

Hon Stephen Dawson; Hon Rick Mazza; Hon Michael Mischin; Hon Aaron Stonehouse; Hon Robin Chapple;
Hon Darren West; Hon Martin Pritchard; Hon Colin Tincknell; Hon Robin Scott; Hon Tjorn Sibma; Hon Martin
Aldridge; Hon Peter Collier; Hon Simon O'Brien; Hon Jacqui Boydell; Hon Alannah MacTiernan; Hon Kyle
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VOLUNTARY ASSISTED DYING BILL 2019

Third Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [11.13 am]: I move —

That the bill be now read a third time.

HON RICK MAZZA (Agricultural) [11.14 am]: Seeing as no-one else is going to stand, I might as well kick us off on the third reading debate! I have a few comments to make about the bill.

When I started with my contribution to the second reading debate, I was probably around 70–30 opposed to the bill, but as we have gone through the process of the Committee of the Whole House, I have found problems reconciling a number of issues. The major one is the self-administration aspect of the bill, which I think is quite a relaxed arrangement—a bit lackadaisical—with the security of the substance and that no witness will be present with the patient at the time they self-administer the substance. I am still very uncomfortable with that. The other issue that I have had some problems trying to reconcile is that the death certificate will not have any mention whatsoever that someone accessed voluntary assisted dying. To me, the death certificate should be a straight record of fact. Why there is resistance to that, I do not know.

After going through the process of the second reading debate and committee, I will now say that I am 100 per cent opposed to this bill. When we get to vote on the third reading, I will definitely oppose it.

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [11.15 am]: I would like to preface my remarks with some general observations about the manner in which the Voluntary Assisted Dying Bill 2019 has been managed in this place and give credit where it is due to Hon Stephen Dawson as the minister responsible for the control and conduct of this legislation in this place. Having experienced the pressures of being at the committee table and managing legislation in this place myself and having seen others do it, I can well appreciate the burden on Hon Stephen Dawson over the last several sitting days that we have been dealing with this in the Committee of the Whole for long hours and with some very detailed and forensic examination of the minutiae of the bill, which is quite proper. I think it is a tribute to his character that he has dealt with it at all times in a parliamentary manner, with courtesy, with respect for other members, with patience and very professionally. I do not often try to speak on behalf of other people, but I would be surprised if anyone would cavil with that assessment of the manner in which he has conducted himself. Credit where it is due because it is not every sitting session that we have to deal with a bill of this character, importance and complexity. By way of that, I should also pay tribute to the advisers who were assisting him, who, of course, had to put up with the same burden over the whole course of the Committee of the Whole. Although I note that from time to time they were doing it in relay, it is a considerable burden on them because they have to have the facts and the information at their fingertips, so I give credit to them for the work that they have done and the manner in which they have assisted the government. That is not to say that I necessarily agree with the answers we got from the government or with the government's attitude, but I am not casting that reflection on Hon Stephen Dawson, who I think did the best that could be done.

I think it also proper that I should acknowledge the efforts of Hon Nick Goiran, who has spent a great deal of time examining this legislation and has been committed to examining the whole concept of euthanasia or voluntary assisted dying or whatever we might call it. Although one may have different opinions about whether certain clauses ought to have been examined in the way he examined them or the level of questioning he engaged in, or the like, when he dealt with that, he carried most of the burden of the examination of this legislation and was certainly across his brief. I think that took the burden off other members who may have had questions about the legislation and how it would operate, its defects and the like. He was entirely proper in the way that he questioned the operation of the legislation and in the issues that he raised, and, to my mind, carried the burden for other members. That is not to diminish the contribution of other members. I think we have had some very, very good contributions. I have a bias, of course, to the examination and critical examination of the bill and the exposure of its shortcomings, both in a policy sense and the manner in which it has been drafted. But the fact that a number of members raised the same issues as well as different issues and questioned the operation of the bill in the way that they did assisted in understanding how it was meant to operate, exposed any flaws that there may be and explored any undesirable consequences, and they tried their best to expose any unintended consequences that may have been overlooked or ignored by the government. I would like to thank them.

There are some who spoke more than others on this bill, and tedious though it may have been for the media and the supporters of the bill outside this chamber, we have ended up with a better bill. Quite a number of amendments have been passed that have improved its operation and tried to overcome potential defects that would have had

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undesirable consequences in the future. I would like to acknowledge—I do not mean to diminish the contributions of others—particularly Hon Alison Xamon, Hon Martin Pritchard, Hon Adele Farina, Hon Aaron Stonehouse and Hon Martin Aldridge for the work they did on that. I know many members supported the bill in principle or without qualification but nevertheless felt the need to try to improve it. In that sense, boring as it may be for those spectators looking forward to the final result, I think that this house has discharged its responsibilities most ably and properly. Some might say it has been the death of democracy; I think it has been an example of how it ought to work.

As I have said, credit to Hon Stephen Dawson is not to endorse the way that the government has dealt with this bill. I foreshadowed in my second reading contribution that I considered that this bill and the whole idea behind the scheme has been politically weaponised, and the management of that and the debate outside this place has been an example of it. I make a couple of points that arose out of the consideration of the bill in detail by the Committee of the Whole House.

One that I think is still fresh in everyone's mind is the manner in which the government dealt with the Law Society of Western Australia submission that was provided last week—I think it was Wednesday—to the Premier, the Attorney General and the responsible minister, the Minister for Health. The fact that that submission did not find its way to the minister managing the bill on behalf of the government in this house just astonishes me. That it did not find its way here with the minister having been graced with a briefing on the issues pointed out in that submission smacks either of incompetence on the part of the government or a deliberate desire to ignore anything that might reflect badly on the bill's drafting. That is, at the very least, poor, but it was also a disservice to this house and to the minister managing the bill in this house. There has been a lot of talk about how long the debate has gone; that is just one example of how the consideration of this bill by this place could have been expedited. Instead of the minister having to spend minutes trying to work his way through the implications of what had been written down in that submission and made available to the expert committee, he could have had a briefing note on it and rattled off the answers immediately. But he did not, and hence more time was wasted, because the minister had not been properly briefed and supported by his government and ministers who put him out here as the point man for this legislation that they say is so important, and because they simply rejected the very idea of any amendments in the other place. If those things had been canvassed properly and some sensible amendments that have now been agreed by the government had been passed there, we would have saved an enormous amount of time and effort, and it would have shown a sign of good faith rather than us having a sense of suspicion over the government's proposals on this legislation.

I have to say, more broadly, if this had not been turned into a political weapon, if the government was genuinely trying to ensure that this legislation is the best it could be and to expedite its passage with some level of collaboration with members with different views, there were other ways of going about it. A green bill could have been issued and published in which all these issues could have been raised and agitated and considered by government and some compromise or at least understanding achieved. It could have been considered, as we were always urged to do by the then opposition when we were in government, by a committee of this place, which could have gone through the issues in detail and dealt with them by the hearing of evidence and submissions, with quiet deliberation, considered thought and advice behind the scenes, and come up with recommendations. This has been done with other legislation such as the residential parks legislation, which has solved a number of problems that were agitating members at that stage. Many things could have been done, but it seems that this is so urgent that it had to be done before Christmas because lives and people's suffering is at stake, yet we are told that it will take at least 18 months—I suggest longer; I suggest it will be along the lines of two years, if not more—before this scheme is put in place. It has been revealed that much of the basic work is still to be done. We still need to resolve the issue of how the commonwealth and its electronic communications legislation will interact with the proposals that the government has for the bill's operation and issues of that nature. We still have to see forms. We still have to see regulations. We still have to have training regimes put into place. All of that could have been done in parallel to the passage of this bill and in parallel to its proper consideration.

I make a prediction that at some stage in the next 12 or up to 18 months that we are told it will take to get this scheme active, the government will identify various problems that will need to be addressed by way of legislative amendment, and we are going to have to go through all this again with an amending bill before this act can come into effect. I also predict that that is not going to happen before the next election, because that would be a sign of failure. The government will hope to delay any amendments until after the next election, hoping that if it is still in government, it can then slide this stuff through, and if it is another government, it can blame that other government for not putting the bill into effect and for trying to tamper with its perfect model that emerged from the Legislative Assembly some weeks ago—but we will see.

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I turn now to a couple of matters that have most exercised my mind. There are a number of issues—I will not go through the whole bill, by any means—but one of the most egregious is the prohibition, the injunction, the government has imposed on the proper and full revelation of certain relevant facts in death certificates. Instead of leaving the regime as it is, for a practitioner to say what the practitioner feels necessary in a death certificate, the government has said: no; do not say anything about voluntary assisted dying. Do not say anything about the fact that the deceased had administered to them a schedule 4 or 8 poison; do not mention that.

The only argument against it is that it is a respect for privacy—I did not think that death certificates were meant to be subject to people's privacy, otherwise we would not have anything in them at all, let alone any mention of suicide—and respect for people's dignity. These are all value judgements. That is the best the government could come up with for legislating for medical practitioners—do not put relevant information on the death certificate that they sign-off on. This house has made that decision, but I think that is an astonishing thing. That is a scandal; it is a stain on this Parliament. That should not happen. Where do we go next to pander to suppositions about people's privacy and dignity? Are there any other things that we are going to legislate on that should not be revealed in documents that are meant to be documents of truth that are submitted to coroners and the like, who are charged with the responsibility of investigating deaths in our community, and of accountability? Are there any other things that might upset someone that we are going to legislate on to ensure that people do not reveal that truth—that relevant information? I find that astonishing and disappointing. It is one of the factors that I am taking into account in maintaining my position that I cannot support this bill.

The other sad thing is the limited oversight that will be provided by the board. The board is, essentially, a statistic and information-gathering body, but it does nothing else. It seems not to be able to take any action to address things, and it will give some bland information from time to time. I suspect those who will be appointed to the board will be sympathetic to the scheme that is proposed under this legislation. They then will have an interest in ensuring that any defects in the way that it operates will not be revealed to the public and certainly not revealed to this Parliament in which people can fearlessly say something about it. That raises the question then of why the government opposed a standing committee that would have allowed oversight of the operation of the scheme and allowed some leverage in respect of the balance against voluntary assisted dying and ensured that people have appropriate palliative care. It may very well be right that palliative care ought not to be included in such a standing committee under this legislation—so be it—but that there should not be some parliamentary oversight of a legislative scheme that involves the state-sanctioned termination of the lives of patients, or the self-administered termination of the lives of people of the state, strikes me as astonishing.

Notwithstanding that members of the government and some other members have claimed that schemes like this in other jurisdictions have worked perfectly and that there is nothing to see that has gone wrong, is belied by Hon Nick Goiran's dissenting report to the Joint Select Committee on End of Life Choices and the various examples he has provided during the course of the consideration of Committee of the Whole House. It seems that this legislation has been structured and its architects have crafted it in a way that would allow as little scrutiny as possible of its problems and defects and that they are trying to make sure that any undesirable consequences of the scheme, when it finally comes into operation, will not be revealed or be difficult to determine. That raises the question to me of what is the government trying to hide. I suspect that the government well knows that although this can provide an enormous amount of comfort and relief to the people who can take advantage of it and want to take advantage of it—so be it; I entirely agree with that—the government is also conscious that it can be misused and abused, and that there will be people who will be killed under the sanction of this who did not want to be or whose lives could have been saved and prolonged. I raise two examples—I am sorry if I embarrass members—the misdiagnosis or the false and erroneous prognosis given to Hon Peter Collier's mother and the experiences related by Hon Adele Farina about how doctors managed to railroad her father into surgery that he did not need or want, and without him realising what he was getting into until it could have been too late. That happens. We have an example in Dr Lancee in Western Australia, who—according to her, because we do not know because the police have not been able to ascertain the facts because of lack of cooperation—says she killed a patient. Whether she did so out of mercy or at the patient's request, we just do not know; but here is a legislative sanction for all that, if this is operating correctly, whereby a couple of doctors can just do what a person has been persuaded by their family would be best for all to do.

Other things could go wrong with this legislation, and the government is well aware of it, but it is prepared to take that risk. That is the thing that I find most disturbing. If there are other sorts of experiences here, as have been evidenced in other jurisdictions, I want to make sure that we know about them. This government seems to be intent on ensuring that it will be as difficult as possible to find out, and there will be no accountability to this Parliament. Therefore, that once again reinforces me in my position that I cannot support this bill. Were this bill to be properly and carefully crafted, were it to be examined and a regime put in place to ensure that it was being conducted

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properly and to reveal any defects that could come out and to address those defects in a timely fashion, I might think otherwise, but I just cannot support it in its current form. I am disappointed that the amendments that were aimed to try to overcome at least those significant defects failed by a bare margin, but that is the will of the house—so be it. But disappointed, I am.

As I said in my second reading contribution, I have sympathy for the objectives of the bill, but the lack of accountability, the potential for things to go wrong, the lost opportunity to ensure that those could be cured, the attitude of the government, which appears to me to be that any mistakes or anything that could go wrong will be buried along with the deceased, disturbs me and I cannot sanction that. This scheme is calculated to bury its own mistakes. I have sympathy for the objectives. I said that in my second reading contribution. I said that as far as I am concerned, I may very well at some time want to take advantage of the scheme myself if it is in place. I do not know; I hope not. I hope it never comes to that. However, my responsibility is more than just self-interest and I think that those who have spoken and examined this bill have also put aside their personal preferences and self-interest in order to ensure that what is being legislated for the peace, order and good government of Western Australia and its citizens is the best it could be before embarking down this new path.

I am not persuaded the bill is anywhere near as good as it should be; however, it is far, far better than it was when it entered this place some weeks ago. I commend members for their contribution to the debate and for doing their best in accordance with their conscience and their judgement to ensure that the bill is improved.

HON AARON STONEHOUSE (South Metropolitan) [11.40 am]: I thank members who have engaged in this process actively. I am not sure of the final tally of hours committed to this debate at this point, but after a few late sittings it is worth noting the hard work put in by members who have participated in the debate and tried their hardest to enhance the legislation and to ensure that adequate protections are in place for the Western Australian public. I refer to members such as Hon Nick Goiran, with whom I very much disagree on the question of voluntary assisted dying—I think people ought to have a right to make that choice. Fundamentally, we disagree, but I think both of us through the Committee of the Whole House have been engaged to ensure adequate protections and transparency around this process. Hon Michael Mischin, Hon Jacqui Boydell, Hon Martin Aldridge, Hon Rick Mazza, Hon Adele Farina and Hon Martin Pritchard have all been actively engaged in this process and have put forward well-considered, well thought out amendments. Although not all amendments were successful, the members acted in good faith to ensure the voluntary assisted dying regime will be the very best we can produce.

I thank also Minister Dawson, Minister for Environment, for his professional and courteous conduct during this process. It has been a long and drawn-out Committee of the Whole House process, but the minister has conducted himself to the highest standard. It is a credit to him how he has conducted himself through this.

Through the committee we have been able to enhance quite substantially this bill and the protections in it. I do not want to go over all the amendments that were agreed to through that process, but it is worth noting that the prohibition on healthcare workers raising with patients voluntary assisted dying was a very sensible amendment. In fact, it is a matter that I am surprised was overlooked in the drafting of the bill. It provides some vindication for the perhaps tedious, at times, interrogation of this bill that issues like that were identified and corrected. Along with that amendment was a requirement for medical practitioners who initiate conversations about voluntary assisted dying to provide information on palliative care to their patients. We have also seen a prohibition on coordinating, consulting and administering practitioners being family members or beneficiaries in a patient's will. Again, that is a prohibition that I thought would have been present in the bill when it was presented to the Legislative Council. It is quite alarming that it was not, but I am glad that we were able to correct that mistake. Clearly it was a mistake because the government supported the amendment to correct that and any reasonable person would expect that a medical practitioner involved in this process would not have a conflict of interest.

Through a range of amendments we have ensured that there is greater disclosure of information between medical practitioners and patients, but also between medical practitioners and the board. This will certainly help to ensure that patients are fully informed and also ensure that accurate records are kept for the board and decisions made by medical practitioners will be accountable.

We have ensured that a record will be kept of interpreters used. Additionally, the defeat of the government's proposed amendment to remove a conflict of interest for one of the witnesses to a signed declaration is an absolute win for commonsense. The two amendments that have had the largest impact on protecting the lives of innocent people are the prohibition on medical practitioners with a conflict of interest and the prohibition on witnesses with a conflict of interest. If ever there was an opportunity for mischief or abuse, it was through the absence of those two prohibitions. Those have been corrected through the Committee of the Whole House. It took a long time to get there, but ultimately that will improve the safety of this regime.

