life limiting illness in the Northern Territory to request assistance from a medically qualified person to voluntarily terminate his or her life in a humane manner.
- In response to this law, and utilising its power under Section 122 of the Commonwealth Constitution, the Commonwealth Parliament passed the *Euthanasia Laws Act 1997* (Cwlth) ("the Commonwealth Euthanasia Act") following from the introduction of what is sometimes known or referred to as the "Andrews Bill". The Commonwealth Euthanasia Act precluded both the NT and ACT legislatures from making laws relating to euthanasia. The Act inserted section 23(1A) into the Australian Capital Territory (Self-government Act) 1988 (Cwlth) which provides:

The Assembly has no power to make laws permitting or having the effect of permitting (whether subject to conditions or not) the form of intentional killing of another called euthanasia (which includes mercy killing) or the assisting of a person to terminate his or her life.

Background Information

- Mr Kevin Andrews, architect of the Commonwealth Euthanasia Act, spoke on the issue in November 2017. In his capacity as a Coalition Government backbencher, he was cited as having said that 'it was too early to discuss whether laws relating to the Northern Territory should be changed'.
- In February 2018 the ACT Chief Minister signed the ACT-NT Strategic Collaboration Agreement, to amongst other things act as a vehicle to further progress collaboration between the two Territories on this issue.

- On 27 June 2018, Liberal Democrats Senator David Leyonhjelm successfully moved a motion to debate the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015 (Cwth). That Bill seeks to repeal the restrictions brought about by the Commonwealth Euthanasia Act a motion to have this Bill debated. The timing of the debate is not known.
- Media reports say that Prime Minister Turnbull has allowed his party a free vote on the Bill in exchange for Senator Leyonhjelm’s support of the Australian Building and Construction Commission.
- Media reports state that the Chief Minister is ‘buoyed’ by the reports and that ‘the ACT government deserves the right to have a conversation with our community on voluntary assisted dying reforms’.
- Since the passage of the Commonwealth Euthanasia Act, no jurisdiction in Australia had legislated in respect to voluntary assisted dying until 29 November 2017, when the Victorian Parliament passed the *Voluntary Assisted Dying Act 2017* (Vic).

Select Committee on End of Life Choices in the ACT

- On 30 November 2017, the ACT Legislative Assembly established a Select Committee to review and report on end of life choices in the ACT.
- The Committee’s terms of reference include assessing “the impact of Federal legislation on the ACT determining its own policy on voluntary assisted dying and the process for achieving change”.
- 488 submissions were received from members of the community and organisations, including the ACT Human Rights Commission, Legal Aid ACT, the ACT Public Trustee and Guardian, the Australian Medical Association (AMA), ACT Right to Life Association, Civil Liberties Australia, ACT Disability Aged and Carer Advocacy Service (ADACAS).
- Public hearings were held on 17-18 May, 24-25 May, 31 May, 1 June and 26 June.
- Witnesses included:
 - ACT Solicitor-General, Peter Garrisson;
 - Attorney-General, Mr Gordon Ramsay MLA;
 - Minister for Health and Wellbeing, Ms Meegan Fitzharris;
 - President of the Australian and New Zealand Society of Palliative Medicine, Professor Meera Agar;
 - ACT Public Trustee and Guardian, Mr Andrew Taylor;
 - CEO of the Council of the Ageing (COTA) ACT, Ms Jennifer Mobbs;
 - CEO of ADACAS, Ms Fiona May;
 - President of the ACT Human Rights Commission, Dr Helen Watchirs;
 - Managing Director of the Australian Christian Lobby, Mr Martyn Iles;
 - Member of NSW Legislative Council, Mr Gregory John Donnelly;
 - ACT Board Member of the Australian Medical Association, Dr Balaji Bikshandi.

Key points from Attorney General's opening statement at End of Life Choices hearing

- The primary issue, amongst all others, is the threshold issue of the Territory's legislative autonomy.
- The ACT cannot legislate for voluntary assisted dying due to law making restrictions placed on the ACT Legislative Assembly by the Commonwealth Parliament.
- Section 122 of the Australian Constitution enables the Commonwealth Parliament to override any Territory law, which it did by enacting the *Euthanasia Laws Act 1997*. This legislation precludes the Legislative Assembly from passing a voluntary assisted dying scheme similar to Victoria's *Voluntary Assisted Dying Act 2017*.
- The Government is strongly of the view that regardless of one's views on voluntary assisted dying, Canberrans should be afforded equality under the law to legislate on this issue if the community desires, and it has agitated this view with our Commonwealth counterparts repeatedly over the years since the Euthanasia Laws Act was passed.
- I note with some disappointment, recent exposure of the deal struck between the Prime Minister and Senator David Leyonhjelm, which linked the issue of lifting these restrictions with the revival of the Australian Building and Construction Commission. It would have been my hope that recognising the ACT's right to legislate for the interests of its citizens could be debated and successfully resolved on its own merits.
- The ACT Government nevertheless welcomes the upcoming Senate debate on the Restoring Territory Rights (Assisted Suicide Legislation) Bill and encourages Senators to give people in the ACT the right to decide if voluntary assisted dying laws should be introduced here.
- I recognise and wish to reinforce the fact that even with this threshold issue resolved, any consideration of whether or not to legislate for assisted dying would necessarily require thorough exploration of community views and robust consideration of what safeguards might need to be in place to support a scheme for assisted dying in the Territory. Any such safeguards would have to be closely mindful of the protections contained of the ACT Human Rights Act, is a yardstick against which to compare various options.

