

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 173

WEDNESDAY, 4 DECEMBER 2019

1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Petitions

Hon Donna Faragher presented a petition from 4,000 petitioners requesting the Legislative Council to oppose the removal of access to Tonkin Highway from Hale Road. (Tabled Paper 3480).

Hon Diane Evers presented a petition from 309 petitioners requesting the Legislative Council to request that 10 percent of all Royalties for Regions funding on an annual basis go to environmental rehabilitation. (Tabled Paper 3481).

3. Ministerial Statement — Red Imported Fire Ant Quarantine Notice

The Minister for Agriculture and Food made a Ministerial Statement with respect to quarantine measures for parts of Fremantle to stop the possible spread of red imported fire ants.

4. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Fee-setting by the Department of Primary Industries and Regional Development and
Western Australia Police Force (Report No. 13) (December 2019)..... 3476

Leader of the House

Reviews —

Review of the Criminal Property Confiscation Act 2000 (WA) (May 2019) 3477

Statutory review of the Criminal Organisations Control Act 2012 (Final Report)
(October 2019) 3478

Minister for Environment

Reports —

Professional Standards Council of Western Australia — Financial Statements for the
year ended 30 June 2019 3479

5. Temporary Orders — Motions on Notice

The Leader of the House: To move on the next day of sitting —

That the Temporary Orders set out in the attached Schedule be adopted and agreed to until their expiry on 31 December 2020.

The Leader of the House tabled the 2020 annual schedule of allocations of motions on notice. (Tabled Paper 3482).

6. Temporary Orders — Consideration of Committee Reports

The Leader of the House: To move on the next day of sitting —

That the operation of the Temporary Orders with respect to the Consideration of Committee Reports, adopted by the Council on 7 December 2017, be extended to apply until (and including) 31 December 2020.

7. Regional Western Australia

Hon Jim Chown: To move on the next day of sitting —

That this House expresses its concerns regarding the McGowan Government's policies and decisions affecting regional Western Australia.

8. Temporary Orders — Notice of Motions to be made Orders of the Day

The Leader of the House moved, without notice —

That the Notices of Motion I have just given for the extension of two sets of Temporary Orders be made Orders of the Day for the next sitting of the House.

Question — put and passed.

9. Public Works Amendment (WA Building Management Authority Abolition) Bill 2019

The President reported the receipt of Message No. 152 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment representing the Minister for Finance moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Environment representing the Minister for Finance moved, That the Bill be read a second time.

The Minister for Environment representing the Minister for Finance tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3483).

Debate stands adjourned.

10. Government Railways Amendment Bill 2019

The President reported the receipt of Message No. 153 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment representing the Minister for Transport moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Environment representing the Minister for Transport moved, That the Bill be read a second time.

The Minister for Environment representing the Minister for Transport tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3484).

Debate stands adjourned.

11. Order of Business

Ordered — That Orders of the Day Nos 1, *Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2019 — Disallowance*, and 2, *Weapons Amendment Regulations 2019 — Disallowance*, be taken after Order of the Day No. 19, *High Risk Offenders Bill 2019*. (Leader of the House).

12. Voluntary Assisted Dying Bill 2019

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 99.

Debate resumed.

Hon Nick Goiran moved —

Page 66, after line 24 — To insert:

- (3) A person commits a crime if —
 - (a) the person, by dishonesty, undue influence or coercion, induces another person —
 - (i) to make a request for access to voluntary assisted dying; or
 - (ii) to access voluntary assisted dying;
 - and
 - (b) as a consequence, the other person accesses voluntary assisted dying and dies.
- Penalty for this subsection: imprisonment for life.

Debate ensued.

Hon Michael Mischin moved to amend the amendment as follows —

In paragraph (b) — To insert after “dies”:

as a result thereof

Amendment — put.

Division called.

Chair's Ruling

The Chair ruled as follows —

The voices that were sufficient to declare a no vote have evaporated, and, for the record, I note that every Member has moved to the right of the Chair. The situation now is that Standing Order 80 cannot be employed, so this division will proceed. I rule that the ayes have it.

Amendment thus passed.

Debate resumed.

Amendment, as amended — put.
The Committee divided.