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There are a few things I am disappointed we have not been able to get out of the Committee of the Whole House process, and a few things I wish we had not got. An amendment was put forward by Hon Martin Aldridge to insert a principle of this bill that entitles regional residents to the same level of access to voluntary assisted dying as metropolitan patients. It is not that I disagree that all people should have access to voluntary assisted dying; it is a principled opposition to the idea that the state should be in a position whereby it is obliged to provide voluntary assisted dying to all people. I said it during earlier debate and I will say it again: I would much rather merely lift a prohibition on voluntary assisted dying than have the state become a facilitator of voluntary assisted dying. I appreciate the counterargument that the state is tangled up in this to a degree, but there is a vast difference between allowing someone to exercise their autonomy, to take their life if they wish and to seek help to do it, and the state becoming a provider of voluntary assisted dying. There is a very big difference between those things. I am afraid that we are going down the path of the state becoming a dealer in voluntary assisted dying, which makes me quite uncomfortable.

Unfortunately, I was unsuccessful in securing protections for conscientious objectors. If this bill passes, it will oblige medical practitioners with a conscientious objection to be involved in the voluntary assisted dying process. I think that is unconscionable. I think that it is wrong to coerce medical practitioners into being involved in this process if they disagree with it. It is not done in Victoria and it is not done in Oregon—in fact, I am not aware of it being done in any jurisdiction where voluntary assisted dying is legal—but we will do it here in Western Australia. In a bill in which we have gone to pains to ensure that there is no coercion leveraged against patients, we will be leveraging the power of the state to coerce medical practitioners. That is absolutely wrong.

Unfortunately, another aspect of this bill is that it will compel medical practitioners to lie on official records. Medical practitioners will be prevented—prohibited—from recording on the death certificate that voluntary assisted dying had anything to do with the death of the patient. That is unfortunate. It sets a very bad precedent whereby the integrity of official records is degraded and whereby the law tells or compels somebody to lie. I think when we tell people that they cannot tell the truth on official government records it undermines not just the integrity of public records, but the integrity of the law itself. It is part of, perhaps, an aspect of social engineering to pretty up voluntary assisted dying. I absolutely support the right of someone to make that choice, but we should not wrap this up in cottonwool and pretend it is something that it is not.

The bill also, unfortunately, contains no undue influence checks in the capacity assessment and no training requirement for medical practitioners around undue influence. If a single amendment could have improved the safety provisions in the bill, it would have been an amendment to include undue influence provisions. The absence of such a provision will put people at risk. We considered undue influence amendments during the debate on several clauses of the bill. Not including them in the capacity assessment and the training provided to medical practitioners will put people's lives at risk; the degree to which is hard to say. Clearly, the dictionary definition of "coercion" includes an element of violence or force—everybody knows that—whereas undue influence does not. Undue influence can happen in relationships between a teacher and a student, a doctor and a patient, a parent and a child and a carer and the person for whom they care. There is not necessarily violence or force in that relationship but inappropriate pressure can be placed on a person. If we are concerned about elder abuse, we absolutely should include undue influence in the training for medical practitioners and the capacity assessment. Its absence has me concerned about the safety of vulnerable people and the elderly in particular.

In the end, the Committee of the Whole House process has enhanced the bill and improved the available protections. No voluntary assisted dying regime will be 100 per cent safe; that is ultimately impossible. Legislation is always nuanced and there are trade-offs. Giving people the freedom to make their own choices will always come with some level of risk. We have done our best to mitigate those risks. I will not stand in the way of allowing people the freedom to exercise their own autonomy. I hope that the issues I have raised during my third reading contribution will become part of a later statutory review. I hope the Parliament will have an opportunity to review these laws soon. I am not sure what it will take to establish a joint standing committee, but I urge legislators now, and those to come, to pay close attention to this regime to see whether the protections that were put forward in amendments over the last two days that were not accepted might be considered in the future.

With that, I commend the bill to the house.

HON ROBIN CHAPPLE (Mining and Pastoral) [11.52 am]: I rise to make my contribution to the third reading of the Voluntary Assisted Dying Bill 2019. As many members would be aware, this has been a long journey for me comprising many other journeys and, as with all journeys, I have witnessed different things, visited many places and met countless people. It has been enlightening, uplifting, confronting, tinged with sadness and full of love. My contribution to the third reading will be relatively short. Reading *Hansard* from almost the last 19 years will

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fill in many of the gaps and map out my entire position and history of contributions in far more detail than I have time for today.

In January 1988, my mother was first admitted to Sir Charles Gairdner Hospital. She passed away in July the same year. That period set me on my own journey in ways that I did not understand at the time; indeed, I did not understand that it would eventually lead me to this place today, some 31 years later. I was always concerned that the manner of Dorothy Margaret Chapple's death had not been good. I carried that with me without knowing how to deal with it. The care my mother had been given by all medical professionals at that time was absolutely exemplary but futile.

It was not until February 2001, when I was elected to this place for the first time, taking my seat on 22 May 2001, that a new pathway opened up for me to move forward on this journey. At the time, the Greens took over the role of what had been vacated by the Democrats and it was at this time that I met with retiring member Hon Norm Kelly, who was first elected to this chamber in December 1996. Norm had a passion for the pursuit of what was then referred to as voluntary euthanasia. He had attempted four times to introduce what I describe as the birthplace of compassionate legislation in WA. His first attempt was the Voluntary Euthanasia Bill 1997. His second attempt was the Voluntary Euthanasia Bill 1998. His third attempt was the Voluntary Euthanasia Bill 2000, which was introduced in May 2000. Finally, because of prorogation, the Voluntary Euthanasia Bill 2000 was again introduced in October the same year. In my discussions with retiring member Hon Norm Kelly, I agreed to carry on the mantle of his previous attempts. As a newcomer to this place, it took me almost a year, with the help of a number of people, to re-craft Norm's bills into legislation that I was happy with. This was done with the help of Elize Steynberg—she had worked for Norm in his electorate office and had moved on to working for my colleague Hon Dee Margetts—and also with the help of the organisation then called the WA Voluntary Euthanasia Society —

The PRESIDENT: Member, I am going to interrupt you. I say to you with all due respect that the third reading debate is quite narrow and really what you should be reflecting upon is how the bill has come out of committee. The chamber has already made a decision on matters dealt with in the second reading and committee stages. I appreciate why you are doing so, but I fear that perhaps you are going back over some of the historical and policy issues that have led to similar bills in this place. I ask you to perhaps focus on what has come out of the committee stage for this bill. The third reading is really about why you will or will not support this bill at the third reading. I am trying to encourage you to perhaps focus on that element, if you can, please.

Hon ROBIN CHAPPLE: Thank you, Madam President. I was actually just moving into that area, having done a bit of scene setting.

We developed many relationships and those relationships became part and parcel of the various aspects of the direction that was taken by Amber-Jade Sanderson, MLA, member for Morley, who in June 2017 moved to establish the Joint Select Committee on End of Life Choices, which comprised four members of the Legislative Council and four members of the Legislative Assembly. Members of that committee found that we had a great deal of commonality in the way we addressed matters. The committee was exceptionally well supported by the committee staff: Mathew Bates, Michele Chiasson and Marion Huntly. The committee met for 12 months before producing its final report "My Life, My Choice" on 23 August 2018. In November 2018, the McGowan government announced that it would introduce legislation into Parliament to enable voluntary assisted dying in Western Australia and moved to set up the Ministerial Expert Panel on Voluntary Assisted Dying, which comprised a number of eminent people. The Voluntary Assisted Dying Bill 2019 was introduced in the Legislative Assembly on 6 August 2019. During the deliberations of the legislation in the other place and leading up to and during the debate here in the Legislative Council, I have had the support of many marvellous people, including Steve Walker, Noreen Fynn, Dinny Laurence, Belinda Teh and Dr Alida Lancee. Yesterday, in the early hours of Thursday, 5 December, at 1.00 am, after 100 hours of deliberation in the Legislative Council, the Voluntary Assisted Dying Bill 2019 passed the committee stage. I now conclude my commentary on the journey that has led me to this moment.

It gives me great pleasure to support the third reading of the Voluntary Assisted Dying Bill 2019, but, equally, it gives me great pleasure to acknowledge and thank all the many marvellous people I have met on this journey. From those whom we met within organisations supporting dignity in dying, to those wonderful people we met at the end of their lives during our committee investigations, and to Max, whom I met and formed a friendship with, albeit unfortunately briefly, as a result of our visits with Silver Chain. My final thanks must go to the hardest working group of people that I have come across in a long time—that is, the incredible ministerial staff who helped Minister Stephen Dawson and the Leader of the House, Hon Sue Ellery, in conducting what has been an incredibly civil debate. The civility demonstrated throughout this debate is commendable and something we should aspire

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to in all future debates in this place. Those people I want to single out are Marion Huntly, Daphne Fernandes, Amanda Bolleter, Lisa Furness, Carol Conley and, indeed, Hon Malcolm McCusker, AC, QC.

For me, personally, this is a very special day. My mother passed away after a long and painful ordeal with terminal illness. I made a promise that I would do all that I could to change the law and allow people in pain, like my mum, to access voluntary assisted dying. Today, decades later, I can finally say, Mum, we did it.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [12.01 pm]: My contribution to the third reading will also be brief. I am particularly proud to be standing here as a member of the McGowan government that has got this very important piece of legislation to its third reading in the Legislative Council. Members will recall that in my inaugural speech in 2013, I mentioned the need for legislation to address voluntary assisted dying. Here we are in 2019 having now got the legislation to the final stages of a very long process. Members will also recall that I was comfortable to support the bill without amendment. Although there have been amendments to the bill, none of those amendments change the fundamentals of the bill. We have before us a very good piece of legislation that is very similar to what was brought into this chamber and the second reading stage. I will continue to support this legislation for the reasons that I set out in my speech at the second reading.

I acknowledge the people who have helped to get us to this point—no-one more so than the Minister for Environment, Hon Stephen Dawson, for the tremendous work he has done; the Leader of the House, Hon Sue Ellery, at the table; and all the advisers who for countless hours answered the really hard questions and addressed the scrutiny that this bill certainly deserved. I acknowledge all the other members from both houses who were involved in the debate, especially here in the Legislative Council. I sat back wistfully and made no contribution through the committee stage. I thought the debate brought out the conservative and progressive in all of us. I noted some unusual voting blocs during divisions on amendments and at various stages of the bill. It is very healthy to be able to bring the views of our political parties as well as our own views into the debate, particularly when a conscience vote is available—that was particularly noticeable and welcomed. I also acknowledge the work of Belinda Teh and all those from Dying with Dignity Western Australia and the members of the public as well who have aligned with those organisations, many of whom are with us today in the public gallery. Many members of the public have approached me over the last six to 12 months about this bill by either dropping into my office, phoning or emailing and expressing their views. Those views helped to shape this legislation into what it is today. All those public views have been expressed to members of Parliament and those members have brought those views into Parliament and helped to shape this bill through the select committee process, the Ministerial Expert Panel on Voluntary Assisted Dying, the original drafting of the legislation, and, most importantly, the committee stage of the bill. The Legislative Assembly has also done a lot of work on scrutinising this bill. After the third reading, the bill will be sent back to the Assembly for its final passage hopefully as soon as next week. The Agricultural Region was overwhelmingly supportive of the legislation that was put forward. Its constituents are still overwhelmingly supportive in my view and continue to express that support to me. I thank everyone who has done that over the last several months.

This bill is about choice and about love. I support people in Western Australia having the capacity, when they are terminally ill and facing a certain death, to choose when to end their life. That is very important to me and it is very important to my electorate. I am so pleased that we have been able to work together as a Parliament to get a very important piece of legislation that will shape the future of Western Australia to this point. I support this bill wholeheartedly and I encourage other members to do so as well.

HON MARTIN PRITCHARD (North Metropolitan) [12.05 pm]: I wish to make a short statement. I thank my constituents and others for sharing their experiences and advice. Unfortunately, it was not possible to reflect the differing views as in most cases they were diametrically opposed. I have tried to look at each clause and vote on each amendment in a way that reflects my desire to provide the best outcome for all Western Australians. I note that I have been on the losing end of most of these votes, but I am truly content that the house has reached its position. I would like to express my admiration for Hon Stephen Dawson and his advisers, and for Hon Nick Goiran and indeed the many others for the way in which this debate has been conducted.

Now that we have nearly completed our deliberations, I can declare that I will be supporting this bill, but with some reservations. It is my sincere hope that it achieves all its aims without any of my fears coming to fruition.

HON COLIN TINCKNELL (South West) [12.06 pm]: I will also be brief today. I want to indicate right from the start that I cannot support the Voluntary Assisted Dying Bill 2019 in its current form. I thank all those who have contacted me during this time. My experience has been that support for this bill has been 50–50. An enormous effort has been put in by many passionate people who represent themselves, their family and their loved ones, and I respect that. I would also like to agree with Hon Martin Pritchard who said that the debate in this house has been very good. People have spoken their truth and their belief, and they have represented their constituents well. To Minister Dawson, Hon Nick Goiran and all the other contributors, I thank you a great deal. I also thank the

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people who put up amendments and fought for what they believe in, and I thank the people who put up amendments that did not succeed. This bill is in a better condition than it was before the 50-odd amendments that have enabled major improvements.

It is my belief that palliative care still has a long way to go. The absence of a joint standing committee into palliative care is a big mistake. It could have helped palliative care and made sure that, no matter who wins government in a year or so, there is some safety in the promises made in this house and the other place.

My main concern with this bill is that we must protect the lives of, and look after, the people of Western Australia. There have been some major missed opportunities in that area. I really worry about vulnerable groups; I have put that on the record. The death certificate issue has no integrity and that is a real problem.

I will now make one little statement: it is inevitable that the bending of society's rules, corruptions and mistakes in an imperfect system will lead to vulnerable people being coerced, bullied and abused into taking their own life or being killed without their consult. That is my major concern. I thank everyone for their efforts.

HON ROBIN SCOTT (Mining and Pastoral) [12.09 pm]: I will do my best to give a short response to the third reading of the Voluntary Assisted Dying Bill 2019 and to articulate it in the best way I can. There were only two main contestants in this whole debate, and they were Hon Stephen Dawson and Hon Nick Goiran. Both were heavyweight contestants. Like professional boxers, they threw blows at each other, and both corners lost and won. Hon Stephen Dawson was very kind with some of the amendments that were moved, not because he is a kind person, but because he saw that the amendments were good amendments and he gave ground. Hon Nick Goiran was fortunate enough to make those amendments to improve this bill.

I have had many emails regarding Hon Nick Goiran, criticising the way that he has been holding up this debate, which he has not been. He was doing the right thing. He was exercising his right to put forward his points of view as a member of Parliament. There has also been a lot of pretentious waffle and backslapping, and I find it all unnecessary and very disappointing.

To Mr Malcolm McCusker and his team, I say well done. I will support the bill.

HON TJORN SIBMA (North Metropolitan) [12.10 pm]: I have been in some conflict with myself this morning about whether I would speak on the third reading of the Voluntary Assisted Dying Bill 2019, but I have made the decision to do so, albeit very briefly. I just want to observe the conduct of the last few weeks. I pay credit to the moral courage demonstrated by my friend and colleague Hon Nick Goiran. We are obviously on very different sides on this issue, but I do not think anybody can doubt the sincerity of his commitment to the cause and the professional manner by which he went through discharging his responsibilities as a legislator.

It is as a legislator that I came to this debate, not as an advocate. That will be reflected in the record of voting on divisions. In certain divisions I was on the same side as people opposed to the bill in principle and, obviously, the reverse. I make the observation that there is probably no such thing as a perfect piece of legislation, but this legislation has been significantly and comprehensively improved. I think that is absolutely the most important outcome. I also reflect that the civility and patience demonstrated by all contributors to the debate in this house was exemplary. I just wish it was matched by those external commentators. I will make two observations. I think that something of this moral significance required far more gracious political leadership by the Premier than was demonstrated. I lament what was said and done outside this chamber. I also make the observation that rumours of the death of democracy have been greatly exaggerated. I hope that those external commentators who have too easily taken in the lines fed to them take the opportunity to reflect on the role of this house and how it has conducted itself. This house has discharged its role and responsibility to the fullest measure, and it has been important not only in the context of this debate, but also in the broader context of the role of the Legislative Council in this Parliament in Western Australia. We are here to review legislation and we are here to stop executive overreach and expedience.