Choice of Assisted Dying as a Human Right

During hearings on 18 May 2018 (at page 99), Dr Helen Watchirs, the President of the ACT Human Rights Commission reinforced her view that the Commonwealth Act unreasonably restricts the right of ACT citizens to participate in public life, as protected under the ACT Human Rights Act. Suggests that "a practical way of possibly moving towards repeal of that legislation would be to request the federal Attorney-General under the Human Rights (Parliamentary Scrutiny) Act 2011 to refer the Andrews legislation to the Joint Parliamentary Committee on Human Rights to get its opinion on its human rights compatibility and whether we should be moving forward.

**Chief Minister, Treasury and Economic
Development Directorate**

UNCLASSIFIED

To:	Chief Minister	Tracking No.: CMTEDD2018/4236
Date:	8 August 2018	
CC:	Director-General	
From:	Executive Director, Communications & Engagement	
Subject:	Voluntary assisted dying legislation campaign	
Critical Date:	Friday 10 August	
Critical Reason:	For campaign to commence on Monday 13 August	

• DG .../.../...

Recommendations

That you:

1. Note the information contained in this brief;

Noted / Please Discuss

2. Sign the attached campaign referral to the Independent Reviewer of Campaign Advertising (Attachment A); and

Agreed / Not Agreed / Please Discuss

3. Agree to progress budget funding for this campaign in the mid-year Budget Review.

Agreed / Not Agreed / Please Discuss

Andrew Barr MLA *Andrew Barr* 11/8/18

Minister's Office Feedback

UNCLASSIFIED

Background

1. As requested by your office, a campaign has been developed in conjunction with the Northern Territory Government on Australian Government legislation relating to voluntary assisted dying.
2. The campaign includes messages to Senators of the Parliament of Australia to support the upcoming bill to ease restrictions on territories to make laws on voluntary assisted dying.
3. You have also indicated you would like to extend an invitation to Mr Andrew Denton to be the keynote speaker at the 2019 Chief Minister's Governance Lecture, to speak on assisted dying. A separate brief will be provided to you in the lecture.

IssuesAdvertising Campaign

4. The Northern Territory Government and the ACT Government will equally split the costs of campaign artwork and national media placement.
5. The NT Government will be responsible for localised media placement in Darwin, and ACT for media placement in Canberra.
6. Creative content development has been developed external to government. CMTEDD, will reimburse the NT Government its share.
7. A referral to the Independent Reviewer is at Attachment A for approval and referral.

Financial Implications

8. The indicative advertising campaign cost breakdown is as follows:

	Campaign Total	ACT Costs
National media placement (split equally between ACT and NT)	\$24,961	\$12,480
Creative content development (split equally between ACT and NT)	\$7,000	\$3,500
ACT media placement (borne by ACT)		\$9,402
NT media placement (borne by NT)	TBC	Nil
Total Costs (ex gst)		\$25,382

9. As this is an unfunded initiative, it is recommended CMTEDD progresses budget funding for this campaign in the 2017-18 mid year Budget Review.

ConsultationInternal

10. CMTEDD Communications & Engagement has consulted with CMTEDD Policy and Cabinet on the recommendations in this brief.

Cross Directorate

11. Nil.

External

12. CMTEDD Policy and Cabinet has consulted with the NT Government.

Work Health and Safety

13. Not applicable.

Benefits/Sensitivities

14. While the ACT Government's share of the campaign falls below the threshold for referral to the Independent Reviewer, it is recommended it be referred given its sensitive nature and overall campaign cost.

Communications, media and engagement implications

15. The campaign is likely to attract significant media and community interest. CMTEDD Communications & Engagement will continue to work with your office on this issue.

Signatory Name: Anita Perkins

Phone: 50035

Action Officer: Nicole Mahar

Phone: 59530

Attachments

Attachment	Title
Attachment A	Referral to the Independent Reviewer

From: [Perkins, Anita](#)
To: [Wickman, Dani](#); [Mahar, Nicole](#); [Engele, Sam](#)
Subject: Brief to CM on assisted dying campaign [SEC=UNCLASSIFIED]
Date: Wednesday, 8 August 2018 12:24:49 PM
Attachments: [Brief to CM re Assisted Dying.docx](#)

Hi All

Please see attached draft brief to the Cm on the assisted dying campaign.

Dani – can you please add in some info and key decision points and timeframes we need for the CM's Governance lecture and the invitation to Andrew Denton

Nicole – can you please add in the campaign costs and referral to independent Reviewer

Sam – we need to discuss the NT Government

Cheers

Anita

Anita Perkins | Executive Director

Phone: 02 6205 0035 | Mobile: 0407 073 000

Communications & Engagement | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au



MINISTERIAL BRIEF

Chief Minister, Treasury and Economic Development Directorate

UNCLASSIFIED

To:	Chief Minister	Tracking No.: Click here to enter text.
Date:	8 August 2018	
CC:	Director-General	
From:	Executive Director, Communications & Engagement	
Subject:	Assisted dying campaign	
Critical Date:	Friday 10 August	
Critical Reason:	For campaign to commence on Monday 13 August	

- DG .../.../...
- DDG .../.../...