Ayes (16)

Hon Martin Aldridge
Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Adele Farina
Hon Nick Goiran
Hon Rick Mazza
Hon Michael Mischin

Hon Simon O'Brien
Hon Martin Pritchard
Hon Tjorn Sibma
Hon Charles Smith
Hon Aaron Stonehouse
Hon Colin Tincknell
Hon Alison Xamon
Hon Ken Baston (*Teller*)

Noes (18)

Hon Jacqui Boydell
Hon Robin Chapple
Hon Tim Clifford
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Diane Evers
Hon Laurie Graham

Hon Colin Holt
Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Samantha Rowe
Hon Robin Scott
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Debate resumed.

Question, That the clause stand as printed — put and passed.

Clause 100.

Debate ensued.

Clause agreed to.

Clause 101.

Debate ensued.

Clause agreed to.

New Clause 101A.

Hon Charles Smith moved —

Page 67, after line 18 — To insert:

101A. Medical practitioner or other person not to be advantaged or disadvantaged in relation to voluntary assisted dying

- (1) A person commits a crime if the person gives or promises any reward or advantage (other than reasonable payment for the provision of health services or other relevant services), or causes or threatens any disadvantage, to a medical practitioner or other person —
 - (a) because the medical practitioner or other person has done anything referred to in subsection (2); or
 - (b) for the purpose of inducing the medical practitioner or other person to do anything referred to in subsection (2).

Penalty for this subsection: imprisonment for 7 years.

- (2) Subsection (1) applies to the following —

- (a) participating, or refusing to participate, in the request and assessment process;
 - (b) prescribing, supplying or administering a voluntary assisted dying substance;
 - (c) refusing to prescribe, supply or administer a voluntary assisted dying substance.
- (3) A person to whom a reward or advantage is given or promised as referred to in subsection (1) is not entitled to retain or receive the reward or to exercise the advantage, whether or not the person knew of the intention to give the reward or advantage, or the promise, at the time that the person did the thing referred to in subsection (2).

Debate ensued.

New Clause — put.

The Committee divided.

Ayes (7)

Hon Nick Goiran
Hon Rick Mazza
Hon Simon O'Brien
Hon Charles Smith

Hon Aaron Stonehouse
Hon Colin Tincknell
Hon Ken Baston (*Teller*)

Noes (28)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Robin Chapple
Hon Jim Chown
Hon Tim Clifford
Hon Alanna Clohesy
Hon Peter Collier
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Diane Evers
Hon Donna Faragher
Hon Adele Farina
Hon Laurie Graham

Hon Colin Holt
Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Michael Mischin
Hon Martin Pritchard
Hon Samantha Rowe
Hon Robin Scott
Hon Tjorn Sibma
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Dr Steve Thomas
Hon Darren West
Hon Alison Xamon
Hon Pierre Yang (*Teller*)

New Clause thus negated.

Clause 102.

Debate ensued.

Clause agreed to.

Clause 103.

Hon Nick Goiran moved —

Page 68, line 7 — To insert before “cancel”:

immediately

Debate ensued.

Amendment — put and negated.

Debate resumed.

Hon Nick Goiran moved —

Page 68, line 9 — To delete “inform the CEO” and insert:

within 2 business days after cancelling the document, inform the CEO and the Board

Debate ensued.

Amendment — put and negatived.

Question, That the clause stand as printed — put and passed.

Clause 104.

Debate ensued.

Clause agreed to.

Clause 105.

Debate ensued.

Clause agreed to.

Clause 106.

Hon Nick Goiran moved —

Page 70, after line 18 — To insert:

(da) a former coordinating practitioner or consulting practitioner for the patient if the person is not a party to the proceeding;

Debate ensued.

Amendment — put and passed.

Hon Nick Goiran moved —

Page 70, lines 20 and 21 — To delete “the administering practitioner for the patient.” and insert:

a person to whom the role has been transferred.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 107.

Debate ensued.

The Minister for Environment representing the Minister for Health moved —

Page 70, after line 27, the Table the 1st row the 1st column — To delete:

s. 21(1)

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 108.

Debate ensued.

13. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Child Protection tabled the Minister's meeting briefing in relation to a meeting with Anglicare and National Home Stretch Campaign Chair (September 2019), in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 3485).

The Minister for Education and Training tabled the *Principals Guide to Bushfire* (June 2018), in response to a question without notice asked by Hon Ken Baston. (Tabled Paper 3486).

The Leader of the House representing the Minister for Child Protection tabled, and by leave incorporated into *Hansard* information in relation to positions held by the Department of Communities employees prior to their departure from the Department, in response to a question without notice asked by Hon Jim Chown. (Tabled Paper 3487).

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* information in relation to temporary migrant visas and their impact on jobs and wages, in response to a question without notice asked by Hon Charles Smith.

