

JOINT SELECT COMMITTEE ON END-OF-LIFE CHOICES — ESTABLISHMENT

Amendment to Motion

Resumed from 9 August on the following motion moved by Ms A. Sanderson —

- (1) That a joint select committee of the Legislative Assembly and Legislative Council on end-of-life choices be established.
- (2) That the committee inquire into and report on the need for laws in Western Australia to allow citizens to make informed decisions regarding their own end-of-life choices. In particular, the committee should —
 - (a) assess the practices currently being utilised within the medical community to assist a person to exercise their preferences for the way they want to manage their end of life, including the role of palliative care;
 - (b) review the current framework of legislation, proposed legislation and other relevant reports and materials in other Australian states and territories, and overseas jurisdictions; and
 - (c) consider what type of legislative change may be required, including an examination of any federal laws that may impact such legislation.
- (3) That the joint select committee consist of eight members, of whom —
 - (a) four will be members of the Assembly; and
 - (b) four will be members of the Council.
- (4) The standing orders of the Legislative Assembly relating to standing and select committees will be followed as far as they can be applied.
- (5) That the joint select committee report to both houses by 30 June 2018.
- (6) That the Legislative Council be requested to agree to a similar resolution.
- (7) That, subject to the Legislative Council agreeing to the above paragraphs, the following Legislative Assembly members be appointed —
 - (a) the member for Baldivis;
 - (b) the member for Morley;
 - (c) the member for Mount Lawley; and
 - (d) the member for South Perth.

to which the following amendment was moved by Mrs L.M. Harvey (Deputy Leader of the Opposition) —

To delete subparagraphs (a), (b) and (c) in paragraph (2) and substitute the following —

- (a) assess the practices currently being utilised within the medical community to manage chronic illnesses and terminal illnesses, including the role of palliative care;
- (b) review the current framework of legislation, proposed legislation and other relevant reports and materials in other Australian states and territories and overseas jurisdictions;
- (c) consider what type of legislative change may be required, including an examination of any federal laws that may impact such legislation;
- (d) examine the risks of introducing voluntary euthanasia, including the impact on suicide prevention; and
- (e) examine the role of advanced health directives, enduring power of attorney and enduring power of guardianship laws and the implications for individuals covered by these instruments in any proposed legislation.

MR R.R. WHITBY (Baldivis — Parliamentary Secretary) [10.10 am]: Yesterday in this place we debated the establishment of the Joint Select Committee on End-of-Life Choices. I make the point here today that this is a conversation the Parliament needs to have. It is a conversation that exists in the community and, as parliamentarians, our job is not to simply choose to do what is easy, but to confront what is difficult and often divisive in our community.

On almost a daily basis people with aggressive cancers face very difficult and intolerable suffering, and many of those people take the ultimate step in what is an undignified and distressing manner. Whether we debate or address

Mr Reece Whitby; Amber-Jade Sanderson; Mrs Liza Harvey; Ms Mia Davies; Mr David Templeman; Dr Mike Nahan; Mr Peter Katsambanis; Mr Zak Kirkup; Mr Tony Krsticevic

this issue or we do not, that will continue to happen. We are discussing a way of returning some control, dignity, options, competence and security to those people who are in that intolerable situation. Therefore, I seek to move an amendment to the amendment moved by the member for Scarborough.

Amendment on the Amendment

Mr R.R. WHITBY: I move —

- (1) To delete the words “manage chronic illnesses and terminal illnesses,” in subparagraph (a) and substitute —
assist a person to exercise their preferences for the way they want to manage their end of life when experiencing chronic and/or terminal illnesses,
and
- (2) To delete subparagraph (d).

The DEPUTY SPEAKER: Members, I need your perseverance in this. It is a bit complicated and we need to do a number of things to get through this. The first thing we need to do is, if you like, create the space to do something to this motion. In order to do that—to decide whether the house wants to amend the motion at all—I have to put the first question, and that is that subparagraphs (a), (b) and (c) in paragraph (2) of the member for Morley’s original motion be deleted.

Mr D.C. Nalder: Is it an amendment to an amendment?

The DEPUTY SPEAKER: No. Members, you just need to stick with me on this; I know what I am doing. We start with this question and progress, and no amount of logic will fix this.

Mr D.C. Nalder interjected.

The DEPUTY SPEAKER: I am with you there, but stick with me.

The question is that that amendment be agreed to.

Question (deletion of words) put and passed.

The DEPUTY SPEAKER: The next thing we need to do—this is where logic goes out the window—is turn to the member for Scarborough’s amendment. I will refer to what the Clerk has given me so it is clear. The series of questions that I will put now are designed to agree what words go into the space that we have created. The way that is done is to consider the member for Baldivis’s amendment, which was the most recent amendment moved. The member for Baldivis seeks to amend the member for Scarborough’s amendment by deleting certain words and substituting other words. His amendment is in two parts. Let us deal with the first part.