I came to this debate with the view that there was a pressing need for legislation of this kind to provide remedy for people for whom there is no real remedy. I am convinced of the rightness of and the necessity for this legislation, but I come to this vote with greater confidence that the legislation has been improved, and I will be voting for it at the third reading.

HON MARTIN ALDRIDGE (Agricultural) [12.14 pm]: I want to make a short contribution to the third reading debate on the Voluntary Assisted Dying Bill 2019, and like Hon Tjorn Sibma I was not planning on making one, so it will be brief. It was remiss of me during the Committee of the Whole House, particularly as we reached the advanced stages last night, not to extend my thanks to the minister at the table and also to the Minister for Health for the way in which they engaged with me and other members in good faith on amendments. I think that resulted in a better outcome and probably an expedited passage of those provisions, by achieving in the end the bulk of what

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was intended. I also want to acknowledge, as other members have done, the significant contribution of the advisers at the table. I think there will probably not be another bill like this anytime soon that will see such an investment made by those members of the public service who provided advice to the minister when answering questions asked by members of this chamber. I have enormous gratitude to those public servants who extended themselves professionally, and I am sure personally, over the protracted course of this debate.

I am obviously disappointed that some amendments were not supported, but many were. I must say that some of those amendments were amendments of substance. They were not grammatical corrections, as has been suggested by members outside this place in the last 24 hours; that is, that the 55 amendments of the Legislative Council were merely grammatical and therefore were not of any considerable substance. I do not think any member who sat through the course of this debate could agree with such an analysis.

Some interesting things have happened during this debate, and they have brought me at various occasions to question the extent to which members were engaging their own consciences. We saw some extraordinary things happen. I think the most prominent example was the division with no members voting no. I am not sure whether that has ever occurred in parliamentary history. It could be something that we could write to the publishers of *Odgers' Australian Senate Practice* and Erskine May's *Parliamentary Practice* about so that they can include what a Chair of Committees ought to do when a division is called but members do not actually divide. Some strange things certainly happened, and I am not going to reflect on all them, but that was one that made me question the extent to which members were actively engaging their own consciences.

I would particularly like to thank the house for the amendments I moved and succeeded in having passed. I think they will go some way to address some of the concerns I had about access to voluntary assisted dying, which I outlined during my second reading contribution, and also some important transparency and accountability measures to make sure we continue to focus on those issues in the future.

I would like to give some recognition to the government, and I have done this on several occasions. I said last night that I stood with the government in the difficulty it faces in delivering a scheme such as this and indeed in delivering health and medical and health care generally in remote regional parts of Western Australia. With the support of those amendments we have affirmed our collective aspiration to do better in this regard. Many members have talked about the improvements in palliative care and how they may not have come about if not for this bill, and I think there is much more to be done in that space. I welcome the commitment by the government to pursue a select committee on palliative care to undertake some work in 2020 prior to the 2021 election.

Obviously, there are many other people involved in this debate whom I want to recognise, such as the expert advice of our clerks and the support of our attendants. As I said when debating one of the suspensions of standing orders, these people who assist us on a daily basis always number fewer than us; therefore, the demand on them is often greater than on us individually. I have enormous respect for them. During these times of extended sitting hours, days and weeks, we really expect a lot of them. This morning, Hansard sent me an email at 3.16 am—I am sure, probably several hours after we were all tucked up in bed—with the final draft daily *Hansard*. Staff were still working at that hour of the morning dealing with the business that transpired on the last sitting day.

I want to indicate in closing that I agree with some of the comments that have been made about this bill, or indeed any bill. I do not think that any bill can ever be described as perfect and not requiring amendment. As we progressed through the course of the consideration of this bill, I challenged myself on several occasions. There were a few line-ball calls when I thought I could have gone either way. I often reflect back on my decision to support sending this bill to a committee to examine some of those things in greater detail, which obviously was not supported by the house. For me, several clauses turned on the debate that happened on the floor of this chamber. I entered the chamber with a preconceived idea about how I was going to vote on a particular matter, which changed in the course of the debate. That is not a death of democracy; that is democracy in action. Many members, in the course of this debate, challenged some of the things that I thought I was rock-solid on, and changed my view. In saying those few words, I indicated in my second reading contribution that I was supporting the bill at that stage, and with the 55 amendments that have been made throughout the course of the last few weeks, I will continue to support the bill at the third reading.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [12.21 pm]: I stand to make a few comments on the third reading of the Voluntary Assisted Dying Bill 2019. As everyone said in their second reading contributions, this is such a vital piece of legislation, and it is, whether we agree or disagree with it, a part of history. This is the only occasion during the 16 years I have been a member of this place on which every single member, apart from you, Madam President, has made a contribution to debate on a piece of legislation. That is not the death of democracy, that is democracy at work, and we should be proud of that. I am very proud of the role

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that Hon Nick Goiran played in this debate. He is a good friend of mine, but at the same time he feels very strongly about this piece of legislation. The way in which he has been pilloried by some, particularly outside the chamber, over the past three months in particular has been, quite frankly, uncalled for and unnecessary.

With that said, this piece of legislation desperately needed respect, and I will allude in a moment to a comment that you made, Madam President. I can say hand on heart that we have achieved that in this chamber—this microcosm that is the Legislative Council. We reflect society better than the other place. We have representatives from right across the state and from various ideological groupings, and we should wear that as a badge of honour. To every single person in this chamber who stood up and made a contribution, and that is pretty much everyone—well done. They are reflecting not just what they feel, but who they represent. I think we have done a good job, guys.

I want to pay tribute to Hon Stephen Dawson. I get on well with the minister, and I think the manner in which he handled this bill was extraordinary. To sit there hour after hour, dealing in some instances with extraordinarily complex questions, and to hold his nerve on pretty much every occasion, is testament to his character. I would like to thank him. I would also like to thank his advisers, who I think were exceptional. I was in awe of the fact that, no matter what the subject, and how difficult the question was, they always managed to come back with an answer, so congratulations to them. I also thank the chamber staff, as has already been alluded to—the chamber staff, clerks, Hansard et cetera. When we deal with a bill like this, which none of us have been previously engaged in, certainly not to this degree, we stand up and talk relentlessly, and the chamber staff are basically the engine room underneath that makes sure it all operates magnificently. Thank you very much to the chamber staff, and associated parliamentary staff.

I want to make a couple of comments. I said at the outset that I was not going to support this bill at the second reading. The two pivotal reasons behind that decision were, firstly, that I felt that we were putting the cart before the horse because palliative care facilities, particularly in the regions of Western Australia, are appalling; and, secondly, I just have a fundamental belief in the sanctity of life. They were the two contributing factors for me to come to the decision that I did in not agreeing to the second reading. As I said, the respect that was shown across this chamber was second to none. It was really good and really heartening, but—I have got to say this—I just wish that respect had been shown by members in the other place, particularly the Premier. With all due respect, Madam President, I have been so disappointed with the manner in which the Premier has handled the consideration of this piece of legislation in the Legislative Council. The Premier can do what he likes in the other place—that is entirely up to him—but to pass judgement on the manner in which we pass legislation in this place, not once or twice, but almost on a daily commentary basis, is not deserving of the first minister of Western Australia. It is necessary to comment on a few of these areas, because they need to have a response. In his third reading contribution on 24 September 2019, the Premier said —

I remind members, and all Western Australians, that we are nearing the end of a two-and-a-half-year process, which has come at the culmination of a decades' long campaign. People like Hon Robin Chapple and other members of Parliament have been campaigning around this issue for many, many years. It should be above politics. Members' votes should not be decided based upon who is supporting the bill and who is not. Members should decide their vote based upon their own view of the issue.

I repeat, he said that it should be above politics. That lasted for two paragraphs. The Premier went on to say —

The Legislative Council has an important role to play in both our democracy and our legislative process. However, we also know that the Legislative Council is different from the Legislative Assembly. If the conventions and restrictions of the Legislative Council are used to further political agendas, that chamber will not be doing its duty. I would like all members of the Legislative Council, on all sides, to exercise the free vote that they have been given. I say to all members of the Legislative Council: this is your chance to truly exercise your conscience. Do not waste it by giving in to factional powerbrokers. This is your choice, on perhaps the most important issue you will ever deal with in this Parliament.

Given that pretty much every time my name appears in the newspaper, it is associated with the word “powerbroker”, I cannot help but take that personally, and I am sure that Hon Nick Goiran will agree with that. I say quite categorically, yet again, to this chamber that the Liberal Party respected this bill and the integrity it brought with it in terms of the significance of changing a cultural tenet of our society. I challenge the Premier to find one member of the Liberal Party or any other member of this chamber who has been intimidated, approached or in any way cajoled on this piece of legislation. If he cannot do that, I call on the Premier to make an apology. There has been absolutely no coercion whatsoever on the part of the Liberal Party. We did not discuss this bill in terms of voting patterns in one of our party room meetings—not once. I have not spoken to any one of the members who sits beside me or behind me about this issue and how they intended to vote. I want that to be on the record, because those comments of the Premier were, quite frankly, offensive.

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Then we get down to the process, which is significant, because this piece of legislation, as we all know, is extraordinarily significant for our society. It is literally a matter of life and death and we needed time to discuss, debate and forensically assess this piece of legislation. Apparently, the Legislative Assembly thought it was perfect and did not need to be changed one iota, and despite successive members on both sides of the political spectrum standing and asking for consideration of amendments, the government would not countenance one amendment.

That legislation came up here without amendment and without even consideration of amendment. The process needs to be given the respect that it so richly deserves. From day one—virtually from the time this legislation arrived in this chamber—the Premier has made daily commentary on the slow progress of this legislation. I remind everyone that the government provided this chamber with an additional three weeks this year specifically to deal with the Voluntary Assisted Dying Bill. I allude to a media statement from Hon David Templeman on Tuesday, 29 October 2019, titled “Adjustment to Legislative Assembly sitting schedule”, which reflected comments that were made at the beginning of the year. The first dot point states —

- Three additional sitting weeks were added to 2019 schedule for the purposes of debating Voluntary Assisted Dying legislation

We were provided with three additional weeks to deal with the VAD bill. Through consultation with the Leader of the House and all other party leaders, we came to the conclusion that six weeks would get us through, and we were provided with six weeks to get through the VAD legislation. That is in the government’s own words. When we commenced debate on 15 October 2019, Madam President, in her always professional and measured manner, spoke of the significance of this legislation when she stated —

Before I give the call to Hon Nick Goiran, I will remind members that we have in front of us a very complex, complicated and contentious bill. Obviously, members will be speaking about very personal matters and, at times, it will be emotional. It is a bill on which their respective parties have given all members a conscience vote. All I ask is that we treat each other with respect during this debate and note that there is a difference of opinion around the chamber.

Hear, hear! Madam President, they were very fine words. I mean that quite sincerely. I have to say that we did that. I never felt that disrespect was generated, towards either me or someone who had an alternative viewpoint to anyone else. That is testament to where we are in the prism of the Legislative Council. Two weeks after we started debate, the Premier commenced his tirade. On Thursday, 31 October 2019, an article under the heading “MP is trying to wreck the bill: Premier” stated —

Premier Mark McGowan said Mr Goiran’s behaviour in Parliament was disgraceful.

“It’s worse than filibustering, it’s just trying to wreck the bill,” he said.

“This is a guy who because he doesn’t think he can win the vote, he’s now just going to delay it so much that it can never get to a vote.

“It’s unacceptable to me. I think it’s unacceptable to the ... majority of Western Australians.”

That makes for a nice script and a nice headline on the news for a day, but it does not reflect the reality of the situation. That was two weeks into our six weeks of debate on this piece of legislation, and it continued day in and day out. Members will be pleased to know that I do not intend to stand here today and read in every one of those comments by the Premier, but they get the point. However, I will comment on one that I thought was quite shrill and, quite frankly, unbecoming of a Premier. Under the headline “‘Shameful’ VAD antics”, an article in *The West Australian* on Friday, 22 November 2019—be mindful that we still had two weeks to go—stated —

A furious Mark McGowan has lashed the Liberals for what he says are the “shameful and undemocratic” antics of its MPs standing in the way of voluntary assisted dying laws.

What happened to this being above politics? As we know, that did not even last two paragraphs. It continued —

“Parliamentarians have an important job to scrutinise legislation, but that is not what Nick Goiran is doing. Mr Goiran’s disgraceful antics must stop. It’s selfish and a stain on the Parliament of Western Australia.

“It’s clear he will do and say anything to delay this legislation and stop it from going to a vote.”

Mr McGowan again called for a final vote before Christmas, saying every week there was a delay was “another week a dying West Australian in pain and suffering is being denied their choice”.

He then took it to a different level. The article continues —

“Liza Harvey and senior people in the Liberal Party need to bring Mr Goiran into line,” Mr McGowan continued.

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"I know Liza Harvey voted against our legislation, but now is the time to lead and do the right thing by all West Australians.

"Mrs Harvey gave an assurance the Bill would pass by Christmas, now is the time for her to honour her word and hold her MPs to this commitment.

"This is a test of Liza Harvey and Peter Collier's leadership. I urge anyone with influence in the Liberal Party to do the right thing and help us get this Bill to a final vote."

I say to the Premier that it is not an issue of leadership; it is an issue of life and death. This piece of legislation deserved ruthless scrutiny, which it received. It is not about Hon Nick Goiran, Liza Harvey or Peter Collier. It is about the Legislative Council of Western Australia doing its job. If we, as a chamber, fall to the level of, quite frankly, the shrill comments of the Premier on a matter like this, we may as well go fishing. The bicameral system of government has existed since the Magna Carta over 800 years ago, and it is one of the checks and balances that we have in this community. If not for the Legislative Council, that piece of legislation, which now has 55 amendments, would have become law as it stood, because it would have been bulldozed through the Legislative Assembly. That is what would have happened. Yet now it is most definitely an improved piece of legislation because of the good work and the multifaceted experience and contribution of the members of this chamber.

I have a couple more comments, but, in conclusion to this aspect, I will say that the Premier gave us an additional three weeks to deal with this legislation. Today, Thursday, 5 December, is the end of that three weeks. Guess what! We are going to finish it. I know that people will say, "What about all the extra hours?" I remind members, including those who are commenting, that there has not been one occasion since I have been in this chamber that we have not provided additional hours at the end of a parliamentary session—not once! Members might say that there has been nothing like this. I assure members that this is like nothing else. When was the last time that we dealt with a piece of legislation that will effectively change a tenet of our society? I am not arguing for or against the bill. I am asking when was the last time we had a piece of legislation of this calibre. I remind members that in June 2013, a few weeks after I took over as Leader of the House in this chamber, I sat in that chair in the committee stage for the entire night on a bill that the now government did not oppose. I sat there from 10 o'clock in the morning to quarter to 10 the next day, with an hour or so off. What happened to Mark McGowan's criticism of the Legislative Council then? It was his party. It was a duties bill, for goodness sake, that the government did not oppose. This is not a duties bill. This is a bill that will literally be the difference between life and death.

We have done what we have always done with a collective unity of purpose in this chamber. The Leaders of the House have negotiated a way through to ensure that the government could get through its legislative agenda. We talked to our various parties, the Leader of the House moved a motion, we agreed to it, and we sat those hours. That is what we do every time. Never once in the last three years that we have been on the opposition benches has the Liberal Party defaulted on its agreement with the government. On every single occasion we have met the obligations and requirements that have been put in front of us by the government. I will finish on this aspect, but the reason I am continuing is that the Premier did not make just a flippant one-off comment. It has been absolutely relentless. We need to remind ourselves, guys, that if we succumb to comments by members down in the other place, it will be, quite frankly, time to go fishing. The best part about what has gone on over the last six weeks is that many people have been directly involved in the process. We should wear that as a badge of honour.

Just to conclude, as I commented when I started, the two most pivotal reasons I could not support the second reading of the bill were what I saw as a serious deficiency in palliative care in Western Australia. I would like to think we will get to a situation in which every single person in Western Australia will have access to adequate palliative care. If they do have access to that palliative care and still make the decision to go down the path of voluntary assisted dying, I can wear it. But we are not even close to that. I acknowledge that the government invested additional funding in the last budget to palliative care, but it will be years down the track before we know whether there are sufficient resources for palliative care.