The Minister for Environment representing the Minister for Housing, by leave, incorporated into *Hansard* information in relation to social housing for the years 2017–18, 2018–19 and 2019–20 in response to a question without notice asked by Hon Peter Collier.

The Minister for Environment representing the Minister for Transport, in accordance with Standing Order 108(2), advised that an answer to question on notice 2654 asked by Hon Alison Xamon will be provided by 6 December 2019.

The Minister for Environment representing the Minister for Corrective Services, in accordance with Standing Order 108(2), advised that answers to questions on notice 2663, 2664 and 2665 asked by Hon Alison Xamon will be provided by 6 December 2019.

The Minister for Regional Development representing the Minister for Water, by leave, incorporated into *Hansard* information in relation to the Water Corporation and targets of six percent for construction specified contractors' use of local labour, in response to a question without notice asked by Hon Robin Scott.

The Minister for Regional Development, in accordance with Standing Order 108(2), advised that an answer to question on notice 2660 asked by Hon Martin Aldridge will be provided by 6 December 2019.

The Minister for Regional Development representing the Minister for Forestry, in accordance with Standing Order 108(2), advised that an answer to question on notice 2619 asked by Hon Diane Evers will be provided by 6 December 2019.

The Minister for Regional Development representing the Minister for Water, Forestry, Fisheries, ICT and Science, in accordance with Standing Order 108(2), advised that an answer to question on notice 2639 asked by Hon Tjorn Sibma will be provided by 6 December 2019.

The Minister for Regional Development representing the Minister for Mines and Petroleum tabled the First Progress Report (31 October 2019) on the Government's Implementation Plan on Hydraulic Fracture Stimulation (Fracking), in response to question on notice 2669 asked by Hon Robin Chapple. (Tabled Paper 3488).

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to staffing levels at the Wheatbelt Mental Health Service, in response to a question without notice asked by Hon Jacqui Boydell.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to Health Campuses and Hospitals in Broome, Kalgoorlie, Port Hedland and Karratha from 1 July 2019 to date and Codes Black, Black Alphas, Yellows and Browns, in response to a question without notice asked by Hon Jacqui Boydell.

14. Statement by President — Refreshments

The President made the following Statement —

Members, arrangements have been put in place to provide refreshments until the House rises. The Members' Dining Room will remain open until 11.00pm. From 11.00pm until 2.00am refreshments will be available in the Members' Lounge. From 2.00am a tea and coffee service will be available in the Strangers' Lounge.

15. Voluntary Assisted Dying Bill 2019

Resumption of consideration of this Bill in Committee of the Whole House (*see item 12 above*).

The President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 108.

Debate resumed.

Clause agreed to.

Clause 109.

Debate ensued.

Clause agreed to.

Clause 110.

Debate ensued.

Clause agreed to.

Clause 111.

Debate ensued.

Clause agreed to.

Clause 112.

Debate ensued.

Clause agreed to.

Clause 113.

Debate ensued.

The Minister for Environment representing the Minister for Health moved —

Page 74, line 12 — To delete “faith,” and insert:

faith and with reasonable care and skill,

Debate ensued.

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clause 114.

Debate ensued.

Clause agreed to.

Clause 115.

Debate ensued.

Clause agreed to.

Clause 116.

Debate ensued.

Clause agreed to.

Clause 117.
Debate ensued.
Clause agreed to.
Clause 118.
Debate ensued.
Clause agreed to.
Clause 119.
Debate ensued.
Clause agreed to.
Clause 120.
Debate ensued.
Clause agreed to.
Clause 121.
Debate ensued.
Clause agreed to.
Clause 122.
Debate ensued.
Clause agreed to.
Clause 123.
Debate ensued.
Clause agreed to.
Clause 124.
Debate ensued.
Clause agreed to.
Clause 125.
Debate ensued.
Clause agreed to.
Clause 126.
Debate ensued.
Clause agreed to.
Clause 127.
Debate ensued.
Clause agreed to.
Clause 128.
Debate ensued.
Clause agreed to.
Clause 129.
Debate ensued.
Clause agreed to.
Clause 130.
Debate ensued.
Clause agreed to.
Clause 131.
Debate ensued.
Clause agreed to.