The question before the house will seek to delete certain words in subparagraph (a) of the member of Scarborough’s amendment. The question at this time is that the words “manage chronic illnesses and terminal illnesses,” in the member for Scarborough’s amendment be deleted.

Question (deletion of words) put and passed.

The DEPUTY SPEAKER: Now that we have created a space in subparagraph (a) of the member for Scarborough’s amendment, the question now before the house relates to the second part of the member for Baldivis’s amendment. Again, we are creating space. The question now becomes that the words “assist a person to exercise their preferences for the way they want to manage their end of life when experiencing chronic and/or terminal illnesses,” be substituted in the amendment moved by the member for Scarborough. The question is that the amendment be agreed to.

MS A. SANDERSON (Morley — Parliamentary Secretary) [10.15 am]: I want to speak to this amendment on the amendment very briefly to indicate that earlier in the debate I attempted to take an approach that would include a range of views and make people aware of the path that I intended to pursue and that I was seeking the Parliament’s approval for. As part of that, the opposition moved a series of amendments yesterday to my original motion. I sought to, if you like, come to an agreement with the opposition on those amendments. I understand that that agreement has been reached with both other parties in this house, which I am really pleased about. I acknowledge some of the concerns raised by the opposition around including the term “chronic and/or terminal illnesses” relating to end-of-life choices. I think they are relevant and valid concerns and pertinent to the inquiry and that we are limiting this inquiry to end-of-life choices for people with chronic and terminal illnesses. I was concerned about the phrase “end-of-life choices” being removed and there has been agreement that that will remain. I think this amendment deals with some of the concerns of opposition members whilst maintaining the integrity of the terms of reference.

Mr Reece Whitby; Amber-Jade Sanderson; Mrs Liza Harvey; Ms Mia Davies; Mr David Templeman; Dr Mike Nahan; Mr Peter Katsambanis; Mr Zak Kirkup; Mr Tony Krsticevic

MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [10.16 am]: The opposition is not interested in delaying or prolonging discussion on the formation of this joint select committee. However, I received a copy of the proposed amendments from the Leader of the National Party, and in consultation with the Leader of the National Party and my colleagues, we have agreed to accept the member for Baldivis's amendment. However, as the amendment is amending my amendment, I would have appreciated it if I had been contacted directly about what the government was proposing. However, it is what it is. I am not going to argue over semantics. Paragraph (2) of the member for Morley's motion states —

That the committee inquire into and report on the need for laws in Western Australia to allow citizens to make informed decisions regarding their own end-of-life choices. In particular, the committee should ...

It then has subparagraphs (a) through to (e). The government's amendment to change my amendment to insert end-of-life choices again is neither here nor there; it is already covered in paragraph (2). However, in the interests of progressing this debate and not tying up any more of the Parliament's time than is required, we will accept the amendment and the deletion of subparagraph (d) of my amendment, which states —

examine the risks of introducing voluntary euthanasia, including the impact on suicide prevention ...

The DEPUTY SPEAKER: We have not got to that one yet.

Mrs L.M. HARVEY: Thank you. We are willing to accept the amendment. I do not think any of my colleagues have anything further to add, so with that I will conclude.

MS M.J. DAVIES (Central Wheatbelt — Leader of the National Party) [10.18 am]: I want to very briefly say that the National Party is happy to accept the amendment to the amendment that has been moved and that it appreciates the conversation that has been had on both sides of the chamber. As mentioned yesterday in the debate, it is a serious issue for the community, and after looking at what has been put forward, in the spirit of bipartisanship, we will be able to canvass all the issues that members are concerned about with the framework that has been put forward. I appreciate the conversations we have been able to have with our colleagues in the Liberal Party and also with the mover of the motion.

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [10.19 am]: I want to comment briefly on the amendment to the amendment. I say to the students in the public gallery who are probably looking down with some bemusement—I am not sure which school they come from—that we welcome them to the Parliament.

Mr I.C. Blayney: Hale School, I think.

Mr D.A. TEMPLEMAN: Thank you. For the benefit of the students from Hale School, we are debating the establishment of a very important committee.

As the member for Baldivis commented, it is really important that this Parliament has the opportunity to debate this important issue. I appreciate the negotiations that have gone on over the last 24 hours. It got off to a bit of a rocky start. Through some negotiation and some very good communication between all parties, I hope very shortly we will have a motion to send to the Legislative Council to request it to concur with the deliberations that have occurred in this house. The establishment of a select committee can then become real. As the member for Baldivis also highlighted, it is really important that as part of this process this chamber has a chance to debate this issue. We have not had a chance to debate this issue. The other place debated the issue in 2010, but remember that that was through a private member's bill.