Recommendations

That you:

1. Note the information contained in this brief;

Noted / Please Discuss

2. Sign the attached campaign referral to the Independent Reviewer of Campaign Advertising; and

Agreed / Not Agreed / Please Discuss

3. Agree to progress budget funding for this campaign in the mid year Budget Review.

Agreed / Not Agreed / Please Discuss

4. Invite Mr Andrew Denton to speak at the 2018 Chief Minister's Governance Lecture

Agreed / Not Agreed / Please Discuss

UNCLASSIFIED

Tracking No.: Click here to enter text.

UNCLASSIFIED

MLA/...../.....

Minister's Office Feedback

Background

- 1. As requested by your office, a campaign has been developed in conjunction with the Northern Territory Government on Australian Government legislation relating to assisted dying.
- 2. The campaign includes messages to Senators of the Parliament of Australia to support the upcoming bill to ease of restrictions on territories to make laws on voluntary assisted dying.
- 3. CMs Governance lecture background and intro re Andrew Denton

Issues

Advertising Campaign

- 4. The Northern Territory Government and the ACT Government will equally split the costs of campaign artwork and national media placement.
- 5. The NT Government will be responsible for localised media placement in Darwin, and ACT for media placement in Canberra.
- 6. Creative content development has been developed external to government and will be paid for by the NT Government. The ACT will reimburse the NT Government its share.
- 7. A referral to the Independent Reviewer is at Attachment A for approval and referral.

2019 Chief Minister's Governance Lecture

- 8. Dani

Financial Implications

- 9. The advertising campaign cost breakdown is as follows:

	Total	ACT Costs
National media placement (split equally between ACT and NT)		
Creative content development (split equally between ACT and NT)		
ACT media placement (borne by ACT)		
NT media placement (borne by NT)	TBC	-
Total Costs (inc gst)		

Commented [PA1]: Nicole can you please add in campaign costs?

- 10. Dani are there any unforeseen costs if Andrew Denton accepts that we should wrap into this?

UNCLASSIFIED

UNCLASSIFIED

11. As this is an unfunded initiative it is recommended CMTEDD progresses budget funding for this campaign in the 2017-18 mid year Budget Review.

Consultation

Internal

12. CMTEDD Communications & Engagement has consulted with CMTEDD Policy and Cabinet on the recommendations in this brief.

Cross Directorate

13. Nil.

External

14. CMTEDD Policy and Cabinet has consulted with the NT Government.

Work Health and Safety

15. Not applicable.

Benefits/Sensitivities

- 16.

Communications, media and engagement implications

Signatory Name: Anita Perkins

Phone: 50035

Action Officer: Nicole Mahar

Phone: 59530

Attachments

<Delete if not required>

Attachment	Title
Attachment A	
Attachment B	
Attachment C	

UNCLASSIFIED

Tracking No.: [Click here to enter text.](#)

From: McMullen, Stephanie
Sent: Wednesday, 8 August 2018 5:06 PM
To: Perkins, Anita
Cc: Mahar, Nicole; CMCD DLO
Subject: RE: HPE Content Manager CMTEDD - Brief Container : CMTEDD2018/4236 : GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - Assisted dying legislation campaign [SEC=UNCLASSIFIED]

Hi Anita- this is with Mark.

Cheers
Steph

Stephanie McMullen | Directorate Liaison Officer - Economic Development Office of the Chief Minister | Office of Minister Ramsay | Office of Minister Fitzharris | Office of Minister Berry Chief Minister, Treasury and Economic Development Directorate | ACT Government
C (02) 6205 4643 | EnterpriseCBRDLO@act.gov.au | ACT Legislative Assembly, 196 London Circuit Canberra City ACT 2601

-----Original Message-----

From: Perkins, Anita
Sent: Wednesday, 8 August 2018 4:57 PM
To: McMullen, Stephanie <Stephanie.McMullen@act.gov.au>
Cc: Paviour, Mark <Mark.Paviour@act.gov.au>; Mahar, Nicole <Nicole.Mahar@act.gov.au>
Subject: HPE Content Manager CMTEDD - Brief Container : CMTEDD2018/4236 : GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - Assisted dying legislation campaign [SEC=UNCLASSIFIED]

Hi Stephaie

As discussed, Mark is expecting this brief for the Chief Minister on the assisted dying campaign. Can you please provide to him.

Cheers
Anita

-----< HPE Content Manager record Information >-----

Record Number: CMTEDD2018/4236
Title : GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - Assisted dying legislation campaign

From: ODonoghue, Yersheena
Sent: Thursday, 9 August 2018 8:58 AM
To: Perkins, Anita
Subject: FW: Assisted Dying Campaign - contact in NT [SEC=UNCLASSIFIED]

Hi Anita

Great minds – I just sent this email to Mark....and then yours came through as well!

Y

From: ODonoghue, Yersheena **On Behalf Of** CMCD DLO
Sent: Thursday, 9 August 2018 8:46 AM
To: Paviour, Mark <Mark.Paviour@act.gov.au>
Subject: Assisted Dying Campaign - contact in NT [SEC=UNCLASSIFIED]

Hi Mark,

Steph has provided you with a brief on the Assisted Dying Campaign from CMTEDD Communications.