Clause 132.
Debate ensued.
Clause agreed to.
Clause 133.
Debate ensued.
Clause agreed to.
Clause 134.
Debate ensued.
Clause agreed to.
Clause 135.
Debate ensued.
Clause agreed to.
Clause 136.
Debate ensued.
Clause agreed to.
Clause 137.
Debate ensued.
Clause agreed to.
Clause 138.
Debate ensued.
Clause agreed to.
Clause 139.
Debate ensued.
Clause agreed to.
Clause 140.
Debate ensued.
Clause agreed to.
Clause 141.
Debate ensued.
Clause agreed to.
Clause 142.
Clause agreed to.
Clause 143.
Debate ensued.
Clause agreed to.
Clause 144.
Debate ensued.
Clause agreed to.
Clause 145.
Debate ensued.
Clause agreed to.
Clause 146.
Debate ensued.
Clause agreed to.
Clause 147.
Debate ensued.
Clause agreed to.

Clause 148.

Debate ensued.

Hon Adele Farina moved —

Page 86, after line 11 — To insert:

- (aa) includes the name and contact details of the authorised supplier, and of the authorised disposer, based closest to where the patient resides; and

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (17)

Hon Martin Aldridge
Hon Jacqui Boyde
Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Adele Farina
Hon Nick Goiran
Hon Rick Mazza
Hon Michael Mischin

Hon Simon O'Brien
Hon Martin Pritchard
Hon Tjorn Sibma
Hon Charles Smith
Hon Aaron Stonehouse
Hon Colin Tincknell
Hon Alison Xamon
Hon Ken Baston (*Teller*)

Noes (17)

Hon Robin Chapple
Hon Tim Clifford
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Diane Evers
Hon Laurie Graham
Hon Colin Holt

Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Samantha Rowe
Hon Robin Scott
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Debate resumed.

Question, That the clause stand as printed — put and passed.

Clause 149.

Debate ensued.

Clause agreed to.

Clause 150.

Debate ensued.

Hon Adele Farina moved —

Page 87, after line 2 — To insert:

- (c) either House of Parliament or a committee of either House; or
(d) a joint committee of both Houses of Parliament.

Debate ensued.

Hon Adele Farina, by leave, withdrew her amendment.

Question, That the clause stand as printed — put and passed.

Clause 151.

Debate ensued.

Hon Martin Aldridge moved —

Page 87, after line 12 — To insert:

- (ba) participation in the request and assessment process, and access to voluntary assisted dying, by patients who are regional residents;

Debate ensued.

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clause 152.

Debate ensued.

Clause agreed to.

New Clause 152A.

Hon Adele Farina moved —

Page 87, after line 29 — To insert:

152A. Notification of complications relating to use of voluntary assisted dying substance

- (1) This section applies if —
 - (a) a patient self-administers or is administered a voluntary assisted dying substance in accordance with this Act; and
 - (b) the patient suffers an adverse reaction to the substance or there is otherwise a complication relating to the self-administration or administration of the substance.
- (2) Any family member of the patient who is aware that the adverse reaction or complication occurred may notify the Board of the adverse reaction or complication.
- (3) Any person who witnessed the adverse reaction or complication may notify the Board of the adverse reaction or complication.
- (4) If the Board receives a notification under subsection (2) or (3), the Board must —
 - (a) investigate the matter; and
 - (b) if appropriate, do 1 or more of the following —
 - (i) refer the matter to a person or body referred to in section 117(c);
 - (ii) in order to avoid a recurrence of the adverse reaction or complication, make recommendations to the CEO for changes to the poisons that are voluntary assisted dying substances or the dosages in which voluntary assisted dying substances are used;
 - (iii) in order to avoid a recurrence of the adverse reaction or complication, develop or review guidelines to assist medical practitioners who prescribe voluntary assisted dying substances for patients.

Debate ensued.

New Clause — put.

The Committee divided.

Ayes (16)

Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Adele Farina
Hon Nick Goiran
Hon Rick Mazza
Hon Michael Mischin
Hon Simon O'Brien

Hon Martin Pritchard
Hon Tjorn Sibma
Hon Charles Smith
Hon Aaron Stonehouse
Hon Dr Steve Thomas
Hon Colin Tincknell
Hon Alison Xamon
Hon Ken Baston (*Teller*)

Noes (19)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Robin Chapple
Hon Tim Clifford
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Diane Evers
Hon Laurie Graham

Hon Colin Holt
Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Samantha Rowe
Hon Robin Scott
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Pierre Yang (*Teller*)

New Clause thus negatived.

The Deputy Chair left the Chair at 10.02pm
The Deputy Chair resumed the Chair at 10.15pm

Clause 153.