I want to highlight the importance of the process we are about to embark on in terms of end-of-life choices in Western Australia, if there is concurrence in the Legislative Council. The process will mean that the community will have an opportunity to have input into an issue that I believe people feel very strongly about. I appreciate that the select committee will conduct the inquiry in a respectful manner to ensure that people, no matter what their view, will have an opportunity to be heard. I think it is very clear that many people in Western Australia, indeed across Australia, believe the issue of end-of-life choices needs to be debated and legislated for. I do not know what Western Australia's legislation might look like. That would be pre-empting the select committee's work. As I said in a prior contribution, Western Australia is actually in a unique situation because other states in Australia have already gone through a process. I am sure that the select committee will learn from those processes.

The DEPUTY SPEAKER: Members, could you please keep the discussion and the background noise down. This is a very important motion and a very important discussion.

Mr D.A. TEMPLEMAN: Thank you, Madam Deputy Speaker. The Victorian Parliament will shortly be debating legislation with regard to end-of-life choices. After a process last year, legislation went before the South Australian Parliament. It failed in the end by one vote. That was late last year. We know the history of earlier attempts in the Northern Territory. That was some years ago now. Of course that was subsequently overturned by the federal Parliament. As is highlighted in the proposed terms of reference, the select committee will also have the

Mr Reece Whitby; Amber-Jade Sanderson; Mrs Liza Harvey; Ms Mia Davies; Mr David Templeman; Dr Mike Nahan; Mr Peter Katsambanis; Mr Zak Kirkup; Mr Tony Krsticevic

opportunity to look at jurisdictions around the world where end-of-life choice legislation and practices are already in place and, in some cases, have been in place for some time. It is very timely for Western Australians and their Parliament to now have the maturity to look at this issue. We have an opportunity to learn from the experiences that are current and are most recent, and we also have an opportunity, through the creation of a select committee, to allow constituents from our own constituencies to have a conversation with us as individual members. I will certainly be asking my community, “What do you think? What are your thoughts? What are your concerns? What are your aspirations for such a consideration? What should the select committee be considering?” Quite frankly, I think this select committee will be inundated. It will be tough work for those members. We should support them in their work. For the members who will be appointed to that committee, it will take a lot of their time. I am grateful that they will have that opportunity as select committee members, but their role will be very important. I take note of the member for South Perth’s comments yesterday in this debate when he highlighted, as a member of that select committee, that he needs to look at all the evidence that will be presented to him. The member highlighted he has a certain personal view on the matter, but I agree with the fact that it has to be heard in a respectful manner as the issues to be canvassed are important.

I appreciate the efforts that have gone on in the last 24 hours to massage through broadly agreed terms of reference. A couple of other matters need to be dealt with separately. I commend all the members who have been part of that discussion and negotiation. It is really important that we get this select committee established. It is also really important that the other place, I hope, understands the importance of this going forward through the creation of a select committee into end-of-life choices.

DR M.D. NAHAN (Riverton — Leader of the Opposition) [10.26 am]: I would like to make a few statements. I am not sure where we are going on this. I have another amendment, which I think will be accepted, and then we would like to finish this off. I will make some summary statements now. Firstly, I think we all agree that it is timely and necessary to have a debate like this because the community expects us to do that. It is correct that it starts with the term “end-of-life choices” because a range of issues have to be looked at. We would have liked it narrowed down to a specific reference to “voluntary euthanasia” because, as I said yesterday, that is the crux of the issue. We chose not to, but I am confident that will be there. It is not the only issue—not at all.

The reason we took some time yesterday was not to stall. The time we took was small. The issue was worth getting the process right. When we started we wanted to know whether there was a predetermined government position or an expected direction for the outcome. This is not legislation; this is about the establishment of a committee to look at a set of issues—a subset is voluntary euthanasia—that will, if the committee recommends it, I presume, or if the Parliament and the government decide, go into legislation. From the opposition’s perspective, we need to go into this issue with an open mind, not a predetermined position. Some people have views that are predetermined; some do not. That is on both sides. I am not sure where the community is split between those two. Even in the detailed middle, there are a lot of complexities. Look at the Victorian legislation. There are a lot of caveats around it, and appropriately so. My concern is whether this is a de facto government bill. I am not criticising the government. If it wants a government process, do so—that is all. The Liberal Party will still participate if the government allows it.