We spoke about how best to invoice this campaign a few weeks ago.

The advice is that once we have the indicative figures CMTEDD would get agreement from the NT public service and then invoice them the costs.

You mentioned you had the names of the NT Public Servants that that CMTEDD could consult with?

If you send those through to me, I can get CMTEDD Policy and Cabinet to get the agreement in place.

Thanks

Y

Yersheena O'Donoghue | Directorate Liaison Officer – Chief Minister's Office
Office of the Chief Minister

Chief Minister, Treasury and Economic Development Directorate | ACT Government

☎ (02) 6205 3029 | ✉ CMCDDLO@act.gov.au | ACT Legislative Assembly, 196 London Circuit Canberra City ACT 2601

From: Perkins, Anita
Sent: Thursday, 9 August 2018 10:08 AM
To: McMullen, Stephanie; ODonoghue, Yersheena
Cc: Paviour, Mark; Mahar, Nicole
Subject: HPE Content Manager CMTEDD - Brief Container : CMTEDD2018/4236 :
GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters -
Assisted dying legislation campaign [SEC=UNCLASSIFIED]
Attachments: GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters -
Assisted dying legislation campaign.tr5

Hi Steph/Yersheena

Can one of you please provide the updated brief and referral to Mark? We have revised the campaign costs slightly.

Regards

Anita

-----< HPE Content Manager record Information >-----

Record Number : CMTEDD2018/4236

Title : GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - Assisted dying
legislation campaign

From: [ODonoghue, Yersheena](#)
To: [Engele, Sam](#)
Subject: Assisted dying legislation campaign [SEC=UNCLASSIFIED]
Date: Thursday, 9 August 2018 8:41:00 AM

Hi Sam,

A few weeks ago I sought some advice on how the ACT Government and the NT could co-fund a campaign. The initial advise was that we would need a 'letter/email' from the ACTPS to the NT seeking agreement, and then we would invoice them.

That advice was provided to the office and CMTEDD Comms.

Anita's team has just put a brief up the Chief Minister's Office in relation to the campaign - CMTEDD2018/4236 : GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - Assisted dying legislation campaign.

The brief suggests that Policy and Cabinet have consulted with the NT Government. I don't think that has happened -as the office have not provided me with any contact names.

I will follow up with the CMO about the contacts in the NT and provide them to you ASAP - so we can get an agreement/email in place.

Thanks

Y

Yersheena O'Donoghue | Directorate Liaison Officer – Chief Minister's Office
Office of the Chief Minister
Chief Minister, Treasury and Economic Development Directorate | ACT Government
C (02) 6205 3029 | CMCDDLO@act.gov.au | ACT Legislative Assembly, 196 London Circuit Canberra City
ACT 2601

From: [Engele, Sam](#)
To: [Perkins, Anita](#)
Cc: [Mahar, Nicole](#)
Subject: Euthanasia legislation campaign QTB [SEC=UNCLASSIFIED]
Date: Monday, 13 August 2018 3:38:00 PM
Attachments: [August - Assisted Dying Campaign \(002\).docx](#)

Anita,

Yep that is fine.

A small typo – see attached version.

Also when you get a chance could you give me a buzz about the payment arrangements – I've spoken to NT Office of Chief Minister.

Sam

Chief Minister

ISSUE: VOLUNTARY ASSISTED DYING LEGISLATION CAMPAIGN

Talking points:

- Canberrans should have the same rights as Australians in other states to determine their own laws, including assisted dying.
- The Andrews bill passed by the Federal Parliament over two decades ago removed Canberrans rights to consider legislation about assisted dying.
- A full page advertisement in The Australian was published on Monday 13 August 2018, co-signed by ACT Chief Minister Barr and Northern Territory Chief Minister Gunner. The national ad will be supported in local media the Canberra Weekly and a billboard in the Canberra Centre.
- This campaign is designed to communicate directly with Federal politicians who currently have before them bills to return to residents of the ACT and Northern Territory the right to determine their own legislation on assisted dying.
- Even if this bill is passed and Canberrans are returned their rights to determine their own legislation on this issue, ~~it~~ doesn't mean there will be assisted dying, it will however, allow Canberrans ~~will~~to have the same rights as Australians in other states.

Key Information

- The ACT Government has partnered with the Northern Territory government to communicate with members of the Federal Parliament to vote in support of the Restoring Territory Rights (Assisted Suicide Legislation) Bill.
- The Australian has a week-day circulation of 94,448.
- The national ad will be supported in local media the Canberra Weekly on Thursday 16 August and a billboard in the Canberra Centre from Monday 13 August to Saturday 25 August 2018.
- The costs of producing and displaying the national ad in The Australian are being shared by the Northern Territory and the ACT. The ACT share was \$15,980 (\$3,500 for artwork and \$12,480 for placement).

