

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
AMENDMENTS AND SCHEDULES
Supplementary Notice Paper No. 139
Issue No. 8
TUESDAY, 19 NOVEMBER 2019

VOLUNTARY ASSISTED DYING BILL 2019 [139-1]

When in committee on the *Voluntary Assisted Dying Bill 2019*:

Clause 4

Hon Nick Goiran: To move –

53/4 Page 3, line 4 — To insert after “person’s”:

registered

Hon Nick Goiran: To move –

54/4 Page 3, line 11 — To insert after “person’s”:

registered

Hon Martin Aldridge: To move –

408/4 Page 3, after line 16 — To insert:

- (ha) a person who is a regional resident is entitled to the same level of access to voluntary assisted dying as a person who lives in the metropolitan region;

Hon Martin Pritchard: To move –

1/4 Page 3, line 18 — To delete “abuse;” and insert:

abuse or coercion;

Hon Nick Goiran: To move –

55/4. Page 3, line 18 — To delete “abuse;” and insert:

abuse, coercion, duress or undue influence;

Hon Nick Goiran: To move –

56/4 Page 3, lines 19 to 21 — To delete the lines and insert:

- (j) all persons, including registered health practitioners, and organisations have the right to be shown respect for their personal or organisational culture, religion, beliefs, values and characteristics.

Clause 5

Hon Nick Goiran: To move –

126/5 Page 4, line 2 — To delete “substance;” and insert:

poison,

Hon Nick Goiran: To move –

127/5 Page 4, after line 9 — To insert:

assisted suicide means the self-administration of a voluntary assisted dying poison by a patient in accordance with this Act and includes steps reasonably related to that self-administration taken in accordance with this Act;

Hon Rick Mazza: To move –

411/5 Page 4, lines 10 to 12 — To delete the lines.

Hon Rick Mazza: To move –

412/5 Page 4, line 30 to page 5, line 2 — To delete the lines.

Hon Charles Smith: To move –

25/5 Page 5, after line 15 — To insert:

enduring, in relation to a request for access to voluntary assisted dying, has a meaning affected by section 8A;

Hon Nick Goiran: To move –

131/5 Page 6, after line 6 — To insert:

mental illness has the meaning given in the *Mental Health Act 2014* section 4;

Hon Martin Aldridge: To move –

409/5 Page 6, after line 6 — To insert:

metropolitan region has the meaning given in the *Planning and Development Act 2005* section 4(1);

Hon Charles Smith: To move –

26/5 Page 6, after line 10 — To insert:

palliative care specialist means a medical practitioner who holds specialist registration (as defined in section 16(1)) in palliative medicine;

Hon Nick Goiran: To move –

57/5 Page 6, after line 10 — To insert:

palliative care and treatment includes a medical, surgical or nursing procedure or other treatment or service that is provided to a person, who has been diagnosed with at least 1 disease, illness or medical condition that is life-limiting, for the purpose of preventing or relieving suffering by means of early identification, assessment and treatment of pain or discomfort, including physical, psychosocial and spiritual distress;

Minister for Environment representing the Minister for Health: To move –

457/5 Page 6, after line 10 — To insert:

palliative care and treatment means care and treatment that —

- (a) is provided to a person who is diagnosed with a disease, illness or medical condition that is progressive and life-limiting; and
- (b) is directed at preventing, identifying, assessing, relieving or treating the person's pain, discomfort or suffering in order to improve their comfort and quality of life;

Hon Nick Goiran: To move –

133/5 Page 6, line 21 — To delete “substance —” and insert:

poison —

Hon Nick Goiran: To move –

134/5 Page 6, line 23 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

135/5 Page 6, line 25 — To delete “substance;” and insert:

poison;

Hon Nick Goiran: To move –

136/5 Page 6, line 26 — To delete “substance,” and insert:

poison,

Hon Nick Goiran: To move –

137/5 Page 6, line 27 — To delete “substance;” and insert:

poison;

Hon Nick Goiran: To move –

138/5 Page 6, line 28 — To delete “*substance*” and insert:

poison

Hon Nick Goiran: To move –

139/5 Page 6, line 29 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

140/5 Page 7, line 2 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

141/5 Page 7, line 4 — To delete “substance,” and insert:

poison,

Hon Charles Smith: To move –

27/5 Page 7, after line 20 — To insert:

psychiatrist has the meaning given in the *Mental Health Act 2014* section 4;

Hon Nick Goiran: To move –

58/5 Page 7, after line 20 — To insert:

psychiatrist has the meaning given in the *Mental Health Act 2014* section 4;

Hon Martin Aldridge: To move –

410/5 Page 7, after line 20 — To insert:

regional resident means a person who ordinarily resides in an area of Western Australia that is outside the metropolitan region;

Hon Charles Smith: To move –

28/5 Page 8, after line 2 — To insert:

self-administration form has the meaning given in section 59A(3);

Hon Rick Mazza: To move –

413/5 Page 8, after line 2 — To insert:

self-administration form has the meaning given in section 59A(3);

Hon Nick Goiran: To move –

142/5 Page 8, line 3 — To delete “substance,” and insert:

poison,

Hon Nick Goiran: To move –

143/5 Page 8, lines 7 to 9 — To delete “administration of a voluntary assisted dying substance and includes steps reasonably related to that administration;” and insert:

process by which a person is given assistance to die in accordance with this Act, whether by voluntary euthanasia or by assisted suicide;