This is a great story, as I mentioned to members. When I was 16, my mother in Kalgoorlie got terminal cancer. We had to sell the shop and the house and I went to live with my sister to do my last year at school. It was a terribly distressing period of my life, but they had to do that because they did not have the facilities in Kalgoorlie. Have we moved on from that? Is it any better now? Do the people in Kalgoorlie have access to comprehensive palliative care? This came out in the debate. No, they do not. In the goldfields, funding for WA Country Health Service palliative care gets a person 12 visits a year, or one per month; and, in Esperance, four visits per year, or one every three months. That is not adequate; it is not even close to being adequate. Six months ago, my niece brought her son down from Kalgoorlie to have his tonsils out. I had my tonsils out in Kalgoorlie when I was six years old, so we are going backwards. You cannot even get your tonsils out in Kalgoorlie anymore. My point is that as far as palliative care is concerned, I wonder whether people with a terminal disease would make the same decision. I do not think

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anyone in this chamber will ever know, because we will never know whether the people in the Kimberley, the Pilbara, the South West Region, the Agricultural Region or the Mining and Pastoral Region, or in some areas of the metropolitan area or outer metropolitan area—right across this great state of ours—will have adequate palliative care.

Having said that, we have made some significant improvements in a number of the medical aspects of this bill. I would like to acknowledge yet again the tremendous relationship I developed with the Australian Medical Association, initially with Mark Duncan-Smith, the vice president, and with Michael Gannon, the former president, and the current president, Andrew Miller, who I think is an outstanding individual. Over the last three months, I worked with them constantly, and also, I have to say, with the health minister, Hon Roger Cook. The AMA started as far out as it could possibly go with an ambit claim for what it wanted. It was never going to get it, but it worked with Hon Roger Cook, and the amendments that went through with the consent of this chamber and the dialogue between the AMA and Roger Cook mean that this bill is now a better bill. That is what it is all about. I would like to once again sincerely thank Hon Roger Cook for the collaborative and sincere manner in which he has dealt with both the AMA and me personally.

Finally, of course, for me, it gets down to the sanctity of life. That to me is paramount. I have not changed my view; I will not support the third reading of this bill. I hope that those who disagree with me, not so much in this chamber because I know they will respect my decision, but those who have sent me emails or letters telling me what they will do or not do to me in terms of voting et cetera, treat me not as a philistine, a non-believer, but as just someone who has an opinion. A number of people in our community have a similar opinion to mine. That does not mean we have horns; it just means we might have a different view on this issue. Quite frankly, if you come and have a coffee with me, you will find that I am not too bad after all.

If we start pillorying minorities or minority opinions, we may as well give it up again. This chamber is a perfect example of minorities. If we decided that the minority groups in our society were not worthy of a voice, we would not have in this chamber the Greens, the Liberal Democrats, Pauline Hanson's One Nation, the Independent, the Nationals WA or the Shooters, Fishers and Farmers Party. It would be just the two major parties and they would smash it out. I appreciate and acknowledge that my views are part of a minority on this issue, but it is a voice that needs to be heard. I was inundated with communications throughout the length of debate on this legislation. Contrary to the views I have heard from other members or from published opinion polls, they were overwhelmingly against voluntary assisted dying. I do not know why; that is a simple fact. We kept a record of absolutely everything. I will say that the fact that as a chamber we have accepted and respected the minority views, whether they be through amendments or the bill itself, is testament to where we are at as a chamber. That is why I love the Legislative Council. All I ever wanted to do was to be in the Legislative Council. I never countenanced a notion of the Legislative Assembly. This, if anything, has shown me exactly why my move into this chamber has been vindicated.

We have been through this extraordinary process together as a chamber. Although I might disagree with the majority of members on this occasion, I have regarded being a contributor to the passage of this legislation as a unique privilege and I thank you very much.

HON SIMON O'BRIEN (South Metropolitan) [12.46 pm]: The Voluntary Assisted Dying Bill that emerges from the Committee of the Whole stage, and now is being contemplated in the third reading debate, is in better nick than it was when it went into the Committee of the Whole stage. It is in better condition than it was when it came out of the Legislative Assembly and was transmitted to us here. In the last day or so, when a colleague had succeeded in proposing an amendment that made a great addition to the bill, I said, "Well done." I said that because I thought that the amendment had great merit and would provide certain protections and benefits to the people of Western Australia in due course. I also said well done to that member because, with that single action, amongst many I might add, they demonstrated what this Legislative Council is all about—its role and its value. The things that were not capable of being done in another place due to misplaced arrogance, pride or vanity were delivered, in part, from this house. It will be interesting to see the response when, in due course, we transmit our message back to the Legislative Assembly. Well done to that member and to every member who was able to recognise that when things could be done to improve this bill, instead of digging in their heels from one perspective or another, said, "Yes; I will expose myself to a bit of pain and push for this." Congratulations for taking that initiative, congratulations for pushing and congratulations also where you succeeded. This house and all our constituents are ultimately the winners from the course of action that that member and so many members took during the committee stage.

I want to contribute briefly to this third reading debate by acknowledging the many people who have contacted me, particularly by email, about this bill, their concerns and what they want me to do. They have been pretty evenly matched. There was a huge number of emails, far too many for me to respond to individually. I did respond to them early on, in the last six to 12 months, but more recently there have been too many to respond to adequately, so through these remarks I thank people for corresponding with me to let me know their views. Although, collectively,

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those views are irreconcilable, they showed me what interest and strongly held views there are for and against this area of public policy.

This example of the Legislative Council working properly and doing its job properly has been touched upon by other speakers already, including, most recently, the Leader of the Opposition, and I support those sentiments very, very strongly. That is one of the main lessons to come out of this process. I join some others in expressing my regret in having to witness, in the course of this debate, some of the gratuitous commentary of those almost exclusively external to this house. I have heard that sort of thing said before by an increasingly public commentariat that cannot wait while due process is followed in this Parliament. On this occasion, some extremely regrettable and misinformed remarks made it into the public domain. I want to refer to one in particular. This is an example of misinformation and an unjustified allegation made against one of our colleagues, Hon Nick Goiran. Comments have been thrown against us as a house and those of us who hold a view that this bill should not be passed, but there has been a specific focus of attack, in some cases extending to hatefulness, against Hon Nick Goiran, alleging that he and others who might share his policy view are condemning loved ones to suffer in agony because they question a clause of the bill.

The fact is that if the policy contained in this bill becomes law, it is not going to be implemented and available to anyone until at least the second half of 2021. When people use words like “sadistic” to describe my colleague and allege that by his actions in scrutinising this bill along with all the rest of us, he is somehow delaying people in agony from receiving comfort, that is wrong, vicious, ill-informed and reprehensible. Through all that, Hon Nick Goiran has stuck to his principles. Although there may have been occasions late on one day or another when some long-suffering Chair of Committees might have been perhaps wishing that people would get on with it a bit quicker, the fact is that this member was doing his job, and he did it very well. Although it is unfashionable, I am not going to stand by and let those ill-informed critics prevail without giving some sort of response.

Everyone knows where I stand on this bill as an article of policy. In my second reading contribution, I referred to this as a “policy of despair” that I would have none of. That remains my view. I am concerned that the measures contained within this bill apply to a very small number of cases. A lot of people out there think that there is going to be a possible benefit to them or their loved ones if they find themselves in very difficult end-of-life circumstances in due course, and they are going to be very disappointed when they find that, in fact, there is no capacity for this bill to give them comfort. Indeed, I have corresponded with people who demand that we immediately pass this bill to deal with some emerging situation in their own family, in which they have someone suffering from dementia who, for all sorts of reasons, would not be a “beneficiary” of this bill’s provisions anyway. I think people misunderstand that the initiatives of this policy have a very limited focus. That worries me for a couple of reasons. First, I think that this legislation is going to be presented as a great achievement, which will then take the government’s focus away from dealing with the vast number of people who do not have adequate end-of-life care available to them. That worries me. The second thing that worries me is that even with all the criticisms of this policy that might come from different quarters, there inevitably will be the attitude from some that it is a good start. That then leaves the question hanging: where is it going and where is it going to end? That brings us back to the fundamental question on the policy threshold that it would appear we as a society are about to cross.

I think it is an unfortunate situation that we are seeing populist initiatives being taken in a very shallow way, promoted in a partisan political way, potentially at the expense of the vulnerable in our community. I will not be supporting this bill at its third reading, just as I have opposed euthanasia over the last 20-something years when it has been raised in this place from time to time. I do so with respect to those who hold a contrary view, even if they do not want to extend respect to me and others who hold my view.

Madam President, members, powerbrokers, may I just conclude by offering my thanks again on your behalf to our Deputy Chairs of Committees, Hon Martin Aldridge, Hon Robin Chapple, Hon Adele Farina, Hon Dr Steve Thomas and Hon Matthew Swinbourn, who have endured a great deal without complaint. Their professionalism in the way that the committee stage has been conducted has been exemplary, and I thank the Deputy Chairs individually for that.

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [12.58 pm]: I rise very briefly before the luncheon break to say that I will make a short contribution to the third reading stage of this very significant legislation before the Legislative Council, the Voluntary Assisted Dying Bill 2019.

I think, from the outset, all members have known since 2017, when the government set up the Joint Select Committee on End of Life Choices, that should the committee make a recommendation that a bill come before the Legislative Assembly and the Legislative Council, it would be very significant legislation for every member to scrutinise. No doubt, through the process of the Legislative Council’s Committee of the Whole, the level of scrutiny that I think the people of Western Australia expect has been achieved. People want an outcome from that—there is no doubt about that—and they have been clear that they want an outcome before the end of the year.

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I think that all members have been very conscious of the fact that we want to deliver an outcome for the people of Western Australia.

Sitting suspended from 1.00 to 2.00 pm

Hon JACQUI BOYDE: As I was saying before we broke for lunch, the community of Western Australia has been invested in this bill right from the beginning and wants an outcome from the Parliament before the end of this year. The Legislative Council, in particular, has been able to deliver to the people of Western Australia a bill, which, I think the house would agree, is definitely a lot stronger and contains some of the considerations and concerns of its members. The ongoing management and implementation of the Voluntary Assisted Dying Bill 2019, should it pass, is a matter of concern for all members of this place and the people of Western Australia, particularly the minister's commitment to establish next year a committee to investigate and report to the house on palliative care in Western Australia, particularly in regional Western Australia. It is a good thing that that committee will hold the government to account on its commitments to the delivery of palliative care across Western Australia and it will shine a spotlight on that area. I think all members agree that palliative care needs improvement in Western Australia. There is no doubt that that has been one of the great outcomes of the process of the Voluntary Assisted Dying Bill 2019.

As I said prior to lunch, this process was undertaken in 2017 when the Joint Select Committee on End of Life Choices was established. The committee had 12 months to deliberate and then report to the house. Then the Ministerial Expert Panel on Voluntary Assisted Dying conducted its consultation throughout Western Australia. I went to a number of those consultations. I have been on the journey of this bill from the outset. I believe that it has been exceptionally important and I wanted to hear what people thought about it. I was surprised to hear some of the feedback given to the ministerial expert panel, in particular, when I journeyed around the state and participated in some of the forums. People are concerned about the management of the end-of-life care for their loved ones. This is not just about elderly people; this is about people above the age of 18 years being able to make a decision about how they manage their end-of-life care. There has been a lot of concentration on making sure that there is no elder abuse. I agree with all those things, but this is not just about the elderly; this is about people of all ages and types either being able to come together with their families to make decisions about their end-of-life care or to make private decisions about how they manage their last days with a terminal illness. I think that is a fantastic outcome for people.

All along I have believed that the patient is above all else in this consideration, because this is about the patient making a choice. I have tried to stay focused on that during the debate. A lot of complex issues have been brought before the house and a lot of contributions have been given by members on those complex issues. I think that I have listened intently to all of them. Every member of this house has made decisions about how they would vote on clauses and amendments put before the house and, at the end of the day, on the entire bill. Some of those decisions have been exceptionally difficult—there is no doubt about that. I suggest that some members have been caught almost on the fence when amendments were put before the house and had to make a decision in the last seconds of the bells ringing. Those situations were pressurised, but members gave them due consideration. Sometimes when we reflect on the decisions that we have made, we think that, given the other side of the argument, we could have made a different decision. However, I say to members who reflect on their decision-making that the Legislative Council has undergone an exceptionally good process and we have arrived at the point that we are at today.

As other members have said, no bill is perfect, but the Voluntary Assisted Dying Bill, should it pass the house, will also undergo an enormous amount of scrutiny by members of this house during the implementation phase. I do not dispute that at all. The government has asked members to trust that some of the issues that they raised will be addressed during the implementation phase, particularly when amendments have been put to the house and been lost. The government needs to consider how some of those members' concerns will be addressed during the implementation phase. If the government does not do that, this will be a point on which potentially ongoing negative scrutiny of the voluntary assisted dying process will occur, which, no doubt, the people of Western Australia do not want—they want the right system.

I have had—as all members have—many people contact me about this bill, asking us to just get on and vote for the bill, particularly when the media have raised the comments of the Premier. I have spoken with those people face to face, through email or over the phone, and have said that we are getting on with voting on the bill. But I have also said, “What about death certificates? What about being a family member? What about self-administration?” When I have raised those controversial parts of the bill with people, they have actually said, “Oh, yes, I hadn't actually thought about it in that way. So, actually, yes, do take time to consider how that should be delivered through the bill.” When I have had the chance to speak to people about the length of time that the Legislative Council has taken to scrutinise the bill, which I do not think is an inordinate amount of time for such a complex bill, they actually understand and respect the process. It has been a point of engagement with people; it has been a point on which people have been able to engage with the Parliament of Western Australia and to understand the processes of the

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Legislative Council. When the media or members of the public ask me about this, I have said that I believe that members have conducted themselves with genuine intent and that they want the right outcome for the bill at the end of the day. All members do that in the process of every bill. The government of the day—we have done this when we were in government—put a bill to the house and said, “We’ll address the concerns in the regulations, but trust us in the legislation.” What has highlighted that process during the voluntary assisted dying debate is that the public of Western Australia has invested in this issue. That has been a great thing.

In my closing comments I thank Hon Stephen Dawson for his approach to his negotiations with members of the house when they may have had a different view from the minister. He has listened. The government has taken on some of the ideas and concerns of this house and has tried to recognise and reflect some of the commentary through the amendments to the bill that the government has undertaken. That has been a very good process.

Hon Nick Goiran has carried the burden of many members of this house and has led the scrutiny of this bill. I thank him for that. I thanked him for that this morning when we left the house. Through his scrutiny of each clause and through the debate he brought to the house, members have learned and will, as a result of that, continue to scrutinise the implementation phase, and that is absolutely the right thing to do. It disappoints me that the Legislative Assembly did not have the opportunity to do that. I am disappointed by the commentary, particularly by the Premier, and that has been touched on by other members today. It was unnecessary commentary by the Premier. All members of Parliament ultimately understand that they need to respect the ideas that other members bring to the house. There is value in that because not all of us are right all the time. It is disappointing to me that particularly the Premier, whom we expect to respect the process of the Parliament more than any other member of Parliament, has chosen not to do that. I will not reflect on his commentary. I think that reflects more on him than it does on any member of this house who has undertaken their duty as a member of Parliament to scrutinise the legislation. That has been an unfortunate process. Despite that, and the pressure that has been felt from outside the house, I have not felt that pressure in this house. All members have been respectful of the debate and the ideology of each individual member. That has been a great process. I thank members for that.

I thank my other colleagues, particularly Hon Martin Aldridge, Hon Rick Mazza and Hon Aaron Stonehouse. We sit together here and we have talked enormously about a number of issues throughout the ongoing debate in the house. It has been a really worthwhile process for me to be able to have that discussion with members as we are live debating the clauses. I thank also Hon Roger Cook for the way he has engaged with members of the house through this process. He really has worked hard to try to address with a very genuine intent some of the issues members have had and with amendments that the National Party and Hon Martin Aldridge have put to the house. I respect the minister for that and I thank him for that. He has been genuine in the way he has done that from the outset. To the advisers and staff involved, thank you very much. Although there has been negative commentary from the outside, on a reflective perspective, this has been a very positive process for the people of Western Australia and for the Legislative Council.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [2.14 pm]: I am anticipating from the comments of members that the Voluntary Assisted Dying Bill 2019 will pass the third reading. This really is an extraordinary victory for the people of Western Australia. I believe it is a victory for humanity, for compassion and for the rights of Western Australians to make critical decisions about their end of life. I have absolutely no doubt that without the active involvement and engagement of our community—as Hon Jacqui Boydell said, the degree to which the community invested—we would not have brought this matter to a vote and to a conclusion. Although we have worked very hard in this chamber, in the other place and across government to deliver this result, it is clear in my mind that without that massive investment by the people of Western Australia and their deep engagement, we would not have got to this point. Of course, I agree that a bill of this nature absolutely deserves and requires rigorous debate. We have managed through the debate to improve the bill. As I often say, we should not be surprised about that. That is what we get paid the shekels to do; to have that debate and to have those compromises made.