Cleared as complete and accurate: 13/08/2018
Cleared by: Executive Director Ext: 50035
Contact Officer Name: Nicole Mahar Ext:
Lead Directorate: Chief Minister, Treasury and
Economic Development

TRIM Ref:

- A further \$9,402 will be spent on local advertising. In total the cost of the campaign to the ACT is \$25,382.
- The campaign was referred to the Independent Reviewer of Campaign Advertising to assess it's compliance with the *Government Agencies (Campaign Advertising) Act 2009*. While under the \$40,000 threshold requiring review, the campaign was referred due to its sensitive nature.
- In providing a final assessment of the campaign, the Independent Reviewer noted that:
 - while it is undoubtedly a political campaign, he did not consider that the campaign is being used for party political purposes;
 - the campaign falls within a number of bases for which public funds may be used;
 - that the open letter does not give indication of being given on behalf of a party or invite support for a party; and
 - the party in government is not identified except to the extent that the Chief Minister is shown as a signatory to the open letter.
- While it is correct to say that issues are raised as to compliance with the Government Agencies (Campaign Advertising) Act 2009, the Independent Reviewer does not consider that the campaign is in breach of the Act or Guidelines.

Background Information – may not be suitable for public disclosure

- Community views research was undertaken for the ACT Government by Orima Research in March/April of 2018 on assisted dying, and other topics to support policy, initiative and project development.
- The omnibus research program of 600 respondents in the ACT, using Computer Assisted Telephone Interviewing (CATI) methodology. Respondents are stratified by region - North Canberra; South Canberra; Woden and Weston Creek; Belconnen and Gungahlin; and Tuggeranong. Overall results are provided at 95% ± 4pp confidence level.
- This research supports in principle the concept of legislation supporting assisted dying in the ACT.
- 82% of people agreed/strongly agreed that if someone is suffering from a terminal or incurable illness and wishes to end their own life they should be allowed to do so.
- 79% agreed or strongly agreed that the ACT should have the right to pass its own legislation on assisted dying.
- This research will be considered in future policy decisions.

Cleared as complete and accurate: 13/08/2018
Cleared by: Executive Director Ext: 50035
Contact Officer Name: Nicole Mahar Ext:
Lead Directorate: Chief Minister, Treasury and
Economic Development

Chief Minister

ISSUE: VOLUNTARY ASSISTED DYING LEGISLATION CAMPAIGN

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Lead Directorate: Chief Minister, Treasury and
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- This research supports in principle the concept of legislation supporting assisted dying in the ACT.
- 82% of people agreed/strongly agreed that if someone is suffering from a terminal or incurable illness and wishes to end their own life they should be allowed to do so.
- 79% agreed or strongly agreed that the ACT should have the right to pass its own legislation on assisted dying.
- This research will be considered in future policy decisions.

Cleared as complete and accurate: 13/08/2018
Cleared by: Executive Director Ext: 50035
Contact Officer Name: Nicole Mahar Ext:
Lead Directorate: Chief Minister, Treasury and
Economic Development

Chief Minister, Treasury and Economic
Development Directorate

UNCLASSIFIED

To: Chief Minister

Tracking No.: CMTEDD2018/3656

Date: 10 August 2018

From: Executive Director, Policy and Cabinet

Subject: Meeting with Stephen Jones MP (Shadow Minister for Regional Services,
Territories and Local Government and Regional Communications)

Critical Date: 13 August 2018

Critical Reason: For your meeting with The Hon. Stephen Jones MP on 13 August 2018

Recommendations

That you:

1. Note the information contained in this brief for your meeting with
The Hon. Stephen Jones MP on 13 August 2018.

Noted / Please Discuss

Andrew Barr MLA *Andrew Barr* 13./8./18

Minister's Office Feedback

Background

1. You are meeting with The Hon. Stephen Jones MP, member for Whitlam and Shadow Minister for Regional Services, Territories and Local Government and Regional Communications on 13 August 2018 at 11:00 AM. An arrangements brief is included at Attachment A.
2. For this meeting, you have requested a background briefing on the Inequity of the *Euthanasia Laws Act 1997* and **Out of Scope**

Out of Scope

Territory rights

Issues

4. The ACT cannot legislate for voluntary assisted dying due to law making restrictions placed on the ACT Legislative Assembly by the Commonwealth Parliament.
5. Section 122 of the Australian Constitution enables the Commonwealth Parliament to override any Territory law, which it did by enacting the *Euthanasia Laws Act 1997* (Cwth). This legislation precludes the Legislative Assembly from passing a voluntary assisted dying scheme similar to Victoria's *Voluntary Assisted Dying Act 2017*.
6. You may wish to raise the following points:
 - a. The Government is strongly of the view that regardless of one's views on voluntary assisted dying, Canberrans should be afforded equality under the law to legislate on this issue if the community desires.
 - b. The Government welcomes the upcoming Senate debate on the Restoring Territory Rights (Assisted Suicide Legislation) Bill and encourages Senators to give Territorians the right to decide if voluntary assisted dying laws should be introduced in the ACT.