Hon Nick Goiran: To move –

144/5 Page 8, line 10 — To delete “*substance*” and insert:

poison

Hon Nick Goiran: To move –

145/5 Page 8, after line 11 — To insert:

voluntary euthanasia means the administration of a voluntary assisted dying poison to a patient by the administering practitioner for the patient in accordance with this Act and includes steps reasonably related to that administration taken in accordance with this Act;

Clause 6

Hon Nick Goiran: To move –

59/6 Page 8, after line 24 — To insert:

- (aa) retain the information or advice to the extent necessary to make the decision; and

Hon Nick Goiran: To move –

75/6 Page 9, line 5 — To delete “unless the patient is shown not to have that capacity.” and insert:

unless —

- (a) the patient is shown not to have that capacity; or
- (b) the patient has, within the last 7 days, received medical advice relating to their disease, illness or medical condition that contains —
 - (i) a terminal or life-limiting diagnosis; or
 - (ii) a poor prognosis.

Clause 7

Hon Nick Goiran: To move –

150/7 Page 9, line 12 — To delete “*substance.*” and insert:

poison.

New Clause 8A

Hon Charles Smith: To move –

29/NC8A Page 9, after line 22 — To insert:

8A. When request for access to voluntary assisted dying ceases to be enduring

- (1) For the purposes of this Act, a patient’s request for access to voluntary assisted dying ceases to be enduring if the patient, at any time, indicates to the coordinating practitioner or administering practitioner for the patient that the patient does not wish to continue the request and assessment process or access voluntary assisted dying.

- (2) Subsection (1) does not limit the circumstances in which a patient's request for access to voluntary assisted dying ceases to be enduring.
- (3) If a patient's request for access to voluntary assisted dying ceases to be enduring under subsection (1), then —
 - (a) if the request and assessment process in respect of the patient has not been completed — the request and assessment process ends; and
 - (b) if the request and assessment process in respect of the patient has been completed — the process for accessing voluntary assisted dying under Part 4 ends and no step under that Part (including the prescription, supply or administration of a voluntary assisted dying substance) is to be taken in relation to the patient.
- (4) Nothing in subsection (3) prevents the patient from beginning a new request and assessment process by making a new first request.

Clause 9

Hon Nick Goiran: To move –

152/9 Page 9, line 30 — To delete “substance;” and insert:

poison;

Hon Nick Goiran: To move –

153/9 Page 10, line 2 — To delete “substance.” and insert:

poison.

New Clause 9A

Hon Martin Pritchard: To move –

2/NC9A Page 10, after line 5 — To insert:

9A. Registered health practitioner not to initiate discussion about voluntary assisted dying

- (1) A registered health practitioner who provides health services or professional care services to a person must not, in the course of providing those services to the person —
 - (a) initiate discussion with the person that is in substance about voluntary assisted dying; or
 - (b) in substance, suggest voluntary assisted dying to the person.
- (2) Nothing in subsection (1) prevents a registered health practitioner from providing information about voluntary assisted dying to a person at the person's request.

New Clause 9A**Hon Charles Smith:** To move –

30/NC9A Page 10, after line 5 — To insert:

9A. Palliative care and treatment

- (1) This section applies if, at any time after making a first request, a patient is provided with palliative care and treatment that relieves the patient's suffering to a level that is tolerable to the patient.
- (2) If the request and assessment process in respect of the patient has not been completed, the request and assessment process ends.
- (3) If the request and assessment process in respect of the patient has been completed, the process for accessing voluntary assisted dying under Part 4 ends and no step under that Part (including the prescription, supply or administration of a voluntary assisted dying substance) is to be taken in relation to the patient.
- (4) Nothing in subsection (2) or (3) prevents the patient from beginning a new request and assessment process by making a new first request if the palliative care and treatment options available to the patient subsequently cease to relieve the patient's suffering in a manner that is tolerable to the patient.

New Clause 9A**Minister for Environment representing the Minister for Health:** To move –

458/NC9A Page 10, after line 5 — To insert:

9A. Health care worker not to initiate discussion about voluntary assisted dying

- (1) In this section —
health care worker means —
 - (a) a registered health practitioner; or
 - (b) any other person who provides health services or professional care services.
- (2) A health care worker who provides health services or professional care services to a person must not, in the course of providing the services to the person —
 - (a) initiate discussion with the person that is in substance about voluntary assisted dying; or
 - (b) in substance, suggest voluntary assisted dying to the person.
- (3) Nothing in subsection (2) prevents a medical practitioner or nurse practitioner from doing something referred to in subsection (2)(a) or (b) if, at the time it is done, the medical practitioner or nurse practitioner also informs the person about the following —
 - (a) the treatment options available to the person and the likely outcomes of that treatment;
 - (b) the palliative care and treatment options available to the person and the likely outcomes of that care and treatment.
- (4) Nothing in subsection (2) prevents a health care worker from providing information about voluntary assisted dying to a person at the person's request.

- (5) A contravention of subsection (2) by a registered health practitioner is unprofessional conduct for the purposes of the *Health Practitioner Regulation National Law (Western Australia)*.
- (6) Subsection (5) overrides section 10(1).
- (7) A contravention of subsection (2) by a provider, as defined in the *Health and Disability Services (Complaints) Act 1995* section 3(1), is taken to be unreasonable conduct described in section 25(1)(c) of that Act.