Secondly, is it predetermined? I was concerned when I heard the Premier say on TV yesterday that he expects to have a voluntary euthanasia bill before Parliament within the next year. My view is that rings bells that this process is predetermined; that is, it leads to a case for voluntary euthanasia. That is jumping too much. We will assure the government and the public of Western Australia, through our esteemed colleague here, and whoever is appointed in the upper house—I am confident that a Liberal will be appointed to one of those four places—that this process will be thorough and objective. I am confident that the Labor members will also ensure that the process is thorough and comprehensive because of the nature of the issue.

This is timely; the issue is right, and it needs to be considered carefully, but my view is that this inquiry should be thorough and open-minded about the evidence. I was concerned when members opposite said and put it in frame, “We’ve had so many studies and attempts at this but we’ve failed, and therefore we’ve got to continue until we succeed.” Perhaps sometimes when Parliaments fail, that failure is right, because what is being pursued is, in the end, not appropriate. If we look through history, we see all sorts of issues that have been pursued by Parliaments that should not have been successful, or were successful when they should not have been.

This process should not be deemed as preordained to lead to a case for a bill for voluntary euthanasia. Do I think it will? Well, the Premier does, and it may well. The Liberal Party will take a stance of being careful about looking at the evidence. If the debate does not lead to a bill, as was the case in the upper house in 2010, so be it.

I would like to again thank the National Party for its work with me, and the Parliamentary Secretary to the Cabinet, the member for Morley, who is pursuing this. It was important to bring this issue before the Parliament, and I congratulate her for doing so. She wanted to have these debates behind closed doors, but I again want to

Mr Reece Whitby; Amber-Jade Sanderson; Mrs Liza Harvey; Ms Mia Davies; Mr David Templeman; Dr Mike Nahan; Mr Peter Katsambanis; Mr Zak Kirkup; Mr Tony Krsticevic

emphasise that this is a parliamentary process and we wanted to go through the parliamentary process, and we did so in as expeditious a manner as was possible.

We look forward to the deliberations of the committee. I will want to move an amendment, which I think the government will agree to. The upper house, as the government well knows, is an uncertain beast with the timing of material. It is the house of review and the house of delay; that is the manner of the place and the people, so we need to make sure that we have enough time for deliberations on this issue.

MR P.A. KATSAMBANIS (Hillarys) [10.32 am]: I rise to speak on this motion again because I want to have faith that the process we are embarking on today is an objective process—one that will examine this issue objectively and deliberate on the issues before it in a fair and open manner. I know that the member who has brought this motion to the house has done so in good faith, and I commend her for doing that. I think the debate has been very helpful in fleshing out a number of issues, and I wish the committee well in its deliberations.

However, I want to suggest that the events of the last week or so have cast significant doubts as to what this committee is actually about. In particular, the Premier's comments over the last 24 hours have cast doubt over the work that this committee may be embarking on, and I think that is unfortunate. It is also unfair to the members of the committee, but I will move on to the membership of the committee in a minute. The Premier has made it clear that he wants to see legislation introduced that promotes the introduction in Western Australia of voluntary euthanasia, and he wants to see it very soon. We have a process whereby this committee is being formed at the same time as the Premier has made those views known. Yesterday we discussed the nature of the process by which that committee is to be formed, and we indicated then the concern that this effectively seems like a government-led initiative.

Sometimes—at all times—if it quacks like a duck, it is a duck, and we have to be frank about this. The Premier of this state has said that he wants legislation introduced very soon on this issue, and at the same time the Parliament is introducing a committee supposedly to examine whether we should introduce this legislation. As I said yesterday and repeat again today, the question of whether or not we introduce the legislation is one that we should pay serious attention to. I fear that the course of events we have seen is scrubbing that ability away from the committee; I really do fear that. I also fear that this committee will embark on a course of looking at how we introduce such legislation and what it will look like, rather than examining whether we need it in the first place. That will disenfranchise a large section of our community and take their voice away. I am not just talking about the section of the community that is implacably opposed—for significant, very important, and very good reasons—to voluntary euthanasia, but also the larger section of the community that is unsure whether this is a good idea and that perhaps was looking to an impartial committee to examine the pros and cons and to come up with a report that would convince them that one way or the other was the way to go. If we set up a committee that scrubs out the examination of the question of whether we should go down that path, we will not achieve that through the committee process. It is disappointing. No matter what the Premier's personal position is—he is allowed to hold a personal view—it is disappointing that he has allowed that view to come into public play at the same time as this committee is being formed.

I hope this difficult start does not prejudice the committee or its workings. Looking at the make-up of the committee, three parties are represented in this house, yet the committee will have members from only two of those parties, not three. If the committee is to have eight members, there will be four members from the upper house, where we have, I think—someone can correct me if I am wrong—seven parties represented; there may even be eight. There will be only four members from the upper house, so we are not going to have a broad range of representation on the committee of all the parties in either the lower house or the upper house to start with.