Background

7. In 1995 the Northern Territory enacted the *Rights of the Terminally Ill Act 1995* (NT) that established a framework for a person with a life limiting illness in the Northern Territory to request assistance from a medically qualified person to voluntarily terminate his or her life in a humane manner.
8. In response to this law, and utilising its power under Section 122 of the Commonwealth Constitution, the Commonwealth Parliament passed the *Euthanasia Laws Act 1997* (Cwlth) ("the Commonwealth Euthanasia Act") following from the introduction of what is sometimes known or referred to as the "Andrews Bill". The Commonwealth Euthanasia Act precluded both the NT and ACT legislatures from making laws relating to euthanasia. The Act inserted section 23(1A) into the Australian Capital Territory (Self-government Act)

1988 (Cwlth) which provides:

The Assembly has no power to make laws permitting or having the effect of permitting (whether subject to conditions or not) the form of intentional killing of another called euthanasia (which includes mercy killing) or the assisting of a person to terminate his or her life.

Out of Scope

Out of Scope

Out of Scope

Sch 2.2(a)(ii)

Financial Implications

- 1. N/A

Consultation

- 2. JACS and ^{Out of Scope} [redacted] were consulted on the development of this brief.

Work Health and Safety

- 3. N/A

Benefits/Sensitivities

- 4. N/A

Communications, media and engagement implications

- 5. N/A

Signatory Name: Sam Engele

Phone: x50230

Action Officer: Stacey Matthews

Phone: x53337

Attachments

Attachment	Title
Attachment A	Arrangements brief - Meeting with Stephen Jones MP
Attachment B	Additional background - Inequity of Euthanasia Laws Act 1997
Attachment C	ACT Government Submission to the Joint Standing Committee
Attachment D	ACT Government response to Questions on Notice

Chief Minister meeting with Stephen Jones MP – 13 August 2018 – Inequity of Euthanasia Laws Act 1997

Additional Background

- Mr Kevin Andrews, architect of the Commonwealth Euthanasia Act, spoke on the issue in November 2017. In his capacity as a Coalition Government backbencher, he was cited as having said that ‘it was too early to discuss whether laws relating to the Northern Territory should be changed’.
- In February 2018 the ACT Chief Minister signed the ACT-NT Strategic Collaboration Agreement, to amongst other things act as a vehicle to further progress collaboration between the two Territories on this issue.
- On 27 June 2018, Liberal Democrats Senator David Leyonhjelm successfully moved a motion to debate the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015 (Cwth). That Bill seeks to repeal the restrictions brought about by the Commonwealth Euthanasia Act a motion to have this Bill debated. The timing of the debate is not known.
- Media reports say that Prime Minister Turnbull has allowed his party a free vote on the Bill in exchange for Senator Leyonhjelm’s support of the Australian Building and Construction Commission.
- Media reports state that the Chief Minister is ‘buoyed’ by the reports and that ‘the ACT government deserves the right to have a conversation with our community on voluntary assisted dying reforms’.
- Since the passage of the Commonwealth Euthanasia Act, no jurisdiction in Australia had legislated in respect to voluntary assisted dying until 29 November 2017, when the Victorian Parliament passed the *Voluntary Assisted Dying Act 2017* (Vic).

Select Committee on End of Life Choices in the ACT

- On 30 November 2017, the ACT Legislative Assembly established a Select Committee to review and report on end of life choices in the ACT.
- The Committee’s terms of reference include assessing “the impact of Federal legislation on the ACT determining its own policy on voluntary assisted dying and the process for achieving change”.
- 488 submissions were received from members of the community and organisations, including the ACT Human Rights Commission, Legal Aid ACT, the ACT Public Trustee and Guardian, the Australian Medical Association (ACT), ACT Right to Life Association, Civil Liberties Australia, ACT Disability Aged and Carer Advocacy Service (ADACAS).
- Public hearings were held on 17-18 May, 24-25 May, 31 May, 1 June and 26 June.
- Witnesses included:

- ACT Solicitor-General, Peter Garrison;
- Attorney-General, Mr Gordon Ramsay MLA;
- Minister for Health and Wellbeing, Ms Meegan Fitzharris;
- President of the Australian and New Zealand Society of Palliative Medicine, Professor Meera Agar;
- ACT Public Trustee and Guardian, Mr Andrew Taylor;
- CEO of the Council of the Ageing (COTA) ACT, Ms Jennifer Mobbs;
- CEO of ADACAS, Ms Fiona May;
- President of the ACT Human Rights Commission, Dr Helen Watchirs;
- Managing Director of the Australian Christian Lobby, Mr Martyn Iles;
- Member of NSW Legislative Council, Mr Gregory John Donnelly;
- ACT Board Member of the Australian Medical Association, Dr Balaji Bikshandi.

Key points from Attorney General's opening statement at End of Life Choices hearing

- The primary issue, amongst all others, is the threshold issue of the Territory's legislative autonomy.
- The ACT cannot legislate for voluntary assisted dying due to law making restrictions placed on the ACT Legislative Assembly by the Commonwealth Parliament.
- Section 122 of the Australian Constitution enables the Commonwealth Parliament to override any Territory law, which it did by enacting the *Euthanasia Laws Act 1997*. This legislation precludes the Legislative Assembly from passing a voluntary assisted dying scheme similar to Victoria's *Voluntary Assisted Dying Act 2017*.
- The Government is strongly of the view that regardless of one's views on voluntary assisted dying, Canberrans should be afforded equality under the law to legislate on this issue if the community desires, and it has agitated this view with our Commonwealth counterparts repeatedly over the years since the Euthanasia Laws Act was passed.
- I note with some disappointment, recent exposure of the deal struck between the Prime Minister and Senator David Leyonhjelm, which linked the issue of lifting these restrictions with the revival of the Australian Building and Construction Commission. It would have been my hope that recognising the ACT's right to legislate for the interests of its citizens could be debated and successfully resolved on its own merits.
- The ACT Government nevertheless welcomes the upcoming Senate debate on the Restoring Territory Rights (Assisted Suicide Legislation) Bill and encourages Senators to give people in the ACT the right to decide if voluntary assisted dying laws should be introduced here.
- I recognise and wish to reinforce the fact that even with this threshold issue resolved, any consideration of whether or not to legislate for assisted dying would necessarily require thorough exploration of community views and robust consideration of what safeguards might need to be in place to support a scheme for assisted dying in the Territory. Any such safeguards