Clause 11

Hon Rick Mazza:

414/11 Page 10, lines 13 to 16 — To oppose the clause.

Hon Nick Goiran: To move –

154/11 Page 10, line 15 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

155/11 Page 10, line 16 — To delete “suicide.” and insert:

suicide but is taken to have died —

- (a) if the prescribed poison was self-administered in accordance with section 57 — by assisted suicide; or
- (b) if the prescribed poison was administered by an administering practitioner in accordance with section 58 — by voluntary euthanasia.

Hon Nick Goiran: To move –

156/11 Page 10, after line 16 — To insert:

- (2) Subsection (1) is not intended to limit the information a medical practitioner may include in a certificate given under the *Births, Deaths and Marriages Registration Act 1998* section 44.

Clause 14

Hon Charles Smith: To move –

31/14 Page 11, after line 10 — To insert:

- (ba) the person has been assessed by a palliative care specialist who has advised the person about the palliative care and treatment options and other services available to the person to treat their pain symptoms and discomfort and address their physical, psychosocial and existential distress; and

Hon Rick Mazza: To move –

415/14 Page 11, lines 22 and 23 — To delete the lines.

Clause 15

Hon Nick Goiran: To move –

60/15 Page 12, after line 3 — To insert:

- (ia) is ordinarily resident in Western Australia; and

Hon Nick Goiran: To move –

61/15 Page 12, line 9 — To insert after “progressive”:

and incurable

Hon Charles Smith: To move –

32/15 Page 12, after line 23 — To insert:

- (g) the person has considered the impact that the person accessing voluntary assisted dying may have on the person’s family.

Hon Nick Goiran: To move –

164/15 Page 12, lines 26 and 27 — To delete “(as defined in the *Mental Health Act 2014* section 4)”.

Clause 16

Hon Colin Tincknell: To move –

4/16 Page 14, after line 2 — To insert:

- (2A) A medical practitioner is eligible to act as a consulting practitioner for a patient if the medical practitioner —
 - (a) holds specialist registration covering either or both of the following —
 - (i) palliative medicine;
 - (ii) at least 1 disease, illness or medical condition with which the patient has been diagnosed and which the coordinating practitioner for the patient has determined meets the requirements of section 15(1)(c);

and
 - (b) has practised the medical profession for at least 1 year as the holder of specialist registration as referred to in paragraph (a); and
 - (c) meets the requirements approved by the CEO for the purposes of this paragraph.

New Clause 16A**Hon Charles Smith:** To move –**33/NC16A** Page 14, after line 5 — To insert:**16A. Coordinating practitioner or consulting practitioner must be relevant specialist**

Either the coordinating practitioner or the consulting practitioner for a patient must be a medical practitioner who holds specialist registration (as defined in section 16(1)) in a recognised specialty that is relevant to the disease, illness or medical condition that is expected to cause the patient's death.

Clause 17**Minister for Environment representing the Minister for Health:** To move –**401/17** Page 14, after line 11 — To insert:

(aa) made during a medical consultation; and

Clause 19**Hon Aaron Stonehouse:** To move –**13/19** Page 15, lines 19 to 26 — To delete the lines and insert:

- (5) If the medical practitioner refuses the first request under subsection (2)(a), the practitioner must, immediately after the first request is made, inform the patient that the practitioner refuses the request.

Clause 20**Hon Martin Pritchard:** To move –**6/20** Page 16, lines 3 and 4 — To delete “request, the reason for the refusal;” and insert:

request because the practitioner has a conscientious objection to voluntary assisted dying, a statement that the practitioner refused the first request for that reason;

Clause 21**Hon Martin Pritchard:** To move –**7/21** Page 16, line 22 — To delete “request, the reason for the refusal;” and insert:

request because the practitioner has a conscientious objection to voluntary assisted dying, a statement that the practitioner refused the first request for that reason;

Hon Aaron Stonehouse: To move –

14/21 Page 16, lines 24 and 25 — To delete the line and insert:

- patient of the practitioner’s decision;
- (ga) whether the medical practitioner gave the patient the information referred to in section 19(4)(b);

Clause 23

Hon Nick Goiran: To move –

62/23 Page 17, line 12 — To delete “criteria” and insert:

criteria and take into account the medical history of the patient.

Minister for Environment representing the Minister for Health: To move –

459/23 Page 17, after line 12 — To insert:

- (3) Nothing in this section prevents the coordinating practitioner from having regard to relevant information about the patient that has been prepared by, or at the instigation of, another registered health practitioner.

Clause 25

Hon Nick Goiran: To move –

76/25 Page 17, lines 19 to 24 — To delete the lines and insert:

- (1) Subsection (2) applies if the coordinating practitioner has any doubt as to whether the patient has a disease, illness or medical condition that meets the requirements of section 15(1)(c).

Hon Martin Pritchard: To move –

17/25 Page 17, line 19 — To delete “is” and insert:

does not have the appropriate skills and training or is otherwise

Hon Nick Goiran: To move –

63/25 Page 17, line 24 — To delete “section 15(1)(d).” and insert:

section 15(1)(d), for example due to the patient’s past or current mental illness.