Just looking at the government members appointed to the committee, does the representation of government members really reflect the broad range of views on this issue from the government benches?

Mr J.R. Quigley: Yes.

Mr P.A. KATSAMBANIS: The Attorney General says yes. I want to know whether the government representation on this committee reflects the views of all government members. Does it reflect the views of the member for Cannington? Does it reflect the views of the member for Midland? Does it reflect the views of the member for Girrawheen? I single out the member for Girrawheen in particular because she is a parliamentarian with significant experience in parliamentary committees and, I believe, the co-chair of Parliamentary Friends of Palliative Care. The member nodded that that is the case.

I would have thought that if we are to establish a committee such as this, a parliamentarian with such great experience of committees and great experience in working in a bipartisan manner on committees and of bringing people together on important reports and issues, and someone with such an interest in palliative care—one of the main topics referred to in the terms of reference—that she co-chairs the Parliamentary Friends of Palliative Care, would have been an appropriate person to be on the committee. That may well have reflected the plurality of views

Mr Reece Whitby; Amber-Jade Sanderson; Mrs Liza Harvey; Ms Mia Davies; Mr David Templeman; Dr Mike Nahan; Mr Peter Katsambanis; Mr Zak Kirkup; Mr Tony Krsticevic

within the Labor Party on this issue. The views of a significant number of government members are not reflected in the make-up of the committee. I am not sure whether that will be corrected by the representation in the other place. As the Leader of the Opposition rightly stated, the other place has its own customs and traditions. I am not going to denigrate the place; I am proud to have been a member of it. However, it is different from this place, and we will see what comes back. Right now, not only does this committee lack the ability to broadly represent different views on this issue across the chamber, in this place or the other place, but it does not even reflect the broad range of views on this issue within the government. When we consider that, we are drawn back to what I said a few moments ago: if it quacks like a duck, it is a duck.

Mr D.A. Templeman: Are you going to vote against it?

Mr P.A. KATSAMBANIS: I will get to that. I do not want to cast aspersions on the individual members who have been nominated for this committee. The member for South Perth stood up yesterday and indicated that he was approaching this topic objectively and in good faith. That is the sort of parliamentarian we want as a member of a committee on a topic such as this. That is why the Liberal Party has nominated the member for South Perth. I know he will execute his duties faithfully, and I know that the other members will too. Everyone comes with a view; I understand that, and I am not criticising that.

Mr D.A. Templeman: Did you nominate for the committee?

Mr P.A. KATSAMBANIS: We have the member for South Perth. I am very happy to nominate the member for South Perth. He is a very good man.

Mr D.A. Templeman: But did you put yourself forward?

Mr P.A. KATSAMBANIS: No, I did not. We have the member for South Perth; he is a good member.

Mr D.A. Templeman: If you feel so strongly about it, why didn't you put yourself forward?

Mr P.A. KATSAMBANIS: I am speaking on this topic. I have my own personal views that I will express when the debate comes, but right now I am talking about this parliamentary committee, which the government is putting up as an objective committee.

Mr D.A. Templeman interjected.

Point of Order

Mr S.K. L'ESTRANGE: The Leader of the House is interjecting, but the member on his feet is not asking for interjections.

The DEPUTY SPEAKER: Thank you, member. You do not actually need to tell the Speaker about those kinds of things. I actually know when a member is in distress, and I will correct that. Member, are you feeling comfortable with what is happening?

Mr P.A. KATSAMBANIS: I do not mind a little bit of interjection here and there. I think members know that.

The DEPUTY SPEAKER: Thank you, would you like to continue? There is no point of order.

Debate Resumed

Mr P.A. KATSAMBANIS: Madam Deputy Speaker, I appreciate your rather wideranging support for the parliamentary principle of a bit of interjection and a bit of banter in the chamber. That is a good standard, and I hope it is continued. I do not have much of a problem with a little bit of fun and games in this place. We can take ourselves a little bit too seriously sometimes.