would have to be closely mindful of the protections contained of the ACT Human Rights Act, is a yardstick against which to compare various options.

Choice of Assisted Dying as a Human Right

During hearings on 18 May 2018 (at page 99), Dr Helen Watchirs, the President of the ACT Human Rights Commission reinforced her view that the Commonwealth Act unreasonably restricts the right of ACT citizens to participate in public life, as protected under the ACT Human Rights Act. Suggests that “a practical way of possibly moving towards repeal of that legislation would be to request the federal Attorney-General under the Human Rights (Parliamentary Scrutiny) Act 2011 to refer the Andrews legislation to the Joint Parliamentary Committee on Human Rights to get its opinion on its human rights compatibility and whether we should be moving forward.

From: Engele, Sam
Sent: Tuesday, 14 August 2018 8:19 AM
To: Sch 2.2(a)(ii)
Cc: Mahar, Nicole
Subject: RE: Euthanasia legislation campaign [SEC=UNCLASSIFIED]

Thanks Sch 2.2(a)(ii), we will pass on these details to the suppliers.

Regards,

SAM ENGELE | Executive Director | Policy and Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039

Email Sam.Engele@ACT.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government
1 Constitution Av, Canberra
GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: Sch 2.2(a)(ii)
Sent: Tuesday, 14 August 2018 7:37 AM
To: Engele, Sam <Sam.Engele@act.gov.au>
Cc: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Subject: RE: Euthanasia legislation campaign [SEC=UNCLASSIFIED]

Thanks Sam

Can you please have the invoice made out to the below, attention to and emailed to myself?

Office of The Chief Minister
GPO Box 3146
DARWIN NT 0801

Regards

Sch 2.2(a)(ii) | Director Corporate Services
Corporate Services | **Chief Minister** of the Northern Territory
Northern Territory Government of Australia

Level 5, Parliament House, Darwin NT
GPO Box 3146, Darwin NT 0801, Australia

Sch 2.2(a)(ii)

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From: Engele, Sam [<mailto:Sam.Engele@act.gov.au>]
Sent: Monday, 13 August 2018 3:48 PM

To: Sch 2.2(a)(ii)
Cc: Mahar, Nicole <Nicole.Mahar@act.gov.au>
Subject: Euthanasia legislation campaign [SEC=UNCLASSIFIED]

Hi Sch 2 s2.2(a),

Regarding the cost sharing for the Euthanasia legislation campaign the suppliers have agreed to raise separate invoices for our cost shares (50% each) – the NT’s share is outlined below. If you could send me the billing details for your organisation (Organisation name, a contact person, and any instructions for issuing invoices) we will pass them onto the suppliers.

\$12,480 for advert placement in The Australian – Dentsu X

\$3,500 for artwork – Collins Gartrell Ltd

Regards,

SAM ENGELE | Executive Director | Policy and Cabinet

Phone 02 6205 0230 | Mobile 0413 113 039

Email Sam.Engele@ACT.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government
1 Constitution Av, Canberra
GPO Box 158 Canberra ACT 2601 | www.act.gov.au



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**Chief Minister, Treasury and Economic
Development Directorate**

UNCLASSIFIED

To: Chief Minister

Tracking No.: CMTEDD2018/3597

Date: 20 August 2018

CC: Head of Service

From: Director of Territory Records

Subject: 2018 Chief Minister’s Governance Lecture

Critical Date: Normal course of business

Purpose

To seek your agreement on a preferred topic and speaker for the 2018 Chief Minister’s Governance Lecture.

Recommendations

That you:

1. Agree to make contact with Mr Andrew Denton via your office inviting him to be the guest speaker for the 2018 Chief Minister’s Governance Lecture;

Agreed / Not Agreed / Please Discuss

2. Note the alternative topic and speaker to be engaged should Mr Denton be unavailable.

Noted / Please Discuss

Andrew Barr MLA/...../.....

Minister’s Office Feedback

Background

1. In 2015 you agreed to the establishment of an annual Chief Minister's Governance Lecture. The lecture's aim is to highlight ACT Government archives and demonstrate their relevance to current matters of public interest.
2. This year's lecture will draw on Government records from 1997, which became available to the public on Canberra Day 2018.