Hon Martin Pritchard: To move –

18/25 Page 17, line 28 — To delete “is and insert:

does not have the appropriate skills and training or is otherwise

Hon Nick Goiran: To move –

64/25 Page 17, line 27 — To delete “matter.” and insert:

matter, such as a psychiatrist if the matter to be determined involves mental illness.

Hon Nick Goiran: To move –

77/25 Page 17, line 28 — To delete “is unable to determine” and insert:

has any doubt as to

Hon Martin Pritchard: To move –

19/25 Page 18, line 5 — To delete “may adopt” and insert:

must take into account

New Clause 25A

Hon Charles Smith: To move –

34/NC25A Page 18, after line 8 — To insert:

25A. Referral to psychiatrist

- (1) The coordinating practitioner must refer the patient to a psychiatrist for a psychiatric assessment to determine whether the patient is suffering from treatable clinical depression or another psychiatric condition that may affect the patient’s decision-making capacity in relation to voluntary assisted dying.
- (2) In determining whether the patient meets the requirements of section 15(1)(d), the coordinating practitioner must take the psychiatric assessment required by subsection (1) into account.

New Clause 25A**Hon Nick Goiran:** To move –

78/NC25A Page 18, after line 8 — To insert:

25A. Referral for assessment by psychiatrist

- (1) The coordinating practitioner for the patient must refer the patient to a psychiatrist for an assessment to —
 - (a) determine whether the patient has decision-making capacity in relation to voluntary euthanasia and assisted suicide as required by section 15(1)(d); and
 - (b) confirm that the patient is not suffering from treatable clinical depression, or another psychiatric condition, that could affect the patient’s decision-making capacity in relation to voluntary euthanasia and assisted suicide.
- (2) The assessment must be conducted in accordance with section 25B.
- (3) The psychiatrist’s report on the assessment must be reviewed and approved by the Chief Psychiatrist (as defined in the *Mental Health Act 2014* section 4).
- (4) If the Chief Psychiatrist approves the report under subsection (3), the psychiatrist who conducted the assessment must —
 - (a) as soon as practicable after the approval is given — inform the patient and the coordinating practitioner of the outcome of the assessment; and
 - (b) complete the approved form (the *psychiatric assessment report form*) and give a copy of it —
 - (i) to the patient and the coordinating practitioner as soon as practicable after the approval is given; and
 - (ii) to the Board within 2 business days after the approval is given.
- (5) The psychiatric assessment report form must include the following —
 - (a) the name, date of birth and contact details of the patient;
 - (b) the name and contact details of the psychiatrist;
 - (c) the psychiatrist’s assessment of the patient’s decision-making capacity in relation to voluntary euthanasia and assisted suicide;
 - (d) any other mental health concerns identified by the psychiatrist in conducting the assessment that may be material to the patient’s request for access to voluntary euthanasia or assisted suicide, including but not limited to any evidence of abuse, coercion, duress or undue influence;
 - (e) the date when the patient and the coordinating practitioner were informed of the outcome of the assessment;
 - (f) the signature of the psychiatrist and the date when the form was signed.
- (6) If the outcome of the assessment is that the psychiatrist determines that the patient does not have decision-making capacity in relation to voluntary euthanasia and assisted suicide as required by section 15(1)(d), the coordinating practitioner for the patient must adopt the determination of the psychiatrist in relation to that matter and must assess the patient as ineligible for access to voluntary euthanasia or assisted suicide under section 27(2).

New Clause 25B**Hon Charles Smith:** To move –**35/NC25B** Page 18, after line 8 — To insert:**25B. Referral to palliative care specialist**

- (1) If the coordinating practitioner is not a palliative care specialist, the coordinating practitioner must refer the patient to a palliative care specialist for a palliative care assessment.
- (2) If the coordinating practitioner is a palliative care specialist, the coordinating practitioner must themselves conduct a palliative care assessment on the patient.
- (3) The palliative care specialist who conducts the palliative care assessment required by subsection (1) or (2) must advise the patient about the matters referred to in section 14(ba).
- (4) If, after taking into account the palliative care assessment required by subsection (1) or (2), the coordinating practitioner considers that there are palliative care and treatment options available to the patient to relieve the patient's suffering in a manner that the patient would consider tolerable, the coordinating practitioner must not determine that the patient has a disease, illness or medical condition that meets the requirements of section 15(1)(c)(iii).

New Clause 25B**Hon Nick Goiran:** To move –**79/NC25B** Page 18, after line 8 — To insert:**25B. Conduct of psychiatric assessment**

- (1) This section applies to an assessment under section 25A.
- (2) The psychiatrist and the patient must be in one another's physical presence and the assessment cannot be conducted using audiovisual communication (as defined in section 156(1)).
- (3) The psychiatrist may have regard to any information about the patient that is obtained by the psychiatrist from any or all of the following —
 - (a) the patient, including by observing the patient and asking the patient questions;
 - (b) if the patient is of Aboriginal or Torres Strait Islander descent —
 - (i) an Aboriginal or Torres Strait Islander mental health worker; or
 - (ii) a significant member of the patient's community, including an elder or traditional healer (as defined in the *Mental Health Act 2014* section 4);
 - (c) any other person;
 - (d) the patient's medical record.