It would not normally be my intention to go down this path in this discussion, but in light of the comments that have been made by other members, I think it is really important for us to be clear that we might well not have got to this point where we were having a vote on this bill, and a vote on this bill today, unless there had been some real political pressure placed on some members in this place to —

Hon Jim Chown: That is absolute rubbish.

Hon Peter Collier interjected.

Hon ALANNAH MacTIERNAN: I am sorry—I listened to Hon Peter Collier —

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The PRESIDENT: Minister, just wait a second. Order! Right up until now people have conducted themselves in a very mature and respectful manner. We are coming to the close of this debate. The minister is on her feet. She has waited her turn and listened quietly, and without interjection today, to all the other comments that have been made. I ask members to also apply that same level of respect. You may not like what is being said, but I ask you to listen and not make any comment. You will have the opportunity to comment when we put this bill to a vote and you can vote either for or against it.

Hon ALANNAH MacTIERNAN: I probably would not have gone down this path had not the earlier comments been made. However, I think it is important to get the truth as we see this on the record and to defend the role of the Premier. There was an absolute reason for us to have deep concern that this bill would be one of those bills that would not get to a vote. I will not go into the ins and outs, but if we look at past performance and the early clauses of the bill, which took weeks and weeks to progress, without that very public campaign and the raising of those issues at the level of the Premier—indeed, many of us on this side of the debate let the community know what was going on and about the very, very slow progress of the bill—the fact that at the end of the day we got cross-party support for a guillotine is in part a reflection of the pressure that was coming through from the community as they understood how that debate was proceeding. I indeed would not have gone down this path, except that I think a lot of unfair comments have been made. I went out and talked to many hundreds of community members each week to make sure that they were well aware of the progress or lack thereof in the early days of this bill. The whole process, quite aside from the issue at hand, which is an incredibly important one to many, many Western Australians, has in a sense strengthened our democracy with the degree of engagement people had on this issue and the degree to which they have been following the processes of the debate and understanding in more detail how the process of making legislation works. As I said, I totally agree that the bill has been improved. I agree that it was necessary to go through a rigorous process. There have been times when I have been quite conflicted during the margins of the debate on which particular way to go on a decision. There is a good role for the Legislative Council to play but it was really important that we came to a conclusion.

I acknowledge those who have been part of the campaign for choice for many years. Many of these names are not necessarily ones that have been in the public limelight. I acknowledge Murray Hindle, Margo Beilby—who, I think, is in the public gallery—Stephen Walker and Dinny Laurence from Dying with Dignity Western Australia, Lenda Oshalem and the late Clive Deverall, who contributed so much to that group and to our understanding more broadly on the limits of palliative care. I also acknowledge Dr Alida Lancee from Doctors for Assisted Dying Choice, who stood for the seat of Cottesloe at the last election and gained huge publicity for the cause. These people, together with a little bit of help from Hon Robin Chapple and me, made sure that end-of-life choices was well and truly on the political radar going into the 2017 election and an issue to be dealt with on the change of government. I genuinely acknowledge the incredible leadership that Premier Mark McGowan has shown on this matter. Not only was he the Leader of the Opposition facing a critical election, but also he came out with his support for the right to end-of-life choices; and then on coming to government, he acted very decisively and early in the term of the government to lead cabinet to a decision to devote significant political, administrative and legislative capital to progress this legislation.

Amber-Jade Sanderson, MLA, was given the opportunity to move a motion to establish the Joint Select Committee on End of Life Choices and chair the important work of that committee. I recognise the excellent work of that committee, particularly the chair's leadership. Amber-Jade has continued to be a very passionate and intelligent exponent of the legislative package and it certainly has been a pleasure to appear with her at many public forums to develop the community's understanding of the legislative and political issues at play. Then the ministerial expert panel was led so ably by Malcolm McCusker. The panel really made sure that we had a system that was properly calibrated to the needs of Western Australia. I acknowledge Noreen Fynn—I know that she has been in the gallery today; I do not have my glasses on so I cannot see everyone—who made a great contribution on the panel and elsewhere. Of course, many people spoke of the tremendous work of Minister Roger Cook, a person of great charm and ability. He has worked with members of this place, the Australian Medical Association, churches and all the interests groups to form a bill that provides a solid and strong choice mechanism, but one that also had realistic prospects of success. I also need to acknowledge the work of Hon Stephen Dawson. I will use the words of one of my constituents who has been closely following the debate, although she was not necessarily a supporter of the legislation. She wrote to me, "Reading *Hansard*, I am daily in awe of Stephen Dawson's unfailing courtesy and patience." Stephen, we absolutely agree with that. You have done an excellent job. I also acknowledge the very colourful team of advisers that Hon Stephen Dawson had around him to provide that support. Congratulations on a job well done.

Of course, it is important to acknowledge the work of Andrew Denton and the Go Gentle Australia team because they have been a critical part in mobilising public passion for this change and providing counsel to members of

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Parliament on how the fight would play out. They helped us understand the challenges and techniques that opponents used in every jurisdiction in which such legislation has been introduced. Certainly, being forewarned definitely helped us to be forearmed.

I acknowledge the significance of the film *Broken Hearted: Life, Love and Death in WA*, which should have been compulsory viewing for everyone in this chamber. The film profiled the experience of a dozen ordinary Western Australian families who had watched a family member die in agony beyond the help of palliative care. I urge anyone who wants to hitch their wagon to the myth that improving palliative care, whilst important, will address all end-of-life problems to please look at the film and watch the suffering that occurs and the intergenerational trauma that follows such bad deaths. Today, I anticipate, we will have made sure that this will not be the fate of Western Australian families into the future.

I am very proud to have been part of this process with all members here. As I said, the outcome has been exceptional. It will add enormously to the quality of life for many people. It will give people such comfort to know that the voluntary assisted dying option is available to them. It will also give comfort to their families. As I said, one of the unexpected benefits of this has been the content and the degree of engagement that the public has had with the process, with many tens of thousands of Western Australians engaged in the work that we do in this place. Thank you all for your contributions.

HON KYLE MCGINN (Mining and Pastoral) [2.28 pm]: I will also be brief. Firstly, I am very humbled and privileged to have been a part of this whole process over the past two years. We took on quite an interesting subject and throughout it, I definitely listened and learnt a lot. This debate sets out the thing that I will most remember so far in my term, firstly, because it is such a big piece of legislation and, secondly, because of the amount of interaction I have had with my constituents and the number of community members who have come to Parliament. I have never seen so many people watch us debate in this house, which has been great to see. There have also been a lot of people watching online. Their dedication to seeing this bill go through and the form in which it will go through has been amazing. As I said in my contribution to the second reading debate, I surveyed my electorate and the response was that 80 per cent were in favour of the legislation and 20 per cent were not in favour. Some of the key issues that they raised, including palliative care and Indigenous navigators, have been addressed during the committee stage of the bill. That stage was very long with a lot of debate and amendments, but I am a lot more comfortable now, having gone through that process, that the government is committed to ensuring that regional Western Australia gets this service and that it will also look into palliative care. The announcement from the minister last night about the inquiry was really good news. He briefly touched on what the terms of reference might be. It was very good to hear that the inquiry will be regionally geared and it definitely sounded like it is intended to inquire into how we can improve palliative care in regional Western Australia to the standard found in the metropolitan area, which is a really important thing to do. That is something that my constituents want and I am very glad to say that I believe that the government will deliver on that.

Constituents have been coming into my office, making phone calls and sending emails—as with every other member—since this conversation started. I want to thank all of them. I have not responded to them all yet. I heard from both sides of the debate. It was really good to hear how passionate they are about this legislation and to see people engage in the political process. Before this bill came into Parliament, there was a lot of conversation about how people are disengaged with politicians and politics, with people saying, “It’s just another politician in the paper.” But things were different with this debate. This issue had more engagement from the everyday Joes who wanted to come into the office and have a chat about it. For that reason, it has been a very good experience. I have to thank the audience in this place. I have run into them in the halls and outside waiting to come in. People have genuinely come here to engage in this debate and it has been very refreshing. Like other members, I want to thank everyone who has been engaged throughout the process and all the members who have engaged through putting up amendments, including Hon Nick Goiran. Minister Stephen Dawson has put in quite an effort—wow! It has been a huge process. I would like to echo the thoughts of other members by saying that it has been a respectful debate in this place. As a young member of Parliament, it has been really good to see that and to see how this process plays out when there are conflicting sides of the argument. Little pockets of people have not been supportive of most of the bills before now, but people have been generally supportive of or generally against this bill. This has definitely been one of those debates that has shown me how the process works, and it is a massive part of history.

Hon Martin Aldridge interjected.

Hon KYLE MCGINN: Okay, I know what the member is laughing about. It has been great to be a part of this process. I withheld my position during the second and third reading debates, but I am very glad to say that after all the process I have gone through with my electorate and in the chamber, I will be supporting the third reading of the bill.

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HON NICK GOIRAN (South Metropolitan) [2.33 pm]: I rise as the lead speaker for the opposition on the third reading of the Voluntary Assisted Dying Bill 2019. At the outset, I reiterate what I said during the second reading debate, which is that the Liberal Party does not have a party position on this bill; rather, its members have a conscience vote. I echo the comments made by our leader, Hon Peter Collier, to refute any suggestion by anyone inside or outside the chamber that there has been anything other than a genuine conscience vote by Liberal Party members. That has been ruthlessly adhered to by all my colleagues, and I thank them for that. It is actually one of the elements that makes me proud to be a member of the Liberal Party.

When this bill was before us in a different form during the second reading debate, I asked members two questions. Firstly, is it possible to design and implement a safe euthanasia regime? Secondly, if the answer to that question is yes, is it appropriate to introduce euthanasia and assisted suicide prior to addressing palliative care accessibility? For reasons that are already on the public record, it is clear that my view on both those questions was a resounding no. It is not possible to design and implement a safe euthanasia regime and, in any event, it is not appropriate to introduce euthanasia and assisted suicide to Western Australia prior to addressing palliative care accessibility. Notwithstanding the fact that that was my view when I delivered my contribution to the second reading debate on 15 October this year, a majority of members of the Legislative Council, as is their right, decided something different. For some of those members the view is, yes, it is possible to design such a scheme. For some of those members the view is that we can at least try to address palliative care concurrently with rolling out voluntary euthanasia. That was the debate that needed to be had at the second reading stage, but now we are at the third reading stage of the bill and a very different question needs to be considered: is the bill that we have before us—the latest version, 139–2, of the Voluntary Assisted Dying Bill 2019, which is not the same bill presented to us at the end of the second reading—a safe bill? That is the question that we now need to answer. If we say that the bill is safe and appropriate, it should be supported, but if it is not safe, we should vote against it. We know the government's view, because we need only read the remarks of the Minister for Health to understand that its view was that the bill in its form then was safe. I note the comments made by the Minister for Health on 24 September when he said in the other place —

There has been much commentary about the amendments that were put forward in the consideration in detail stage of the bill and some of that debate has been characterised as a failure of democracy in this chamber. It is simply a fact that the government believes that this is very good legislation, and we respectfully disagreed with the amendments that were put forward in this chamber. That is not to criticise the intent of those who moved those amendments. I think we all respect and recognise the passion that those members felt in moving them. But, as I said, we respectfully declined the opportunity to adopt those amendments. We believe that this is very good legislation; we believe it is very safe legislation.

They are very temperate and moderate remarks that were made by the Minister for Health on 24 September 2019, yet on that same day, the chief of government, the member for Rockingham, said —

This is good legislation. It is very well drafted and carefully considered. The government has devoted a huge amount of resources to this bill. It does not require amendment.

That day, 24 September 2019, was the beginning of a dramatic shift within government from a temperate and moderate narrative about the passage of this legislation to something quite unprecedented, and several members have already remarked on that. I will simply conclude my remarks about this particular issue by noting the comments made by the Minister for Health on 28 November 2019. Something very radically different happened to the Minister for Health between his temperate and moderate remarks in September and these types of remarks made only a few weeks ago. On that day in *The West Australian*, he was quoted as having said —

“The fact they have sought the call, moved so many motions and asked so many often repetitive questions really just shows they’ve got contempt for the public,” Health Minister Roger Cook said. “There’s no reason they cannot do a solid piece of analysis and scrutiny of the Bill without unduly delaying it ... now is the time they get on with it and finish the job.”

Even at that point a couple of weeks ago, those remarks by the health minister—as factually incorrect as they were and as dramatic a shift as they were from where he was at on 17 September—are still far more moderate and temperate than anything that the Premier of Western Australia has had to say about the passage of this bill.

We know that when the bill was being read for a second time, the government held the view that the legislation required no amendment. We know that because the Premier himself said, “It does not require amendment.” Of course, what transpired after that was this unrelenting campaign by the Premier, with his intemperate remarks suggesting that anyone who wanted to move amendments or ask any questions was simply out to wreck the bill. I understand the motivation for that. I understand that the government, and senior members of government, remain very unhappy with me for the outcome of its flawed surrogacy legislation, but the fact that the government is

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embarrassed by that flawed legislation does not justify the Premier of Western Australia casting an aspersion on all members in this place who wanted to ask questions about this bill.

I want to acknowledge the very sensible and moderate approach taken by Hon Rick Mazza very early in this debate when he sought to refer the matter to a committee, and he was supported by a number of members, including me. If there is any disappointment on my part about the passage of this bill, it is that it did not go to that committee. The reason for that is that I have absolute confidence that had it gone to a committee, further matters would have been identified. Yesterday evening, at almost 11 o'clock, there was clearly a problem with a part of the bill that simply said that if the coordinating practitioner is going to transfer their responsibility to another doctor, he or she can do so without the patient's consent. We had absolute silence from the champions of autonomy and choice when that flaw was identified, because, as I suspected, when it gets close to 11 o'clock at night, everyone gets too tired and so we just allow things to pass. That would not have happened if the bill had gone to a committee. Had Hon Rick Mazza's motion been successful, I suspect there would have been a different outcome. Nevertheless, a view held by members—I remember the Leader of the House expressing this view, which I respect, even though I did not agree with her at the time—that on a matter like this it would be far better for all 35 voting members of the chamber to work together in a Committee of the Whole House. That is certainly an option and that is the option that the house ultimately took, but if the house chooses to take that approach, it means we need time.

We cannot expect the same amount of time provided to a committee of five members—the Standing Committee on Legislation, of which Hon Dr Sally Talbot is chair and I am deputy chair—to be provided to 35 members. In that case, there are 35 voices, 35 views and 35 people potentially asking questions and interrogating clauses. It naturally follows that the process is going to take some more time, and that time has been provided by this chamber. That was all that was ever asked for. Any suggestion by Hon Alannah MacTiernan that somehow the guillotine has been applied is false. No guillotine has been applied to this debate. All that has happened is that adequate time has been provided by the house in order for all clauses to be scrutinised. I have scrutinised every single clause—all 184 of them. That was all I ever asked for, and that is what has been granted. I thank the house for that appropriate courtesy, given it was a decision of the house that we would collectively, all 35 voting members on this bill, work together in committee, and that is exactly what we did.

Notwithstanding the comments of the Premier, who said that there was no need for any amendments, what is the outcome of the matter before us? What is the outcome for this bill 139–2, which we now need to determine is safe or not? The outcome is that 55 amendments have been made, which have changed the bill from 139–1 to 139–2. This house has utterly rejected the member for Rockingham's view that there was no need for any amendments to this bill, and we are sending it back to the other place saying that we think that at least 55 amendments need to be made, with all due respect to the honourable Premier. It may interest members to know that of the 55 amendments, 25 were moved by me and 18 were moved by the government. Eighteen amendments were moved by the government to its own bill. Eighteen amendments were moved to a bill that the Premier, the member for Rockingham, said required no amendments. There were 25 amendments moved by me, 18 by the government, six by Hon Martin Aldridge, four by Hon Adele Farina, one by Hon Martin Pritchard and one by Hon Alison Xamon. That is the outcome of the decision by this house to undertake this rigorous process in the Committee of the Whole House—55 amendments.