Issues

3. Following conversations with your office, it is proposed that the 2018 lecture explore issues surrounding the territories right to legislate for assisted dying. In 1997, the Australian Federal Parliament passed the *Euthanasia Laws Act 1997*, otherwise known as the Andrews Bill, removing the power of the territories to legalise euthanasia. Later that same year, Mr Michael Moore introduced two Private Members Bills in the ACT Legislative Assembly, one to conduct a public referendum on voluntary euthanasia and the other to replace the offence of assisting suicide with a scale of offences with reduced penalties in certain circumstances. Both Bills were subsequently rejected, with members citing the restrictions imposed by the federal legislation as the primary reason. The lecture may consider the issues raised during the 1997 debate to draw parallels with the current campaign seeking the reinstatement of the territories right to legislate on voluntary assisted dying.
4. You have indicated you would like to extend an invitation to Mr Andrew Denton to present the lecture. A letter to facilitate your office making contact with Mr Denton can be found at [Attachment A](#). Alternatively, please advise if you would prefer the Territory Records Office (TRO) to contact Mr Denton on your behalf.
5. If Mr Denton is not available to host the lecture, an alternative topic for this year's event is "Data and Government: Opportunity and Trust", looking at the passage of the *Health Records (Privacy and Access) Bill 1997*. The Bill, which was unanimously passed by the Legislative Assembly on 11 December 1997, was the first Australian law to legislate the right of consumers to have consistent and equal access to their own health records. The legislation was also instrumental in establishing a set of privacy principles for the collection, storage and use of personal health information in the Territory. The lecture may consider the history of this Bill within the context of the contemporary debate surrounding the digital transformation of government services and information, including the introduction of the 'My Health Record' system. The TRO has identified Ms Bettina Konti, Chief Digital Officer for the ACT Government, as a potential speaker for this topic.
6. A brief biography on each of the proposed speakers is included at [Attachment B](#) for your consideration. The selected speaker would be asked to prepare a lecture drawing on original records available from the ACT Government archives. Whilst it is not expected that the lecturer would conduct substantial original research, TRO staff would be available to provide assistance with research and access to archival records.
7. It is proposed that the lecture be held as an evening event in November 2018, providing sufficient time for the speaker to research the archives and prepare a lecture.

Financial Implications

8. The Governance Lecture does not attract speaker's fees, however the TRO will

reimburse the speaker for any costs that may be incurred in attending the event.

9. The cost of hosting the event is included in the TRO budget.

Consultation

Internal

10. CMTEDD Communications & Engagement has been consulted on the proposed topic.

Cross Directorate

11. Nil.

External

12. External stakeholders will be identified following confirmation of the lecture topic.

Benefits/Sensitivities

13. A separate briefing has been provided by CMTEDD Communications on the advertising campaign being run in conjunction with the Northern Territory Government to advocate for a change to the Australian Government legislation relating to voluntary assisted dying.
14. The lecture provides an open discussion forum where some guests may choose to express criticism of the ACT Government.

Media Implications

15. The preferred topic and speaker would likely attract significant media and community interest if confirmed.
16. CMTEDD Communications are familiar with this annual event and will be engaged to assist with appropriate promotional activities.
17. A suitable guest list and communication plan will be developed during planning for the lecture.

Signatory Name: Danielle Wickman Phone: 70194
Action Officer: Lauren Callow Phone: 30762

Attachments

Attachment	Title
Attachment A	Invitation to present Governance Lecture
Attachment B	2018 Chief Minister's Governance Lecture: Proposed speakers



Andrew Barr MLA

Chief Minister

Member for Kurrajong

Treasurer

Minister for Economic Development

Minister for Tourism and Major Events

Mr Andrew Denton

c/o Go Gentle Australia

contact@gogentleaustralia.org.au

Dear Mr Denton

ACT Chief Minister's Governance Lecture

I would like to invite you to present the Chief Minister's Governance Lecture for 2018. Originally conceived by the Territory Records Office in 2015, the Chief Minister's Governance Lecture series seeks to highlight the value of the ACT Government archives by demonstrating their relevance to contemporary events and debates.

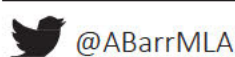
The 2018 lecture will draw on events documented in recently released government archives dating from 1997. In 1997, the federal Parliament passed the Andrews Bill removing the power of the Territories to legalise voluntary euthanasia. Later that same year, two related Private Members Bills were introduced in the ACT Legislative Assembly, one to conduct a public referendum on voluntary euthanasia and the other to replace the offence of assisting suicide with a scale of offences with reduced penalties in certain circumstances. Whilst attempting to circumvent the federal legislation, both Bills were rejected on the grounds that the Commonwealth powers prevented the Territory from formally legislating for voluntary euthanasia. Drawing on the parallels between the current debate surrounding the *Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015* and the events of 1997, I believe the lecture could provide valuable insight into this important topic.

I anticipate holding the lecture in November 2018 and my office would work with you to determine an acceptable date.

If agreeable, we would be happy to meet any expenses you may incur in attending the event. The Territory Records Office is also available to provide research assistance, particularly with regard to access to the archives, to assist you in preparing for the lecture.

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601, Australia GPO Box 1020, Canberra ACT 2601, Australia
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You can find more information about the ACT Government archives and the Chief Minister's Governance Lecture at <http://www.archives.act.gov.au/>. If you have any questions regarding the lecture, please feel free to contact my office at 02 6205 0011.

Yours sincerely

Andrew Barr MLA
Chief Minister