- (4) To the extent that it is practicable and appropriate to do so, the assessment of a patient who is of Aboriginal or Torres Strait Islander descent must be conducted in collaboration with —
- (a) Aboriginal or Torres Strait Islander mental health workers; and
 - (b) significant members of the patient’s community, including elders and traditional healers.

New Clause 25C

Hon Nick Goiran: To move –

80/NC25C Page 18, after line 8 — To insert:

25C. Referral to psycho-oncologist or consultation-liaison psychiatrist

- (1) If the patient has, within the last 7 days, received medical advice referred to in section 6(3)(b), the coordinating practitioner must refer the patient to —
- (a) a psycho-oncologist if the patient is suffering from a malignant disease; or
 - (b) a consultation-liaison psychiatrist for psychiatric care.
- (2) The coordinating practitioner must consult with the person to whom the patient is referred under subsection (1) before determining whether the patient has decision-making capacity in relation to voluntary euthanasia and assisted suicide as required by section 15(1)(d).

Clause 26

Hon Nick Goiran: To move –

171/26 Page 18, line 21 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

172/26 Page 18, line 25 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

173/26 Page 18, line 27 — To delete “substance” and insert:

poison

Hon Rick Mazza: To move –

416/26 Page 19, lines 1 and 2 — To delete the lines.

Hon Nick Goiran: To move –

65/26 Page 19, line 13 — To delete “or,” and insert:

and,

Hon Nick Goiran: To move –

176/26 Page 19, line 17 — To delete “substance.” and insert:

poison.

Clause 28

Hon Nick Goiran: To move –

81/28 Page 20, after line 7 — To insert:

- (2A) As soon as practicable after completing the first assessment report form, the coordinating practitioner must give a copy of it to the patient.

Hon Nick Goiran: To move –

179/28 Page 20, after line 19 — To insert:

- (ea) a statement outlining the patient’s end of life concerns that formed the basis for the first request, for example —
- (i) loss of autonomy;
 - (ii) loss of ability to engage in activities that make life enjoyable;
 - (iii) loss of dignity;
 - (iv) loss of control of bodily functions;
 - (v) being a burden on family members, friends or carers;
 - (vi) inadequate pain control or fear of inadequate pain control;
 - (vii) the financial implications of care and treatment (both curative and non-curative);

Hon Colin Tincknell: To move –

15/28 Page 20, after line 23 — To insert:

- (ga) whether accessible palliative care is or will be available to the patient in regional Western Australia;

Hon Charles Smith: To move –

36/28 Page 20, after line 25 — To insert:

- (ha) the outcome of the referral of the patient to a psychiatrist for psychiatric assessment under section 25A;

(hb) the outcome of the palliative care assessment under section 25B;

Hon Martin Pritchard: To move –

20/28 Page 20, lines 26 and 27 — To delete “the outcome of the referral;” and insert:

a copy of and outcome of all referrals;

Hon Nick Goiran: To move –

180/28 Page 20, line 27 — To delete “referral;” and insert:

referral (including a copy of any report given by the registered health practitioner or other person to whom the patient was referred);

Hon Nick Goiran: To move –

82/28 Page 20, after line 27 — To insert:

(ia) if the patient was assisted by an interpreter when having the first assessment, the name, contact details and accreditation details of the interpreter;

Minister for Environment representing the Minister for Health: To move –

402/28 Page 20, after line 27 — To insert:

(ia) the palliative care and treatment options available to the patient and the likely outcomes of that care and treatment;

Clause 31

Hon Martin Pritchard: To move –

8/31 Page 22, lines 10 and 11 — To delete “referral, the reason for the refusal.” and insert:

referral because the practitioner has a conscientious objection to voluntary assisted dying, a statement that the practitioner refused the referral for that reason.

Clause 32

Hon Martin Pritchard: To move –

9/32 Page 22, line 24 — To delete “referral, the reason for the refusal;” and insert:

referral because the practitioner has a conscientious objection to voluntary assisted dying, a statement that the practitioner refused the referral for that reason;

Clause 34

Hon Nick Goiran: To move –

66/34 Page 23, line 10 — To delete “criteria.” and insert:

criteria and take into account the medical history of the patient.

Minister for Environment representing the Minister for Health: To move –

460/34 Page 23, after line 10 — To insert:

- (3) For the purposes of subsection (1), the consulting practitioner must independently of the coordinating practitioner form their own opinions on the matters to be decided.

Minister for Environment representing the Minister for Health: To move –

461/34 Page 23, after line 10 — To insert:

- (4) Nothing in this section prevents the consulting practitioner from having regard to relevant information about the patient that has been prepared by, or at the instigation of, another registered health practitioner.

Clause 36

Hon Martin Pritchard: To move –

21/36 Page 23, line 17 — To delete “is” and insert:

does not have the appropriate skills and training or is otherwise

Hon Nick Goiran: To move –

83/36 Page 23, lines 17 and 18 — To delete “is unable to determine” and insert:

has any doubt as to

Hon Nick Goiran: To move –

67/36 Page 23, line 22 — To delete “section 15(1)(d).” and insert:

section 15(1)(d), for example due to the patient’s past or current mental illness.

Hon Nick Goiran: To move –

68/36 Page 23, line 25 — To delete “matter.” and insert:

matter, such as a psychiatrist if the matter to be determined involves mental illness.