I will get back onto the topic. I really want this committee to look at all the options. I implore committee members to do so. I know the member for South Perth has made it very clear that he will do so, and I know the other members who have been nominated will also do that, in good faith. They may have their own views on where the topic should go, but I want them to consider all the issues. This is why, again, any negatives associated with voluntary euthanasia in the jurisdictions that have already introduced it should be looked into. I read a report yesterday that in the Netherlands, where assisted suicide has been around for quite some time, the number of deaths by assisted suicide now account for somewhere near five per cent of all deaths reported in the Netherlands. We are not talking about an insignificant number of deaths. As I said to the Leader of the House when he was interjecting, I have my own views and I will express them if and when the time comes that we are considering legislation. At the moment, my primary consideration is that we get a broad-ranging committee inquiry, not just a how-to guide for introducing the legislation that the Premier has told us he wants to introduce into this place. If that is the case, if it is a how-to guide, it undermines the parliamentary committee process and the operations of Parliament. It also cheats the

Mr Reece Whitby; Amber-Jade Sanderson; Mrs Liza Harvey; Ms Mia Davies; Mr David Templeman; Dr Mike Nahan; Mr Peter Katsambanis; Mr Zak Kirkup; Mr Tony Krsticevic

public of Western Australia out of fair and reasonable considerations that should be taken into account before we go down the path that the Premier has indicated he wants to follow.

It would have been more useful if the paragraph suggested in the amendment moved yesterday by the Deputy Leader of the Opposition had been included. It would have made it very clear to people like me, who are expressing doubts, that the committee was going to be broad ranging and would look at all the issues—pros and cons.

Mr D.A. Templeman: Why didn't you put yourself forward?

Mr P.A. KATSAMBANIS: I will take the interjection of the Leader of the House. Perhaps if the government were to expand the membership of the committee and give the Liberal Party an opportunity to nominate more than one person —

Mr D.A. Templeman interjected.

The DEPUTY SPEAKER: Leader of the House, please do not talk over the top of the member. He has accepted your interjection, and it might be nice to hear what he is going to say.

Mr P.A. KATSAMBANIS: I will give the answer. If the government were to expand the membership of the committee, allow the National Party to be represented on it, and allow more members to be represented, perhaps then we would look at who else might like to put up their hand. Right now, the Liberal Party has nominated the member for South Perth—a good member who will do a very good job. I know he is looking forward to that task, and I wish him and all the members of the committee very well in their task.

However, I want to raise these words of warning. A large group of Western Australians want to be convinced before they accept that the legislation that the Premier wants to introduce into this place is appropriate. We need to bring the community with us down this path. If the committee does not do justice to the question of whether this legislation should be introduced; if it does not take into account all views; and if it does not take into account the negatives that are appearing in some of the jurisdictions that have already gone down this path, I do not think the public of Western Australia will be convinced that the suggested legislative reform that the Premier has already spoken about is the right way to go.

Because members have spoken about the recent Victorian experience, I want to put on record the differences between what happened in Victoria and what is happening with this committee. In Victoria, the inquiry was established on the motion of a crossbench member. No separate committee was established. The reference was given to an existing upper house committee. It was not even a committee across both chambers of the Parliament. I am not criticising them or this proposal but they are very, very different. It was certainly not done in government time, as this is, and it was certainly not done under the fog of a Premier coming out and indicating the direction he wants legislative reform to take at the same time as a parliamentary committee is being established to consider whether that is a good idea.

I will watch this committee's deliberations with great interest. I also look forward to reading its report. I am disappointed at all the noise that has been created around the establishment of this committee. I am disappointed that it already looks like it is not reflective of the broad range of views in this Parliament and in our community. I know that many people want to make their views known and I hope they get a fair hearing in the committee. I hope the committee members take note of the submissions they will receive from all ends of the spectrum in this debate. When the committee reports to the house, I will pay great interest to the report it produces.

MR Z.R.F. KIRKUP (Dawesville) [10.51 am]: I am conscious that as I stand to talk to the motion, I am the youngest member of this house at the age of only 30 and I am hopefully some time away from requiring some of the issues that are being dealt with in this motion and by this committee. Importantly, I also represent the district with the oldest constituents in Western Australia: 22 per cent of my electors are aged 70 or above and 51 per cent are aged 56 or above. I might be the youngest member of this place but I represent probably the district with the oldest electors in the Parliament.

Mrs L.M. Harvey: Fifty is very young!

Mr Z.R.F. KIRKUP: Fifty is very young, Deputy Leader of the Opposition; it is not the new 20!

This is an extremely important issue of significance across the developed world, across Australia and across Western Australia. It is often raised with me as I go about meeting people throughout my district. I welcome the committee. I congratulate the members for Morley and Baldivis for their efforts and certainly for their consideration in dealing with the opposition on this matter. I stress and echo the points raised by my leader earlier. I want this to be a committee with an open mind and clear eyes. It will take significant political courage from us all when the time comes to vote according to what I assume will be legislation that will come as a result of the committee's report. My father, who is a plumber, would always tell me to start square and finish square and I think it is important that we get this motion right. I think the committee should reflect the composition of this Parliament. When we talk about courage, I think what might happen when this committee reports is important. It might implore

Mr Reece Whitby; Amber-Jade Sanderson; Mrs Liza Harvey; Ms Mia Davies; Mr David Templeman; Dr Mike Nahan; Mr Peter Katsambanis; Mr Zak Kirkup; Mr Tony Krsticevic

us to consider allowing the state to assist in some way or shape to take the lives, or allow the life of a Western Australian to be taken. It is a significant decision for the state to be in the position to be allowed to do so. I want us to have the courage to have the conversation with our community. I want us to reflect its concerns when the committee makes its ultimate report. I suspect it will be very vexatious and contentious.