The rhetoric of the government over the last 24 hours and, it has been drawn to my attention, some—how would we describe it; I am trying to think of a word that would be as polite as possible, and “facile” comes to mind—facile commentary by Go Gentle Australia is that apparently these 55 amendments are grammatical amendments. If that narrative by the government and these geniuses at Go Gentle Australia were true, we could understand why people would say that we did not need six weeks of the house's time simply to address 55 grammatical errors. There would have been no need to do all of that. Let us just take a moment to check the bill before us at version 139–2, which is different from the bill at version 139–1, and the 55 amendments. Let us take a moment to check whether they are grammatical amendments. The topics that have been covered by the 55 amendments include the following. Members and people listening outside of the chamber can decide for themselves, examine their consciences and ask themselves whether these are grammatical issues. Firstly, there was the amendment to ensure that regional West Aussies are entitled to the same access to voluntary assisted dying as those in the metropolitan area. People can ask themselves whether the amendment that Hon Martin Aldridge moved was on a grammatical issue or a matter of substance. People can consider the fact that now under the bill before us a healthcare worker in Western Australia is prohibited from initiating a discussion on voluntary assisted dying with a patient. They can ask themselves whether that prohibition, which was in an amendment moved by the government and was not in the bill that the Premier said required no amendment previously, saying that a healthcare worker in Western Australia will not initiate a conversation about voluntary assisted dying, because the government moved the amendment and the house agreed to it, is a grammatical issue. There is the fact that if a doctor raises the topic of voluntary assisted dying, they must do these things. A doctor must inform the patient of the treatment options available, the likely outcomes,

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the palliative care options available and the likely outcomes of those palliative care treatments. If they are going to initiate the conversation, they have to do all of those things. Are they grammatical errors or matters of substance? There is the fact that a doctor cannot be a family member of the patient, a beneficiary under the will of the patient and cannot financially benefit from the death of the patient. Are they mere grammatical issues? I know that some members love polls and surveys. I suspect that if we poll and survey Western Australians, asking if they think the doctor injecting the patient with a lethal substance to end their life should be a beneficiary in the will of the patient who is about to die, we would blow that 88 per cent out of the water. Are these grammatical issues, or are they matters of substance?

Now, under the version of the bill now before the house, although not the earlier one that the Premier said required no amendment, a request has to occur during a medical consultation. Is that a mere grammatical matter, or is it a matter of substance? Let us just take a moment to consider that. Those who have followed the debate—that does not mean sitting at a computer counting how many times somebody has sought the call; I mean listening to the debate, retaining the information, comprehending and wrestling with it intellectually—will know that this issue was raised during the debate in the other place. There was a concern under the Premier's bill, which he said was perfect, that a person can make a request to a doctor in any environment—cocktail party, end-of-year function, at the beach. Now, because of the work done by this Council, and also, I think, because of some lobbying by the Australian Medical Association, which deserves some credit here, that will now have to happen during a medical consultation. This will be a relief to medical practitioners in Western Australia, notwithstanding the fact that they do not really have a conscientious objection, for the reasons already articulated by Hon Aaron Stonehouse.

What about the fact that the patient will actually be given a copy of the very forms being distributed between the doctor and the board that will determine whether the person lives or dies? We would think that the patient should perhaps be informed about those things, because the Premier of Western Australia did not think so. He said there was no need for an amendment. I would have thought that if we are really passionate about a patient-centric model we would ensure that the patient had the information. What about the enhanced accountability when interpreters are used, or when patients have been referred because the doctor is not sufficiently skilled to make the assessment? What about the record-keeping of complications when the doctor administers the poison? What about the enhanced responsibility for those signing documents on behalf of the patient? This patient is about to die—they are making a decision to effectively sign their own death warrant—but they cannot sign, so somebody else has to sign for them. Should there be some accountability around a person who is signing those particular forms? The Premier said no, and we as a Council said yes. That was one of our 55 amendments.

What about mandating that the patient be informed of the risks of self-administration? I am going to get back to self-administration, because if there is a part of the bill before us at 139–2 that continues to distress me, it is about self-administration. Nevertheless, because of the work done by this chamber we have now mandated that the patient must be informed of the risks of self-administration—something that the Premier said was unnecessary. What about the privacy protections for doctors formally involved in a case before the tribunal? In the Premier's version of the bill, practitioners who might have been involved in the care of the patient were not going to be provided with those protections, but because of an amendment that I moved, they will now be provided with the protections that other practitioners would have received.

The last point I make about the 55 alleged grammatical amendments is that we have agreed to ensure that a doctor in Western Australia cannot abdicate their duties by merely claiming that they are acting in good faith. They are now going to have to do more than that. Good faith is not good enough. The doctor will need to demonstrate good faith, and that they were acting with reasonable care and skill. With all those remarks, and the breadth of those amendments, I ask those geniuses in government responsible for perpetuating a narrative that all members have done over the past few weeks is pass grammatical errors, to just pause for a moment and reflect on the seriousness of the matter that we are dealing with. By all means, if they have a view that voluntary assisted dying should be provided to Western Australians, they are entitled to hold that view, as I think those of us who think that it should not be provided are also entitled to hold that view. However they really should be held to account if they are trying to mislead the Western Australian public and tell them that 55 grammatical errors have been passed by the Legislative Council, when we consider the magnitude of that list. Because those 55 amendments have been passed by this house, I am proud of the work that the house has done collectively.

There are nevertheless reasons why I still will not support the Voluntary Assisted Dying Bill 2019 in its current version, 139–2. There are a multitude of reasons, but I will limit my contribution just to these few. In the bill that is before us there is no requirement for a specialist to be involved. I find that reprehensible. If a Western Australian with a terminal illness wants to access their superannuation early—this is a matter of money—because they have been diagnosed with a terminal illness, they need to have a specialist, but if they want to make a decision to end their

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life, they do not need to have a specialist under Western Australia's voluntary assisted dying regime. I understand the comments made, particularly by some regional members, about why they were concerned about that. They were concerned that it would provide a form of blockage to access for people in regional Western Australia. I respect their concern and their right to articulate that view, but I simply indicate that, as Hon Colin Tincknell said at one point during the debate, if the government has decided to put this before the people of Western Australia, it has the responsibility to resource it. It is not satisfactory lawmaking to simply say that we do not have confidence that the government is going to be able to provide specialists in regional Western Australia, so we will then lower the standard and just hope for the best, as if we were totally ignorant of the lessons that have been learnt from the few jurisdictions that have gone down this path. I think, originally, Hon Martin Pritchard put an amendment on the supplementary notice paper looking to involve a specialist. It was picked up by Hon Colin Tincknell and Hon Charles Smith. I thank those members for pursuing that issue. I am sad that it has not been agreed to and is not in the bill before us. A massive safeguard has been lost. This provision exists in the Victorian legislation, and we are saying no. That reason alone makes the Western Australian legislation more dangerous than the Victorian legislation.

I note that Hon Charles Smith pursued another safeguard, and I also pursued it, albeit with a different mechanism, which was to involve experts in decision-making capacity. That has been rejected. That safeguard was in place in the Northern Territory's legislation. We know that there were wrongful deaths in the Northern Territory, notwithstanding its safeguards, but we have said that in Western Australia, despite our knowledge of that, we will lower the bar. We will not involve experts in decision-making capacity. We will ignore the evidence provided by the Chief Psychiatrist to the Joint Select Committee on End of Life Choices, and the evidence given by the Chief Psychiatrist to the government's special adviser on this bill, and we will proceed anyway, without experts in decision-making capacity being involved.

The saddest time for me during the debate was when we considered the amendment moved by Hon Rick Mazza for supervision of self-administration. I could not believe it on Friday and I am still trying to reconcile how we have got to this point in Western Australia. Once we pass this bill, we will send it to the other place for members to consider the 55 amendments, which will horrify them because they did not think there was a need for any amendments, let alone 55 grammatical ones. I am horrified that what we will send them will not include the amendment moved by Hon Rick Mazza that simply sought to provide that if a Western Australian is provided with access to lethal medication, we make sure that somebody is there before they take it. All he wanted was for there to be somebody present to ensure that the person was not alone. Why would the honourable member be motivated to do that? It could only be out of a big-hearted sense of compassion and the knowledge that complications could arise.

I said this last Friday, but I never expected the response to that concern raised by the member, which I share and support. I never expected the response to be, "Well, the patient's been warned. They've been told of the risks, and if they still want to go ahead with self-administration, well, they've been warned." I really struggle with that. I struggle with the idea that we know that there will be complications. Somebody could regurgitate the substance; they could choke or asphyxiate. All those things have happened in other jurisdictions, but we say, "Well, they've been warned." I am sad about certain elements of the bill, but I am distressed about this particular issue. I actually think it is reprehensible. It is reckless lawmaking and it is one of the reasons why I will be voting no. Even if members hold the view that the patient has been warned and if they want to choke or asphyxiate and suffer those complications, that is up to them, surely as lawmakers we have a responsibility to people other than the patient, because this substance is going to be in someone's home. Who is to say that someone else will not access it? That would not happen if the patient chose practitioner administration because the practitioner would have the substance right up until the final moment of the patient's life. But we are saying, "No, leave it. Let it go out, unsecured, into the community, and if there are complications for the patient, well, they've been warned." I am troubled by that.

The part that got me the most when we were debating Hon Rick Mazza's motion for supervision was when I drew to members' attention, "Look, you can have an argument about complications: 'You've been warned, and so on and so forth', but how much do we value decision-making capacity?" An entire part of the bill is devoted to decision-making capacity; we said that it was very important. The minister repeatedly told us that it is fundamental to, and at the heart of, the whole bill; that it is about choice and autonomy, and that the person has to make that choice, yet we are going to allow the person to take home the—in the words of the Attorney General—potion, when we do not even know whether they will have decision-making capacity when they take the substance. We will not know that. We will know if it is administered by a practitioner, because the practitioner has a lawful duty to ensure that the person has decision-making capacity, but we will not know that in instances of self-administration. I respect their views of those members who are supportive of voluntary assisted dying and have been passionate about it for a long time, but at the conclusion of this debate, I ask them to think about the self-administration process, because the amendment moved by Hon Rick Mazza was outstanding, and I remain sad and distressed that it was not supported.

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Unlike the Victorian and other schemes, no specialist will be involved, and we are going to allow unsupervised use of the lethal medication for self-administration. They are serious flaws in this legislation and the scheme, but to top it all off, the icing on this fatal cake is that we have mandated that in Western Australia, practitioners will be required to falsify the death certificate for these deaths. In some respects, a death certificate is just a piece of paper and what is written on it will not save the life of the dead person, unlike preventing unsupervised access to self-administered lethal drugs or involving a specialist to make sure that the person actually has the terminal illness and will die in the time the first doctor, who may not be experienced with the condition, thinks they will. Those would have saved lives. I acknowledge that preventing the mandatory, statutory falsification of death certificates will not save lives. It is not in the same league as the amendment moved by Hon Rick Mazza and of those who moved amendments about specialists, but I cannot believe that we are going to send a bill to the other place that mandates that under no circumstances should medical practitioners write “voluntary assisted dying” on the death certificate, on pain and in fear of being in breach of the law. I would be fascinated if members who love polls would poll their community on that. They should poll their electorate and see whether it thinks voluntary assisted dying should be on the death certificate, but I know they will not do that.

Yesterday, a majority could not agree that we should ensure that medical practitioners be trained in how to identify undue influence. We could not agree to that. That was notwithstanding that under clause 100 I specifically asked the government whether doctors would need to be able to identify undue influence so that they could report it to the police or the CEO for investigation. I was told yes, and said that I would pick it up later in the debate, which I did. I moved an amendment and the majority of members said no. It is, at the very least, if I can use the most charitable word possible, curious lawmaking.

I want to make a last point about the elements of the bill that are not before us that I think would make it a far better and safer bill if included before it went to the place. Apart from the elements I have just spoken of, I raise something that is not a safeguard, but I think it is a statement from this place—and I do not think it is comfortable for members. When Hon Martin Aldridge moved an amendment saying, in effect, that regional Western Australians should have equal access to voluntary assisted dying as those in the metropolitan area, I suggested to members that we should make sure that it is not just voluntary assisted dying that they should have equal access to—it should also be palliative care. That amendment was lost by the barest of margins. It was ironic. I am going to quote from the uncorrected proof of *Hansard* from 26 November 2019, but I have had the opportunity to verify the corrected proof and it is in identical terms.

Hon Stephen Dawson—who has done a sterling job in his duties in the chamber, as many members have quite rightly remarked, and as I also acknowledge—said this on 26 November 2019 —

Proposed new clause 16(3)(d) is not consistent with the intent of the new principle in clause 4(1)(ha) regarding regional areas. That principle is worth repeating for the benefit of honourable members, and I quote —

a person who is a regional resident is entitled to the same level of access to voluntary assisted dying and palliative care as a person who lives in the metropolitan region.

If only that was what the bill actually says. That is exactly what I wanted it to say, and that is what a significant number of members wanted it to say, but that is not what the bill before us says. The bill makes no mention of equal access to palliative care. We have sent the wrong message to the community. We have sent the message to the community that we want people in regional Western Australia to have equal access to voluntary assisted dying but, when it comes to palliative care, the record reflects that the majority of members said no. I think that is uncomfortable, at the very least. I do not think that is the heart and the intent of members. I am confident that the majority of members do not actually think that, but that is what the record reflects, and that is most unfortunate.

Before I move to my conclusion, I want to make some remarks about something that I think is not understood in the Western Australian community—that is, irrespective of the passage of this bill to the other place and regardless of whether it agrees with all, or none, of our 55 amendments, nothing will happen for at least 18 months. Western Australians deserve an explanation about why nothing will happen for at least 18 months. They will have heard the rhetoric from the Premier, and they will say, quite understandably, “We thought this was all going to be ready for Christmas.” Why will it take at least 18 months? There are a few reasons for that. First, we know as a result of some excellent interrogation by Hon Martin Aldridge that there is an issue with the intersection of commonwealth law and the use of telehealth and a carriage service. It will take time for the government to sort that out with the commonwealth. The Joint Select Committee on End of Life Choices was asked by this house, as a term of reference, to look into the intersection with federal law, and, unfortunately, it did nothing. It would be fascinating if those minutes were released. The government had a backstop in the form of the ministerial expert

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panel. It also did nothing about this issue. It is now left to the government to sort this out over the next 18 months. Therefore, the Premier has some bad news for those who were hoping this would be ready for Christmas. Apparently, it is my fault. The reality is that the Premier and his government need another 18 months to get this process right. One of the reasons for this delay is the government does not know what substance will be used. It knows that it will be a schedule 4 or schedule 8 drug, but it does not know what the combination will be, and it still has to work out the complications. The government is also not sure how the substance will be provided in regional Western Australia. It has given a commitment that care navigators—that is the phrase that has been used—will be used in this process. These care navigators will really be unregulated steerers whose job will be to steer a regional West Aussie down a particular path, which is voluntary assisted dying. Another thing that the government needs to sort out over the next 18 months, amongst many things, is the cost. During interrogation of the clauses, the government conceded that, in some cases, a patient would have to make a gap payment. The government cannot tell us how much that will be, because it has not consulted with private health insurers or, indeed, Medicare.

I conclude this journey. It has been more than a two-year journey for me, amongst others who served on the Joint Select Committee on End of Life Choices, which I do not regret serving on for a moment. I knew we would be up against it the moment the motion was moved, but I indicated yesterday that my philosophy is never vacate the space. Secondly, if nothing else, at least this has ensured a new level of commitment to palliative care that did not exist before.