Hon Martin Pritchard: To move –

22/36 Page 23, line 26 — To delete “is” and insert:

does not have the appropriate skills and training or is otherwise

Hon Nick Goiran: To move –

84/36 Page 23, line 26 — To delete “is unable to determine” and insert:

has any doubt as to

Hon Martin Pritchard: To move –

23/36 Page 24, line 2 — To delete “may adopt” and insert:

must take into account

Clause 39

Hon Nick Goiran: To move –

85/39 Page 25, after line 2 — To insert:

(2A) As soon as practicable after completing the consulting assessment report form, the consulting practitioner must give a copy of it to the patient.

Hon Nick Goiran: To move –

188/39 Page 25, after line 10 — To insert:

- (da) a statement outlining the patient’s end of life concerns that formed the basis for the first request, for example —
 - (i) loss of autonomy;
 - (ii) loss of ability to engage in activities that make life enjoyable;
 - (iii) loss of dignity;
 - (iv) loss of control of bodily functions;
 - (v) being a burden on family members, friends or carers;
 - (vi) inadequate pain control or fear of inadequate pain control;
 - (vii) the financial implications of care and treatment (both curative and non-curative);

Hon Martin Pritchard: To move –

24/39 Page 25, lines 24 and 25 — To delete “the outcome of the referral;” and insert:

a copy of and outcome of all referrals;

Hon Nick Goiran: To move –

189/39 Page 25, line 25 — To delete “referral;” and insert:

referral (including a copy of any report given by the registered health practitioner or other person to whom the patient was referred);

Hon Nick Goiran: To move –

86/39 Page 25, after line 25 — To insert:

- (ka) if the patient was assisted by an interpreter when having the consultation assessment, the name, contact details and accreditation details of the interpreter;

Minister for Environment representing the Minister for Health: To move –

403/39 Page 25, after line 25 — To insert:

- (ka) the palliative care and treatment options available to the patient and the likely outcomes of that care and treatment;

Clause 42

Minister for Environment representing the Minister for Health: To move –

404/42 Page 27, lines 28 and 29 — To delete the lines.

Minister for Environment representing the Minister for Health: To move –

405/42 Page 28, after line 2 — To insert:

- (3) Not more than 1 witness can be a family member of the patient making the written declaration.

Clause 49

Hon Nick Goiran: To move –

87/49 Page 30, after line 31 — To insert:

- (ea) if the patient was assisted by an interpreter when making the final request, the name, contact details and accreditation details of the interpreter;

New Part 3 Division 7 heading

Hon Charles Smith: To move –

37/ND7 Page 32, after line 13 — To insert:

Division 7 — General provisions about request and assessment process

New Clause 52A**Hon Charles Smith:** To move –

38/NC52A Page 32, after line 23 — To insert:

52A. Board to be notified if patient decides not to continue or if request for access to voluntary assisted dying ceases to be enduring

- (1) This section applies if —
 - (a) at any time before the request and assessment process in respect of a patient is completed, the patient informs the coordinating practitioner for the patient of a decision not to continue the request and assessment process; or
 - (b) at any time after the request and assessment process in respect of a patient has been completed, the patient informs the coordinating practitioner for the patient of a decision not to take any further step in relation to access to voluntary assisted dying; or
 - (c) at any time after making a first request, a patient's request for access to voluntary assisted dying ceases to be enduring because the patient indicates to the coordinating practitioner or administering practitioner for the patient that the patient does not wish to continue the request and assessment process or access voluntary assisted dying.
- (2) The coordinating practitioner or administering practitioner referred to in subsection (1)(a), (b) or (c) must —
 - (a) record the decision, or that the request has ceased to be enduring, in the patient's medical record; and
 - (b) within 2 business days after being informed of the decision, or after the request has ceased to be enduring, complete the approved form (the *request cessation form*) and give a copy of it to the Board.
- (3) The request cessation form must include the following —
 - (a) the name, date of birth and contact details of the patient;
 - (b) the name and contact details of the person completing the form;
 - (c) if the person completing the form is not the coordinating practitioner for the patient, the name and contact details of the coordinating practitioner;
 - (d) the date when the first request was made;
 - (e) if the request and assessment process in respect of the patient has been completed, the date when the final review form was signed;
 - (f) the date when the coordinating practitioner was informed of the decision referred to in subsection (1)(a) or (b), or the date when the request for access to voluntary assisted dying ceased to be enduring as referred to in subsection (1)(c), as the case requires;
 - (g) the signature of the person completing the form and the date when the form was signed.

Part 4 Division 2 heading

Hon Nick Goiran: To move –

201/D2H Page 33, line 21 — To delete “**substance**” and insert:

poison

Clause 55

Hon Nick Goiran: To move –

205/55 Page 34, line 15 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

206/55 Page 34, line 16 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

207/55 Page 34, line 22 — To delete “substance” and insert:

dying poison

Hon Nick Goiran: To move –

208/55 Page 34, line 24 — To delete “substance;” and insert:

poison;

Hon Nick Goiran: To move –

209/55 Page 34, line 26 — To delete “substance;” and insert:

poison;

Hon Nick Goiran: To move –

210/55 Page 34, line 27 — To delete “substance” and insert:

poison

Clause 56

Hon Rick Mazza: To move –

417/56 Page 35, line 12 — To delete “coordinating” and insert:

administering

Hon Nick Goiran: To move –

211/55 Page 35, line 14 — To delete “substance; or” and insert:

poison; or

Hon Nick Goiran: To move –

212/55 Page 35, line 18 — To delete “substance.” and insert:

poison.