For my part, when I go around meeting people, a lot of them say they are in favour of the legislation. I held a number of morning and afternoon teas throughout my district during the winter break. One group of retired farmers in a retirement village had an average age of about 76 or 77 years. I thought this group would be quite conservative but when I actively asked them about the issue of euthanasia or assisted suicide, they were all in favour of it. When I asked them about same-sex marriage, they were all in favour of it. They said they had heard enough debate and they thought it was time. However, their views are not representative—they are theirs—and I am conscious that a number of people will hold opposing views. Our job as members of Parliament is to have the courage to have those difficult discussions. Too often—we see this example federally—members of Parliament are not willing to have those difficult discussions and I think that brings the entire nature of parliamentarians into dispute. If we cannot talk to our community and we cannot understand what they are worried about, and if we cannot bring their views to this place and vote according to their wishes, then I question the point of us being elected.

I think it is important, as the member for Hillarys said, to get the composition of this committee right. I am conscious that only one member is from the opposition—a great man that he is. From my own discussions, I know he will go into this with a clear and open mind. The member for South Perth has had some recent experiences, I think on polling day, in dealing with members of his community who knew people who had taken their own lives. It is a very serious issue. I think it is time this Parliament addresses it properly, comes to a vote and reflects the views of our community. I urge all those on the committee to please start square and finish square; go into this with a clear and open mind. Please get this decision right. It will impact so many people. By the time that I reach the age of 22 per cent of my district, who are aged 70 or above—hopefully I get there—it will be an issue then and I hope this committee gets the decision right now. Like the member for Mandurah, I will be listening to my community and doing all I can to hear their views both while this committee is reporting and once it has made its report. I will treat members of my community with respect and dignity, appreciating all their views no matter what they might be. I urge the committee—I am sure it will—to do the same thing.

Again, I congratulate the members for Morley, Baldivis and South Perth, and the opposition members, for having the courage to approach this issue with such respect. I trust that the committee will do the same thing I will when this issue comes to bear in my community.

Amendment on the amendment (insertion of words in subparagraph (a)) put and passed.

Amendment on the amendment (deletion of subparagraph (d)) put and passed.

Amendment, as amended, put and passed.

Motion, as Amended

The DEPUTY SPEAKER: Leader of the Opposition, I understand you might have a further amendment?

Amendment to Motion, as Amended

DR M.D. NAHAN (Riverton — Leader of the Opposition) [10.58 am]: Yes. I have referred to the justification for it. I refer to paragraph (5), which states —

That the joint select committee report to both houses by 30 June 2018.

Given the uncertainties, and I think as planned, we think it should be approximately 12 months. I would like to confirm that. I move —

To delete the words “by 30 June 2018” and substitute —

no later than 12 months after the committee has been established

MS A. SANDERSON (Morley — Parliamentary Secretary) [10.58 am]: We support the amendment.

Amendment put and passed.

Motion, as Amended

The DEPUTY SPEAKER: The final question, members, is that the motion, as amended, be agreed to.

MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [10.59 am]: In closing on this amendment, it is with some disappointment for me that the discussion around the formation of this Joint Select Committee on End-of-Life Choices has been around voluntary euthanasia and the introduction of voluntary euthanasia legislation. Although I understand that the proponents of voluntary euthanasia legislation like to call it end-of-life choices because it sounds a bit nicer, the fact is that to the community this committee is about the introduction of legislation to introduce voluntary euthanasia into Western Australia. That is what the Premier has

Mr Reece Whitby; Amber-Jade Sanderson; Mrs Liza Harvey; Ms Mia Davies; Mr David Templeman; Dr Mike Nahan; Mr Peter Katsambanis; Mr Zak Kirkup; Mr Tony Krsticevic

said is the intent of the committee, and that is clearly the purpose of the committee. The opposition and I are disappointed that the words “voluntary euthanasia” do not now appear anywhere in this motion to form the committee. We do not have the numbers in this house, but perhaps members in the other house might seek to have the words “voluntary euthanasia” appear in the motion to form the joint standing committee so that people in the community understand exactly what we are talking about. Everybody knows it is about voluntary euthanasia. I do not know why government members are shying away from having those two words form part of this joint select committee’s terms of reference. However, I accept that as an opposition here of 13 members we are powerless to change that. In the interests of moving on and having this very important discussion through the parliamentary committee process, I have no further comment to add.