Debate ensued.

Clause agreed to.

Clause 154.

Debate ensued.

Hon Nick Goiran moved —

Page 88, after line 19 — To insert:

(ba) the number of any referrals made by the Board under section 117(c); and

Debate ensued.

Amendment — put.
The Committee divided.

Ayes (18)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Adele Farina
Hon Nick Goiran
Hon Rick Mazza
Hon Michael Mischin

Hon Simon O'Brien
Hon Martin Pritchard
Hon Tjorn Sibma
Hon Charles Smith
Hon Aaron Stonehouse
Hon Dr Steve Thomas
Hon Colin Tincknell
Hon Alison Xamon
Hon Ken Baston (*Teller*)

Noes (17)

Hon Robin Chapple
Hon Tim Clifford
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Diane Evers
Hon Laurie Graham
Hon Colin Holt

Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Samantha Rowe
Hon Robin Scott
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Pierre Yang (*Teller*)

Amendment thus passed.
Hon Martin Aldridge moved —
Page 88, after line 27 — To insert:

- (f) information about the extent to which regional residents had access to voluntary assisted dying, including statistical information recorded and retained under section 151(1)(ba), and having regard to the access standard under section 154A.

Debate ensued.
Amendment — put and passed.
Clause, as amended, agreed to.
New Part 9A.
Hon Martin Aldridge moved —
Page 89, after line 11 — To insert:

Part 9A — Access standard**154A. Standard about access to voluntary assisted dying**

- (1) The CEO must issue a standard (the *access standard*) setting out how the State intends to facilitate access to voluntary assisted dying for persons ordinarily resident in Western Australia, including how the State intends to facilitate those persons' access to —
 - (a) the services of medical practitioners and other persons who carry out functions under this Act; and
 - (b) prescribed substances; and
 - (c) information about accessing voluntary assisted dying.

- (2) The access standard must specifically set out how the State intends to facilitate access to voluntary assisted dying for regional residents.
- (3) The CEO may modify or replace the access standard.
- (4) The CEO must publish the access standard on the Department's website.

Debate ensued.

New Part 9A agreed to.

Clause 155.

Debate ensued.

Clause agreed to.

Clause 156.

Debate ensued.

Clause agreed to.

Clause 157.

Debate ensued.

Clause agreed to.

Clause 158.

Debate ensued.

Hon Nick Goiran moved —

Page 93, lines 10 and 11 — To delete “abuse or coercion;” and insert:

abuse, coercion, duress or undue influence;

Debate ensued.

Hon Nick Goiran, by leave, amended his amendment as follows:

To delete “, duress”.

Debate resumed.

Amendment — put.

The Committee divided.

Ayes (17)

Hon Martin Aldridge
Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Adele Farina
Hon Nick Goiran
Hon Rick Mazza
Hon Michael Mischin
Hon Simon O'Brien

Hon Martin Pritchard
Hon Tjorn Sibma
Hon Charles Smith
Hon Aaron Stonehouse
Hon Dr Steve Thomas
Hon Colin Tincknell
Hon Alison Xamon
Hon Ken Baston (*Teller*)

Noes (18)

Hon Jacqui Boydell
 Hon Robin Chapple
 Hon Tim Clifford
 Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Colin de Grussa
 Hon Sue Ellery
 Hon Diane Evers
 Hon Laurie Graham

Hon Colin Holt
 Hon Alannah MacTiernan
 Hon Kyle McGinn
 Hon Samantha Rowe
 Hon Robin Scott
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Debate resumed.

Question, That the clause stand as printed — put and passed.

Clause 159.

Debate ensued.

Clause agreed to.

Clause 160.

Debate ensued.

Clause agreed to.

New Clause 160A.

Hon Nick Goiran moved —

Page 94, after line 18 — To insert:

160A. Parliament to establish joint standing committee

- (1) The Houses of Parliament are to establish a joint standing committee on palliative care and treatment and voluntary assisted dying comprising an equal number of members appointed by each House.
- (2) The functions and powers of the joint standing committee are determined by agreement between the Houses and are not justiciable.

Debate ensued.

New Clause — put.

The Committee divided.