Hon Rick Mazza: To move –

418/56 Page 35, line 20 — To delete “coordinating practitioner or”.

Hon Rick Mazza: To move –

419/56 Page 35, line 24 — To delete “coordinating practitioner or”.

Hon Nick Goiran: To move –

88/56 Page 36, after line 12 — To insert:

- (ea) if the patient was assisted by an interpreter when revoking the administration decision, the name, contact details and accreditation details of the interpreter;

Clause 57

Hon Nick Goiran: To move –

213/57 Page 36, line 22 — To delete “substance” and insert:

poison

Hon Rick Mazza: To move –

420/57 Page 36, line 24 — To delete the line.

Hon Nick Goiran: To move –

214/57 Page 36, line 27 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

215/57 Page 36, line 30 — To delete “substance;” and insert:

poison;

Hon Rick Mazza: To move –

421/57 Page 37, lines 1 and 2 — To delete the lines and insert:

- (c) supply the prescribed substance to the administering practitioner for the patient.

Hon Nick Goiran: To move –

216/57 Page 37, line 1 — To delete “substance” and insert:

poison

Hon Rick Mazza: To move –

422/57 Page 37, lines 3 to 18 — To delete the lines and insert:

- (4A) The administering practitioner for the patient is authorised to —
 - (a) receive the prescribed substance from an authorised supplier; and
 - (b) possess the prescribed substance for the purpose of supplying it to the patient; and
 - (c) supply the prescribed substance to the patient immediately before the patient is ready to self-administer the prescribed substance if the administering practitioner is satisfied at the time of supply that —
 - (i) the patient has decision-making capacity in relation to voluntary assisted dying; and
 - (ii) the patient is acting voluntarily and without coercion; and
 - (iii) the patient’s request for access to voluntary assisted dying is enduring.
- (5) The patient is authorised to —
 - (a) receive the prescribed substance from the administering practitioner for the patient immediately before the patient is ready to self-administer the prescribed substance; and
 - (b) possess the prescribed substance for the purpose of preparing and self-administering it; and
 - (c) prepare the prescribed substance; and
 - (d) in the presence of the administering practitioner for the patient and a witness, self-administer the prescribed substance.

Hon Nick Goiran: To move –

217/57 Page 37, line 4 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

218/57 Page 37, line 7 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

219/57 Page 37, line 9 — To delete “substance; and” and insert:

poison; and

Hon Charles Smith: To move –

39/57 Page 37, lines 9 and 10 — To delete the lines and insert:

- (c) if the coordinating practitioner for the patient is present and is satisfied as described in subsection (5A) —
 - (i) prepare the prescribed substance; and
 - (ii) self-administer the prescribed substance.

Hon Nick Goiran: To move –

220/57 Page 37, line 10 — To delete “substance.” and insert:

poison.

Hon Charles Smith: To move –

40/57 Page 37, after line 10 — To insert:

- (5A) For the purposes of subsection (5)(c), the coordinating practitioner must be satisfied at the time the patient prepares and self-administers the prescribed substance that —
 - (a) the patient has decision-making capacity in relation to voluntary assisted dying; and
 - (b) the patient is acting voluntarily and without coercion; and
 - (c) the patient’s request for access to voluntary assisted dying is enduring.
- (5B) After the patient self-administers the prescribed substance in the presence of the coordinating practitioner under subsection (5)(c), the coordinating practitioner must remain with the patient until the death of the patient.

Hon Nick Goiran: To move –

221/57 Page 37, line 14 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

222/57 Page 37, line 16 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

223/57 Page 37, line 18 — To delete “substance” and insert:

poison

Clause 58

Hon Nick Goiran: To move –

224/58 Page 37, line 23 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

225/58 Page 37, line 27 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

226/58 Page 37, line 30 — To delete “substance; and” and insert:

poison; and

Hon Nick Goiran: To move –

227/58 Page 38, line 1 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

228/58 Page 38, line 4 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

229/58 Page 38, line 6 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

230/58 Page 38, line 8 — To delete “substance.” and insert:

poison.

Hon Nick Goiran: To move –

231/58 Page 38, line 10 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

233/58 Page 38, lines 17 and 18 — To delete “assisted dying” and insert:

euthanasia

Hon Charles Smith: To move –

41/58 Page 38, after line 18 — To insert:

- (6) After administering the prescribed substance under subsection (5), the administering practitioner for the patient must remain with the patient until the death of the patient.

Clause 59

Hon Nick Goiran: To move –

234/59 Page 38, line 22 — To delete “substance” and insert:

poison

Hon Rick Mazza: To move –

423/59 Page 38, lines 26 to 32 — To delete the lines and insert:

- (b) give the Board a copy of the administration decision and prescription form.