I conclude with these statements, which are identical to my final concluding remarks in my contribution to the second reading debate about why I cannot support the Voluntary Assisted Dying Bill 2019. I could not support 139–1 and I cannot support 139–2 for all the reasons I have said, including these in summary. The desire of a significant proportion of confident people for ready access to lethal injections ought never override the rights of the quiet vulnerable to safety and protection. Secondly, if we are intellectually honest and reason through the theory of a euthanasia regime, we should conclude that it is inherently unsafe. The insufficiency of the criminal justice safeguards informs us of this; the prevalence of medical negligence informs us of this; the ease of doctor shopping informs us of this; the reality of doctor bias informs us of this; and the evidence of elder abuse informs us of this. When we engage with the lived experience of the very few jurisdictions that have legalised euthanasia or assisted suicide, we know that the theory of an inherently unsafe regime has resulted in casualties of wrongful deaths. Ultimately, there is another way; there is a better way. There is a safe approach to end-of-life choices. However, it will require all of us to persistently insist that quality palliative care is made available to every Western Australian. When I say quality palliative care, I mean expertly practised specialist palliative care, not palliative care by a doctor who has an interest in palliative care. That is not what we are talking about here. I am reminded of the evidence given by Professor Doug Bridge when he came to the joint select committee. He said that he went into a hospital room one day and saw this patient effectively inflated, blown up, and he was horrified. He said, “What are you people doing?” He went in and rectified the situation. If that was our experience of palliative care, of course we would be horrified. We would say, “If this is the best that palliative care can provide for us, I want the lethal injection as well.” However, that is not the best that can be provided. What can be provided is expertly practised specialist palliative care in our state. It is a great privilege for us to be living in a First World country where that is available.

As legislators, until we have exhausted ourselves in fulfilling this duty to make quality palliative care available to every Western Australian, we should not be contemplating a euthanasia regime, let alone this bill, which is, verifiably, more dangerous than the Victorian legislation and the now inoperative Northern Territory legislation.

I am opposing this bill because the risks in legalising assisted suicide are simply too great, the least of which are that the consequences are final.

HON ADELE FARINA (South West) [3.18 pm]: I would like to join other members in acknowledging the minister, Hon Stephen Dawson, for his handling of a very difficult bill. It is not an easy task and he did it with distinction and a lot of patience. I also acknowledge and thank the advisory officers for their incredible efforts in supporting the minister, the clerks, the chamber staff and Hansard, who support us daily. I would also like to acknowledge the efforts of parliamentary counsel, who were frequently asked to draft amendments at very, very short notice and with very few instructions. I acknowledge all the members who contributed to the debate, listened to contributions and exercised their conscience votes. Through their contributions, they added value to the debate and to the bill. I particularly acknowledge the forensic work of Hon Nick Goiran. We do not always agree, but I have huge respect for his capacity, diligence and integrity. He came under significant external pressure throughout this debate. His efforts ensured that this chamber undertook its scrutiny role in a forensic manner, and as a result we have a much improved bill.

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The proponents of voluntary assisted dying argue that we need to support the bill because it is the compassionate and humane thing to do, that it will stop intolerable pain and suffering for people with a terminal illness, and that it will also afford them the dignity of choosing when they die rather than waiting for the disease to take them. Giving a person a lethal substance to self-administer—when there have been no clinical trials of the lethal substance to understand its adverse reactions, and knowing that the ingestion and absorption method is much slower than injection—is not always effective and carries with it a range of complications. To do so without a doctor in attendance to assist if something goes wrong is an entirely different matter to the humane practice of euthanasing animals, which is often used as a point of comparison by proponents of voluntary assisted dying. I struggle to see what is humane and compassionate about giving people a large quantity of a lethal substance to drink that is so bitter tasting, people struggle to drink it. They drink it too slowly, falling asleep before they have consumed the full amount, increasing the risk that it will not be effective, or they regurgitate it and do not consume a sufficient amount of the substance to reach the optimum level of unconsciousness before the substance either asphyxiates them or induces a major heart attack. In addition, some people experience seizures and convulsions. These complications cause significant distress for the patient and the family who witness the event. This is not humane, it is not compassionate and I fail to understand how it is dying with dignity. As legislators, in making the decision about whether to support this bill, we cannot ignore this fact or push it to the side. We know from experiences in other jurisdictions that if either of the two main drugs used in other jurisdictions is used in WA, somewhere between five and 17 per cent of people who self-administer the substance will experience these complications. If a different drug is used or if the CEO approved an entirely new drug on the advice of the clinical panel, we know from the experience in Washington that the outcome may be much worse. In that jurisdiction, a trial of a new drug, DNP, caused severe muscle spasms in patients and burnt the throat of others, causing severe pain when they expected relief. Faced with all this knowledge, the proponents and the drafters of the bill had an opportunity to draft a bill that addressed these issues and concerns, and reassured us that this would not be the experience if this bill passed in WA. Sadly, this is not the case; they failed to do so.

In an effort to make passage of the bill easier, or in an effort to get it to Parliament much sooner, much of the detail and what people may find unpalatable has been left out of the bill. We were told that it will be sorted during the 18-month implementation phase. On no fewer than 77 occasions this was the minister's answer to questions posed seeking to better understand the bill. As a legislator wanting to make an informed decision, I found this very frustrating and less than satisfactory. Please do not interpret this as criticism of the minister; it is not. It was the position he found himself in and he made every effort to provide answers when he could.

We are being asked to pass a bill that will permit a lethal substance to be prescribed to people without knowing what that lethal substance will be and without knowing its likely side effects and the possible complications that people may experience. It is very likely, based on everything we know, that the lethal substance's suitability for human use will not have been assessed, much less approved, by the Therapeutic Goods Administration. The bill expressly provides that the substance does not require TGA approval. I sought to amend the bill to require TGA approval, having been assured, despite my initial doubts, that the TGA could assess such a substance, even though its use is not therapeutic. This would have provided me with some comfort, but that amendment was not successful.

In my second reading contribution, I indicated my concern, given the number of complications experienced in other jurisdictions, that the bill did not require a medical practitioner to be in attendance when the drug is self-administered, as is the case in the Netherlands. From my perspective, if we truly want to ensure that people have a peaceful and pain-free death and die with dignity, this is a must. Hon Rick Mazza, sharing this view, moved an amendment to this effect. The majority argued that patient autonomy should be given greater weight than patient safety, even if the patient did not experience the promised peaceful and pain-free death and this caused significant distress to the patient and family members. I am still processing this viewpoint. Some argued that the patient chose voluntary assisted dying knowing the risks, and has a terminal illness, so will die anyway; therefore, we should not concern ourselves that their death may not be peaceful and pain-free as promised. They argue that the person's autonomy in choosing when to die should be given greater weight and concern than their safety. With all respect to those who have put this argument, I find that argument abhorrent. Medical ethics has as one of its pillars or guiding principles the requirement to do no harm, as does the law. As lawmakers, doing no harm is also an ethical principle that should guide us all. Approving a bill that we know will result in between five per cent and 17 per cent of people who ingest the lethal substance dying a painful death, causing distress to their family, and that this figure may well be higher depending on the prescribed substance, falls well short of this. Implicit in this argument is the devaluation of human life because the person is old or has a terminal illness and will die anyway. This sets a really dangerous direction for society.

We are told that we need to show compassion to those who have a terminal illness and want to avoid suffering a painful death. I understand this, and I have the compassion in me to want to do everything possible to alleviate

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their pain and suffering. However, my compassion does not end there; it extends to the between five per cent and 17 per cent of people who will not get the promised peaceful and pain-free death due to complications, and to do everything I can to ensure that we eliminate or reduce the number of people who are likely to experience complications.

The drafters of the bill had an opportunity to address this concern but they did not. The rights of this small but significant group of people do not appear to have been considered in the drafting of the bill. The patient autonomy argument won out over Hon Rick Mazza's amendment, even though this argument ignores the fact that the between five per cent and 17 per cent of people who will experience complications did not choose to ingest a lethal substance and experience a painful death. Further, the bill denies them the patient autonomy to have a medical practitioner in attendance and for the medical practitioner to hasten their death if needed, as is the case in the Netherlands. My concern and compassion for this small but significant group of people caused me to move two amendments: in the case of practitioner administration, to require that the medical practitioner report any complications to the board; and, in the case of self-administration, because we had already lost Hon Rick Mazza's amendment, to require that the contact person be present and also report any complications to the board. This would have enabled us to examine and learn from any complications with a view to making whatever adjustments are necessary to ensure that in the future there is not a repeat of the incident with another patient and they do not suffer the same fate. The government agreed to the amendment in the case of practitioner administration but opposed the amendment in the case of self-administration. The chamber, in its wisdom, voted down the amendment in the case of self-administration, arguing that it placed too great an obligation on the contact person. I understand that argument, but without a medical practitioner present, I was looking for other options.

The outcome of this negates the intent of the two amendments because evidence from other jurisdictions indicates that complications occur with self-administration, not practitioner administration. The effect of this decision is that there is no requirement to notify the Voluntary Assisted Dying Board of any complications with self-administration. In my view, this is a significant deficiency with the bill and compromises patient safety. In the case of Hon Rick Mazza's amendment and my amendment, the safety of the patient and delivering the promised peaceful and pain-free death rated a poor second place to patient autonomy. A cynic may argue that it was a deliberate attempt to avoid collecting data about complications so it can be argued that no data of any complications exist. If that is the case, it is less than satisfactory, and particularly not satisfactory to the people who are going to experience those complications.

In a last-ditch effort to extend compassion to this group, I moved another amendment, having been motivated by the case of David Prueitt in Oregon when it was discovered that the organisation charged with managing assisted dying in that jurisdiction did not have an investigation function and therefore could not investigate why the lethal substance failed to result in David Prueitt's death. No-one can think that that was a satisfactory position. My amendment would have provided the Voluntary Assisted Dying Board with a preliminary investigation function and provided that family members and witnesses to a patient's death via self-administration may report any complications to the board. The amendment was intended to ensure the legislation had provision for a review of instances of complications in the hope of at least collecting some data so that we could evaluate it and learn from it. That would have enabled us to continually improve the system. The amendment was opposed by the government and the chamber. Compassion for people with a terminal illness does not appear to extend to the group of people who will experience complications from self-administering. This aspect of the bill concerns me deeply. It is disappointing that the government refused to support a mechanism in the bill to ensure relevant data is collected and analysed so that we can learn from these experiences and improve the voluntary assisted dying scheme to prevent a repeat of a similar complication occurring in the future.

In my second reading contribution, I flagged my concern that laws passed by Parliament should not require people to falsify state records by directing medical practitioners not to record on a death certificate that the person died from voluntary assisted dying. Amendments to this effect were moved by Hon Colin Tincknell and Hon Nick Goiran. These were opposed by government and defeated. This is despite the fact that in cases of suicide, this is recorded on the death certificate. Death certificates are used for a range of invaluable research purposes. We will no longer be able to rely on the information on death certificates being accurate, which, in turn, will impact on the efficacy of research work. The impact of this decision cannot be understated. In my view, it was a bad decision and completely unjustified.

Getting back to the issue of intolerable pain and suffering, we know from data collected in other jurisdictions that pain scores low in the reasons given by people accessing voluntary assisted dying, or the equivalent on offer in other jurisdictions. We also know that the collection of this data, including the reasons people elect voluntary assisted dying, forms a critical part of the medical practitioner's evaluation about whether the patient is acting voluntarily and without coercion, and assessing other eligibility criteria. An amendment moved by Hon Nick Goiran for the collection of this data was deemed unnecessary and too onerous by the government and the chamber. I think this

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is a significant failing in this bill. It is critically important for this data be collected and it is concerning that we are opposed to collecting data that can inform us to make better decisions.

The lack of a clear mechanism for reviewing failings in capacity assessment, as exists in the Netherlands, is another significant shortfall in the bill. There is much to be learnt by reviews such as these and that would enable us to continuously improve the scheme. As stated in my second reading contribution, in principle, I am not opposed to the concept of voluntary assisted dying; however, as a legislator, I need to scrutinise the bill and be satisfied that the bill strikes a balance between patient autonomy and patient safety, provides sufficient safeguards that protect the vulnerable and does not protect the rights of one group by trampling over the rights of others. My concerns with the bill are not based on religious beliefs; they are based on good science, medical and legal ethics, good lawmaking and a genuine concern that we do no harm and do not advance the rights of some while trampling over the rights of others.

Under this bill, medical practitioners will be forced to participate in voluntary assisted dying despite their conscientious objection. They are going to have to provide information. The rights of vulnerable people who may be coerced to access voluntary assisted dying are not sufficiently protected, in my view. The small but significant group of people we know will experience complications as a result of self-administration of the substance have, in my view, been sacrificed by the bill. The engineering of the bill, which leaves much of the detail to be sorted out during the implementation phase, and the stated intention to do things by executive directions rather than regulations also concerns me. The effect is to censor Parliament's lawmaking power and scrutiny function, and we should all be concerned about this. At every step of the process I have made my own evaluations based on the facts, having regard to the contributions of other members and the representations I have received. I have tried to make the right decision. Many people will not agree with the decisions that I have made.

Exercising a conscience vote and being a member of the government is not an easy or comfortable position. There is considerable pressure, both subtle and overt. I supported the bill in its second reading as I hoped my concerns and those of others could be addressed by amendments to the bill. Although a significant number of amendments have improved the bill, not all my concerns at the second reading stage have been addressed, placing me in a very difficult position. I concur with other speakers that the conflict of interest amendment is a very important amendment that has significantly improved the bill, as has the need for medical practitioners to advise patients about the risks of self-administration. The other significant amendment is the regional access standard, and it will be interesting to see whether that actually delivers the intended outcome, but it is a positive amendment to the bill.

It has been suggested to me that because there is clear support for the bill and the bill will pass regardless of how I vote, my vote is irrelevant to the outcome that we will see today and that I should put my concern aside and support the bill. It has been explained to me that this will be an easier route for me personally. It has also been suggested to me that if I cannot support the bill, I should abstain from voting on the third reading because as a government member this is what is expected of me. I have struggled in my consideration of these suggestions, wanting to do the right thing by the government and wanting to do what I believe to be the right thing. Taking the easy path would indeed be easier. Taking the path that would be easier for me personally, despite my continuing concerns with the bill, is simply not in my DNA. My life would have been a lot easier if it were.

There is no doubt that the bill is a much better bill as a result of the amendments that have been passed and the good work of the members in this place. The question for me is whether those amendments are sufficient. The question I put to myself was: can I, in all good conscience, support a bill that approves the prescribing of a lethal substance that has not been approved by the Therapeutic Goods Act for human use and that I know will result in between five per cent and 70 per cent or more patients experiencing anything but a peaceful and pain-free death, with no mechanism in the bill for investigation, review or improvement by the Voluntary Assisted Dying Board and insufficient protection for the vulnerable? When I put that question to myself, I came to the answer that I just cannot do it. I know that a lot of people will be very disappointed by that, but I cannot put people in harm's way. In the full knowledge that my vote will make no difference to the bill passing, I have decided to err on the side of protection of the vulnerable and those who will not get the promised peaceful and pain-free death and to vote against the bill at the third reading.

HON ALISON XAMON (North Metropolitan) [3.40 pm]: I rise to reflect on the process of deliberation of the Voluntary Assisted Dying Bill 2019. As I indicated in my second reading speech, I will be supporting the third reading of the legislation, as I did the second reading. The Greens have a longstanding commitment to the principle of voluntary assisted dying, which is also enshrined as a specific policy of the party. In my almost seven years in this place, I have never gone against a Greens policy and I do not intend to start now. Respecting Greens policies is a core responsibility of the parliamentarians who have been entrusted by our party to represent them.

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I also reiterate my personal commitment to the principle of voluntary assisted dying. I remain strongly of the view that too often modern medicine keeps people alive far beyond their time and that the capacity to die peacefully when one's life is otherwise up is a compassionate and loving response to an inevitable death. But that does not mean that I feel completely confident that the legislation before us has hit the right balance, even though I will be supporting it. Crafting legislation around issues of life and death is a sombre and onerous responsibility. We do not craft legislation for those families and people who are loving, supportive and committed to doing the right thing, and whose hearts and motives are pure. To try to pretend that this is the whole purpose of this legislation solely to facilitate access is, I think, at best facile, but at worst dangerous. We legislate because we are trying to mitigate the damage that can be wrought by those people who, through maliciousness or greed or even just because they are exhausted and frustrated, do not do the right thing. Members, that is why we have a Criminal Code—for people who will not do the right thing, and we have literally hundreds of statutes on the book to try to address harmful behaviours of the minority within this community that would do us harm.