MR A. KRSTICEVIC (Carine) [11.01 am]: I just want to put a couple of words on the record about this joint select committee. I listened to the debate and points raised yesterday and today, and I have a couple of things to say. This is obviously a very important topic. It has been raised many times over the years not only in Western Australia and Australia, but also throughout the world. There have obviously been discussions in various Parliaments, including in the upper house of this Parliament in, I think, 2010 when a private member’s bill was introduced there.

We already know the Premier’s view on this matter. One of the things that disappoints me about the setting up of committees—specifically in the Assembly, in this Parliament—is that they are never representative of the community or the Parliament. The Joint Standing Committee on the Corruption and Crime Commission is a perfect example. For the first time in the history of this Parliament it is stacked with Labor members, contrary to the tradition of this Parliament. Likewise, this committee has been stacked by the Labor Party. Funnily enough, as has been mentioned, newer members have been appointed to this committee, rather than the wise heads—the ones who have been around for many, many years. The member for Girrawheen would have been a perfect candidate. One has to ask why certain individuals were included and others excluded. Was this a decision of Labor Party members or are the unions behind those members making those decisions? I do not know.

Several members interjected.

Mr A. KRSTICEVIC: I do not know why the National Party has not been included. It is not about the gutter; it is about asking why there is not a fair representation of members across all parties. At the end of the day this is not a political issue. This is a social and moral issue that impacts on all members of the community. Those people elected to Parliament members across all parties to represent them. I am not saying that —

Dr A.D. Buti: It’s nothing to do with the unions though—get that out!

Mr A. KRSTICEVIC: That is fair enough. That is good. I am glad that is the case. I will take the word of the member for Armadale. He would know, because that is why he is sitting on the back bench!

Ms A. Sanderson: Some real highbrow stuff happening here! Nice! Nice!

Mr A. KRSTICEVIC: I am mentioning this because it is serious. Why are other parties not represented? That is all I am saying. We are not talking about the outcome of the investigation. We are not talking about the end result. I already know what the end result will be: there will be a bill in this Parliament. The question is what that bill will look like. This process is important because it will open up discussion within our electorates, the community, academia and other areas. I think that is important. However, will there be a perception that the committee is not open-minded, that it has a particular focus and that it is really not interested in listening to what people have to say? The basis of that perception is that it is stacked by a certain group of people who are not representative of this Parliament. That is the bottom line. It is not representative. The National Party in the Assembly is not represented. As the member for Hillarys said, other parties are not represented. It is not about what we are doing. It is not about the end result. It is about what the picture looks like and how we are getting there. All too often in this Parliament we have seen the Labor Party stacking things and not being fair and equitable, not to the Liberal or National Parties but to the people of Western Australia. This is just another example of that.

If the government were genuine about what it was trying to achieve, it would be inclusive. It might be embarrassing for the government to be inclusive and allow others to participate. That might be the government’s style, but it is a shame. I am not mentioning that from the point of view of getting into an argument or denigrating this debate. It is about being open, honest and transparent in my observation of what is happening in this Parliament—nothing more and nothing less. If those observations do not sit well with the government for some reason, maybe those observations are a reality and need to be changed in future. Maybe the government needs to think to itself that we are a mature Parliament composed of intelligent individuals who are here for genuine reasons—to represent the community and our constituents and get good outcomes—and therefore the government might want to allow others to participate, rather than have these debates and discussions about why we are being excluded instead of included.

Extract from *Hansard*

[ASSEMBLY — Thursday, 10 August 2017]

p2635b-2644a

Mr Reece Whitby; Amber-Jade Sanderson; Mrs Liza Harvey; Ms Mia Davies; Mr David Templeman; Dr Mike Nahan; Mr Peter Katsambanis; Mr Zak Kirkup; Mr Tony Krsticevic

It is ridiculous that things are done in this way. For new members of the house to come in here to try to lecture us about why it is embarrassing for us to mention these things is an absolute disgrace. We are in a democracy and we have a right to state the facts. All we are doing on this side of the house is stating the facts.

The government may not like the facts, but they are unfortunately the facts and we do not like them either. We would like to have more members participating in this committee, and we would like more Assembly members to be involved. That is all I would like to say. I look forward to the committee undertaking its deliberations and, hopefully, the community will have a fair chance to express its views. I look forward to the report when it is tabled in this house.

Question (motion, as amended) put and passed.

The Council acquainted accordingly.