Ayes (16)

Hon Martin Aldridge
 Hon Jim Chown
 Hon Peter Collier
 Hon Donna Faragher
 Hon Adele Farina
 Hon Nick Goiran
 Hon Rick Mazza
 Hon Michael Mischin

Hon Simon O'Brien
 Hon Tjorn Sibma
 Hon Charles Smith
 Hon Aaron Stonehouse
 Hon Dr Steve Thomas
 Hon Colin Tincknell
 Hon Alison Xamon
 Hon Ken Baston (*Teller*)

Noes (19)

Hon Jacqui Boydell
 Hon Robin Chapple
 Hon Tim Clifford
 Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Colin de Grussa
 Hon Sue Ellery
 Hon Diane Evers
 Hon Laurie Graham
 Hon Colin Holt

Hon Alannah MacTiernan
 Hon Kyle McGinn
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Robin Scott
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Pierre Yang (*Teller*)

New Clause thus negated.

Clause 161.

Debate ensued.

Clause agreed to.

The Council having continued to sit until 12 midnight

Thursday, 5 December 2019

Debate continued.

New Clause 161A.

Hon Nick Goiran moved —

Page 94, after line 22 — To insert:

161A. Regulations about care navigators

- (1) In this section —

care navigator means a person approved by the CEO to facilitate another person's access to voluntary assisted dying.

- (2) The Governor may make regulations for or in relation to how the State will regulate the function and powers of care navigators.
- (3) The power to make regulations under section 161A(2) must not be exercised unless —
- (a) a draft of the regulations to be made under section 161A(2) has been laid before each House of Parliament; and
 - (b) both Houses of Parliament pass a resolution originating in either House approving the draft of the regulations, with or without an amendment.
- (4) If the resolution under section 161A(3) approves the draft of the regulations with an amendment, the power to make regulations under section 161A(2) must not be exercised unless the amendment is made to the draft of the regulations.
- (5) The *Interpretation Act 1984* section 42 does not apply to regulations made under section 161A(2) of this Act.

Debate ensued.

New Clause — put.

The Committee divided.

Ayes (12)

Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Nick Goiran
Hon Rick Mazza
Hon Michael Mischin

Hon Simon O'Brien
Hon Tjorn Sibma
Hon Charles Smith
Hon Dr Steve Thomas
Hon Colin Tincknell
Hon Ken Baston (*Teller*)

Noes (22)

Hon Martin Aldridge
Hon Jacqui Boyde
Hon Robin Chapple
Hon Tim Clifford
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Diane Evers
Hon Adele Farina
Hon Laurie Graham

Hon Colin Holt
Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Martin Pritchard
Hon Samantha Rowe
Hon Robin Scott
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Alison Xamon
Hon Pierre Yang (*Teller*)

New Clause thus negatived.

Clause 162.

Debate ensued.

Clause agreed to.

Clause 163.

Debate ensued.

Clause agreed to.

Clause 164.

Debate ensued.

Clause agreed to.

Clause 165.

Debate ensued.

Clause agreed to.

Clause 166.

Debate ensued.

Clause agreed to.

Clause 167.

Debate ensued.

Clause agreed to.

Clause 168.

Debate ensued.

Clause agreed to.

Clause 169.

Debate ensued.

Clause agreed to.

Clause 170.
Debate ensued.
Clause agreed to.
Clause 171.
Debate ensued.
Clause agreed to.
Clause 172.
Debate ensued.
Clause agreed to.
Clause 173.
Debate ensued.
Clause agreed to.
Clause 174.
Debate ensued.
Clause agreed to.
Clause 175.
Debate ensued.
Clause agreed to.
Clause 176.
Debate ensued.
Clause agreed to.
Clause 177.
Debate ensued.
Clause agreed to.
Clause 178.
Debate ensued.
Clause agreed to.
Clause 179.
Debate ensued.
Clause agreed to.
Clause 180.
Debate ensued.
Clause agreed to.
Clause 181.
Debate ensued.
Clause agreed to.
Clause 182.
Debate ensued.
Clause agreed to.
Clause 183.
Debate ensued.
Clause agreed to.
Clause 184.
Debate ensued.
Clause agreed to.
Title agreed to.

The President resumed the Chair.

Bill reported with amendments.

The Minister for Environment representing the Minister for Health, by leave, moved, That the report be adopted.

Report adopted.

Debate ensued.

Ordered — That the third reading of the Bill be made an Order of the Day for the next sitting.

16. Special Adjournment

The Leader of the House moved, without notice —

That the Council at its rising adjourn until Thursday, 5 December 2019 at 11.00am.

The motion requiring the concurrence of an absolute majority.

Question — put.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

17. Adjournment

There being no Members' Statements the Council adjourned at 1.00am until Thursday, 5 December 2019 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members.

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council