I know that I have attempted to engage, in good faith, in the process of amendment, as I made clear in my speech on the second reading that I was determined to. I have not caucused with any group. At no point could my vote on any amendment be taken for granted. I did not turn up to Parliament with the intention of sleeping through this debate on life and death. Instead, I committed to listening to the whole debate and voting according to both my conscience and some fundamental principles. The fundamental principles in this legislation that I have committed to are ensuring that the eligibility to VAD was not limited any further than the bill currently provides, nor that access was limited. Indeed, I voted for amendments that I believe would have increased the capacity for regional Western Australians to have access to both VAD and palliative care—amendments that were not supported by the majority of this house. I also remain committed to the capacity for people to avail themselves of VAD by self-administering. Indeed, I am of the view that this is a critical safeguard to be better assured that consent has actually been achieved. But I was fully prepared to commit to supporting amendments that I believed would improve transparency, oversight and clarity to the process. I remain concerned that many of those sensible amendments were not supported for no clear reason other than a concern as to who had moved the amendment as opposed to the substance of the amendment itself. I also remain concerned that the safeguards are insufficient. However, with all my heart I hope that my concerns are proven to be without foundation because it will weigh very heavily on my conscience if my concerns ever come to fruition.

This is a regime that many in the community have lobbied long and hard for over decades. Many of us have personal stories of people we have loved who might have wanted to be able to access voluntary assisted dying or who we believe would have wanted to be able to access VAD. I urge those who are celebrating the likely passage of this legislation, which ushers in a serious change to how we, as a state, deal with death, to consider what is at stake should the insufficient safeguards within this bill result in a coerced death, the death of someone who it turns out is not dying, or a family member being wrongly accused of murder. These occurrences could be catastrophic for those people and families, but also catastrophic for this reform. Opposing safeguards, opposing the capacity to uphold the integrity of this regime, could have the perverse effect of undermining everything that has been fought for. I know that I have engaged in good faith to try to maximise transparency, oversight, safeguards and genuine choice, despite coming under some pressure not to engage intelligently and thoughtfully with the debate. At the end of the day, I have to be able to live with myself. I have resisted this pressure and I do so without apology. I am of the firm belief that the amendments that have been agreed to and that have been passed have greatly improved the bill.

This legislation marks a significant shift in how we as a community view death and the state's role in the deaths of its citizens. I hope we continue to scrutinise the way this legislation and the associated regime rolls out. I hope that we are able to extract as much transparency as we can about how it is operating, despite in my view the limited provisions in the bill and despite the Council's decision to not support many measures that would have provided additional transparency. With all my heart, I hope that the efforts to ensure that we have world's best practice in the availability of palliative care continues to be fought for so that all Western Australians have genuine choice at their end of life and that voluntary assisted dying is never sought simply because people have been left without any other option.

I acknowledge the exemplary conduct of Hon Stephen Dawson in his handling of this very sensitive legislation and for treating it with the seriousness that it deserves. I also want to acknowledge the very measured way in which the Minister for Health has endeavoured to engage both with members and in his public commentary. I wish all government members could demonstrate such restraint.

Finally, I want to give a thankyou to the literally thousands of people who have contacted me over the course of this year, many telling me their deeply personal stories and, just as importantly, many expressing their deep distress at the introduction of this legislation. I recognise that although many, if not most, within this state will welcome

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the passage of this bill, there will also be those who are desperately disappointed and concerned, and those again who welcome the bill but with significant trepidation. We all have hopes as to how this legislation will work in practice. My fervent hope is that it does prove to work as intended.

HON COLIN HOLT (South West) [3.48 pm]: I will be relatively brief. I want to work on two themes: one is to congratulate all members of the chamber, especially the Minister for Environment, Hon Stephen Dawson, supported by the Leader of the House, for the way they have conducted the Committee of the Whole process in a calm, respectful manner that came through in every debate. That was extended to every member who contributed to the debate and who raised questions and moved amendments. I would also like to say a thankyou to members of the Joint Select Committee on End of Life Choices—Hon Robin Chapple, Hon Dr Sally Talbot and Hon Nick Goiran—who joined me on that committee that started this process two and a half years ago. That was a major moment in the development of this bill and the delivery of this policy. I have nothing but respect for the views of all members in this chamber, as I am sure they respect my views, and that has been demonstrated over and again throughout the two-and-a-half-year period of working with the members of the committee and also members of Parliament. I think we can agree that we disagree, and that is okay. As Hon Peter Collier said, members come from a broad spectrum of communities and we reflect a broad spectrum of views, not only our own, but also those of our communities. I am definitely one of those. I am not a lawyer and I do not come to this chamber with a legal background, but that does not mean that I and everyone else do not have something to offer in Parliament. In fact, that is exactly what should happen. I congratulate all those who brought their views to the table, debated without fear or favour and moved amendments that I may or may not have agreed with. But, again, that was the will of the chamber and the will of my vote in my role as a member of this chamber.

I have always said, and I said in my second reading contribution, that I would look at this bill from the viewpoint of a patient who is terminally ill. I went to great lengths to describe my viewpoint in that sense. I have considered every amendment that was put forward and every debate that ensued from the viewpoint of someone who is terminally ill and wants to relieve their suffering. As it happened, by either circumstance, irony or synergy, when I was driving around Bunbury on Monday, I got a phone call from a friend of mine who said that their brother-in-law, whom I knew very well from my time in Halls Creek, was dying from cancer and he had very few days left. Some members in this chamber will know him because he was a very prominent policeman. He was transferred to a hospice and obviously put into palliative care to make him feel as comfortable as possible. I am sure that his palliative care was of an absolute standard; it was in metropolitan Perth. However, from the reports I have received, it did not relieve his suffering in his final days and hours. His birthday was yesterday. He passed away at 7.30 this morning. I have thought of those people when we have debated this critical policy and bill, because I want those people, if they choose it, to have the opportunity to say that they have had enough and they want to participate in the scheme that this bill allows. I understand the viewpoint of others who think that this is just too risky for the vulnerable. I am not of that opinion. I think the bill has plenty of safeguards in providing an opportunity, and probably a difficult opportunity for my friend who died this morning, to access it in a timely manner. To give some context, three weeks ago he was feeling unwell. He went to the doctor and the doctor said that the cancer had spread throughout his body and into his lymph nodes. That was three weeks ago and he died this morning. His pain was not relieved in the manner that he expressed to his family, and that is why I have come to the decision to support this bill.

HON TIM CLIFFORD (East Metropolitan) [3.53 pm]: I was not going to speak, but after hearing the contributions of everyone else, I thought it was worth putting forward my views. I did not say much throughout the committee stage, as I stated my support for the Voluntary Assisted Dying Bill at the outset in my contribution to the second reading debate. I reiterate my support during the third reading stage and take my hat off to the people who were involved in this process, including the minister, who I think conducted himself really well. I liked to see the amount of questioning and the scrutiny of this bill to the nth degree. Although I do not agree with the views of Hon Nick Goiran, I respect the way he conducted himself during the process and the scrutiny he put on the minister and his advisers, who did an amazing job. Before I came to this place, I did not realise the amount of work and time that is put into drafting legislation, especially on a bill such as this. I did not realise the work that my colleague Hon Robin Chapple has done since the early days of advocating for voluntary assisted dying in this place. The historical significance of this bill is not lost on me. I read every one of the amendments put forward. I did my homework and I asked questions. Once I made up my mind, I did not feel as though I had to stand up to reiterate my support. Where I voted was where I stood. That is pretty much where I am with this. We are very close to the end of contributions today. This is a really good example of democracy being played out.

I was disappointed with the rhetoric I heard outside the chamber and the way the media portrayed this debate, which fuelled a lot of the views in emails that landed in my inbox. People were misguided by the rhetoric in the public space. Even though a lot of myths were clarified as the committee stage went on, there was still a ramping up of those views. We need to look at the way the media has operated in this space. I cannot express my gratitude

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enough to my colleagues for not allowing that rhetoric to enter this chamber. No matter what we did, we managed to get through the process. We voted in a way that was steered by our conscience and we managed to get to the end by standing on our own two feet. I thank the chamber. I thank the Minister for Environment. This goes back to the people of WA and to those who will face the end of their lives in a way we wish on nobody. This bill will give them a choice. Thank you.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [3.57 pm] — in reply:
From the outset, I commend all members of this place for their careful and thoughtful consideration of the Voluntary Assisted Dying Bill 2019. On this journey many members have shared deeply personal stories about their families and those of their constituents. Although we have not agreed on every issue, opposing views have largely been exposed respectfully.

I place on the record my thanks to the Premier. It is due to his resolve and indeed his leadership that we are dealing with this bill at all. I thank him for that. I acknowledge the contribution to the debate by Hon Nick Goiran and others. They may have different views from me, but I respect their right to speak. The community has been clear that there is a need to go beyond palliative care services to provide Western Australians with the genuine choices they require to experience both a fulfilling life and a respectful death without unnecessary suffering. Published polls suggest that 88 per cent of Western Australians are in favour of voluntary assisted dying, yet only a small number of people will be eligible to access voluntary assisted dying at the end of their life. I believe that Western Australians should be supported in making informed decisions about their medical treatment. They should be able to choose to spend their last days surrounded by loved ones, ideally at home, coherent and without pain. This is a rational choice. The need for this was clearly identified by the Joint Select Committee on End of Life Choices during its extensive inquiry. In its report, "My Life, My Choice", the committee recommended that the Western Australian government draft and introduce a bill for voluntary assisted dying. A great deal of work has happened since that time. There has been a comprehensive and careful process to ensure that we had the benefit of the best advice for this bill.

I would like to acknowledge the members of the joint select committee for their considerable efforts and to recognise the extensive work undertaken by the committee. The committee's report paved the way for this landmark piece of legislation. In particular, I would like to acknowledge the outstanding efforts of the chairperson, the member for Morley, Amber-Jade Sanderson, and the deputy chairperson, Hon Colin Holt, for their dedication and their leadership. I also thank Hon Dr Sally Talbot for her role in the committee and other roles throughout the debate, and, of course, Hon Nick Goiran who was part of that committee too. I would also like to thank the members of the Ministerial Expert Panel on Voluntary Assisted Dying for their hard work and dedication. They listened to wideranging community views on this important and significant issue, and reviewed a broad range of research from both Australia and overseas. The panel's final report was a vital component in drafting the compassionate and safe legislation that has been put before members in Parliament. I would specifically like to recognise the remarkable work of Malcolm McCusker, AC, QC, as chairman of the panel and for his continued advice during the parliamentary debate.

I would like to specifically acknowledge the tireless efforts of my advisers, including Daphne Fernandes, Marion Huntly, Amanda Bolleter, Lisa Furness and Carol Conley. Thank you. Of course, many others are working behind the scenes at the Department of Health who also deserve a mention for their contributions; this has been a genuine team effort. Other members have mentioned the parliamentary draftspeople and others, and I thank them too. I also want to add my thanks to the Chair of Committees and the Deputy Chairs for the role that they played in and their stewardship of the debate. I also place on the record the gratitude of this house to the hardworking staff at Parliament, including the clerks and all the chamber staff, catering, security, Hansard and building management, all of whom have kept the house running as we considered the legislation during the debate. They are some of the tireless people who do not get to stand in front of cameras and who do not have people saying to them, "Thank you" and "Good job" on a daily basis, so thank you on behalf of the 36 of us in this place.

The bill was introduced to the house on 26 September. I am told it took 78 hours and 43 minutes to consider and debate the 184 clauses contained in the bill. It has properly undergone extensive scrutiny. Throughout the course of this debate, the Minister for Health and the government listened carefully to members and stakeholders regarding what would constitute an acceptable legal framework for voluntary assisted dying. In the end, as we have heard, the house made 55 amendments, many of which codify what is already good medical practice or make explicit what was already implicit in the bill. We considered the Victorian approach and we believe we have come up with a better outcome for Western Australians. I pause to note, in particular, the substantive amendment at new clause 9A, which provides a sensible, balanced approach to the initiation of a conversation about voluntary assisted dying by a medical practitioner or nurse practitioner in specific circumstances. This is

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what good governments do; they listen. The bill before the house is robust and contains appropriate safeguards whilst ensuring a compassionate approach to those who are dying. The safeguards ensure that all members can have confidence in this final bill.

Members, much has been said in this place about the importance of palliative care. Palliative care should be a genuine choice for Western Australians. This government is committed to improving and strengthening palliative care so that people across the state have access to high-quality care at end of life. I think our recent commitments in the budget show that too. It is also important to note that in the context of this debate members are not considering voluntary assisted dying instead of palliative care; we are considering the compassion we should show to those people for whom palliative care does not relieve their suffering. The government recognises the importance of all end-of-life care. The bill does not create a lower standard of care for people who are coming to the end of their lives. We are not replacing palliative care. We are providing another option for those who are dying.

Voluntary assisted dying is a significant issue for Western Australia, and I sincerely thank every member of the Legislative Council for sharing their personal experiences with the chamber and for their valuable contributions to this crucial debate. Amongst the many supporters of voluntary assisted dying in this place, I would like to take a moment to acknowledge two—Hon Alannah MacTiernan and Hon Robin Chapple—both of whom have been at the vanguard of support for voluntary assisted dying over many years, and each is testament to the truth that perseverance is the secret of all triumphs. Without their tireless commitment over the years, this bill would never have advanced to this point. Their continued support means that a choice is possible for those who want it in the face of their intolerable suffering at the end of their life. All Western Australians owe them a debt of gratitude. Many people across the community who have had their parents or a loved one pass away in agony want something done, and that is what this legislation is about. This legislation will bring about relief for those who are suffering at end of life. This is a momentous occasion. We are now much closer to providing safe and compassionate legislation to end the most severe suffering of those Western Australians who are currently dying without genuine choices. This bill is safe and compassionate. It is voluntary at all stages. It is a choice at the end of life—a choice for only those who decide they no longer wish to endure their intolerable suffering. Who are we to deny the option of such relief to those who we know experience such suffering? It is a choice we offer, respecting the views of the community and the rights of everyone. It is the essence of compassion.

I want to thank all those who have campaigned for this legislation. Of course, some of them are in the gallery this afternoon and have been here over the past weeks as we have debated this. Thank you to each and every one of you for the role that you have played; it has been a very important role. I am confident that this bill will now receive the endorsement of the Legislative Council and move to the other place for final consideration.

I, too, commend this bill to the house and I urge honourable members to support it.

Members: Hear, hear!

The PRESIDENT: Before I put the question, I remind members again that we will conduct this vote in the same way that we have managed the whole of the debate in this chamber on this very significant piece of legislation. I ask that when I put the question, and possibly we may or may not go to a division, that we handle this in a very calm and mature way and a quiet and respectful manner. I also ask our visitors in the gallery if they can observe this vote in a very respectful and calm manner as well, acknowledging the diversity of views that exist in this chamber today on this issue.

Division

Question put and a division taken with the following result —

Ayes (24)

Hon Martin Aldridge	Hon Stephen Dawson	Hon Alannah MacTiernan	Hon Aaron Stonehouse
Hon Jacqui Boydell	Hon Colin de Grussa	Hon Kyle McGinn	Hon Matthew Swinbourn
Hon Robin Chapple	Hon Sue Ellery	Hon Martin Pritchard	Hon Dr Sally Talbot
Hon Jim Chown	Hon Diane Evers	Hon Samantha Rowe	Hon Darren West
Hon Tim Clifford	Hon Laurie Graham	Hon Robin Scott	Hon Alison Xamon
Hon Alanna Clohesy	Hon Colin Holt	Hon Tjorn Sibma	Hon Pierre Yang (<i>Teller</i>)

Extract from *Hansard*
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Hon Stephen Dawson; Hon Rick Mazza; Hon Michael Mischin; Hon Aaron Stonehouse; Hon Robin Chapple; Hon Darren West; Hon Martin Pritchard; Hon Colin Tincknell; Hon Robin Scott; Hon Tjorn Sibma; Hon Martin Aldridge; Hon Peter Collier; Hon Simon O'Brien; Hon Jacqui Boydell; Hon Alannah MacTiernan; Hon Kyle McGinn; Hon Nick Goiran; Hon Adele Farina; Hon Alison Xamon; Hon Colin Holt; Hon Tim Clifford

Noes (11)

Hon Ken Baston
Hon Peter Collier
Hon Donna Faragher

Hon Adele Farina
Hon Rick Mazza
Hon Michael Mischin

Hon Simon O'Brien
Hon Charles Smith
Hon Dr Steve Thomas

Hon Colin Tincknell
Hon Nick Goiran (*Teller*)

Question thus passed.

Bill read a third time and returned to the Assembly with amendments.

The PRESIDENT: Leader of the House, noting the time, I might vacate the chair until the ringing of the bells.

Sitting suspended from 4.11 to 4.30 pm