Hon Nick Goiran: To move –

89/59 Page 39, after line 12 — To insert:

- (fa) if the patient was assisted by an interpreter when making the administration decision, the name, contact details and accreditation details of the interpreter;

Hon Nick Goiran: To move –

235/59 Page 39, line 12 — To delete “substance” and insert:

poison

New Clause 59A

Hon Charles Smith: To move –

42/NC59A Page 39, after line 14 — To insert:

59A. Certification by coordinating practitioner following self-administration of prescribed substance

- (1) This section applies if the patient self-administers the prescribed substance in the presence of the coordinating practitioner for the patient.
- (2) The coordinating practitioner must certify in writing that —
 - (a) the patient made a self-administration decision and did not revoke the decision; and
 - (b) the coordinating practitioner was present when the patient self-administered the prescribed substance and remained with the patient until the death of the patient; and
 - (c) the coordinating practitioner was satisfied at the time the patient self-administered the prescribed substance —
 - (i) that the patient had decision-making capacity in relation to voluntary assisted dying; and
 - (ii) that the patient was acting voluntarily and without coercion; and
 - (iii) that the patient’s request for access to voluntary assisted dying was enduring.
- (3) The certificate must be in the approved form (the *self-administration form*) and must include the following —
 - (a) the name and date of birth of the patient;
 - (b) the name and contact details of the coordinating practitioner;
 - (c) the date when the prescribed substance was self-administered;
 - (d) the location where the prescribed substance was self-administered;
 - (e) the signature of the coordinating practitioner and the date when the form was signed.
- (4) Within 2 business days after the patient self-administers the prescribed substance in the presence of the coordinating practitioner, the coordinating practitioner must give a copy of the self-administration form to the Board.

New Clause 59A**Hon Rick Mazza:** To move –

424/NC59A Page 39, after line 14 — To insert:

59A. Certification by administering practitioner following self-administration of prescribed substance

- (1) This section applies if the patient self-administers the prescribed substance in the presence of the administering practitioner for the patient.
- (2) The administering practitioner must certify in writing that —
 - (a) the patient made a self-administration decision and did not revoke the decision; and
 - (b) the administering practitioner was present when the patient self-administered the prescribed substance; and
 - (c) the administering practitioner was satisfied at the time of supplying the prescribed substance to the patient —
 - (i) that the patient had decision-making capacity in relation to voluntary assisted dying; and
 - (ii) that the patient was acting voluntarily and without coercion; and
 - (iii) that the patient’s request for access to voluntary assisted dying was enduring.
- (3) The certificate must be in the approved form (the *self-administration form*) and must include the following —
 - (a) the name and date of birth of the patient;
 - (b) the name and contact details of the administering practitioner;
 - (c) the name, date of birth and contact details of the witness to the self-administration of the prescribed substance (the *witness*);
 - (d) the date when the prescribed substance was self-administered;
 - (e) the certificate of the witness required under section 61(2A);
 - (f) the signature of the administering practitioner and the date when the form was signed;
 - (g) the signature of the witness and the date when the form was signed.
- (4) Within 2 business days after the patient self-administers the prescribed substance in the presence of the administering practitioner, the administering practitioner must give a copy of the self-administration form to the Board.

Clause 60**Hon Nick Goiran:** To move –

236/60 Page 39, line 18 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

237/60 Page 39, line 23 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

239/60 Page 39, line 29 — To delete “assisted dying” and insert:

euthanasia

Hon Charles Smith: To move –

43/60 Page 39, after line 29 — To insert:

- and
- (c) the administering practitioner remained with the patient until the death of the patient.

Hon Nick Goiran: To move –

240/60 Page 40, line 7 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

241/60 Page 40, line 9 — To delete “substance” and insert:

poison

Hon Charles Smith: To move –

44/60 Page 40, after line 10 — To insert:

- (da) the location where the prescribed substance was administered;

Hon Nick Goiran: To move –

242/60 Page 40, line 18 — To delete “substance,” and insert:

poison,

Clause 61

Hon Rick Mazza: To move –

425/61 Page 40, line 21 — To delete “section 58(5), a person is eligible to witness” and insert:

sections 57(5) and 58(5), a person is eligible to witness the self-administration of a prescribed substance by a patient or

Hon Nick Goiran: To move –

243/61 Page 40, line 22 — To delete “substance” and insert:

poison

Hon Rick Mazza: To move –

426/61 Page 40, after line 31 — To insert:

- (2A) The witness to the self-administration of a prescribed substance must certify in the self-administration form for the patient that —
 - (a) the patient’s request for access to voluntary assisted dying appeared to be enduring; and
 - (b) the patient self-administered the prescribed substance in the presence of the witness and the administering practitioner for the patient.

Hon Nick Goiran: To move –

244/61 Page 41, line 1 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

245/61 Page 41, lines 4 and 5 — To delete “assisted dying” and insert:

euthanasia

Hon Nick Goiran: To move –

246/61 Page 41, line 7 — To delete “substance” and insert:

poison

Clause 62

Hon Rick Mazza: To move –

427/62 Page 41, line 11 — To delete “a practitioner” and insert:

an

Hon Nick Goiran: To move –

247/62 Page 41, line 14 — To delete “substance” and insert:

poison

Hon Rick Mazza: To move –

428/62 Page 41, line 18 — To delete “administer the prescribed substance to the patient,” and insert:

perform the duties of the administering practitioner under section 57 or 58,

Hon Nick Goiran: To move –

248/62 Page 41, line 18 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

249/62 Page 42, line 15 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

250/62 Page 42, line 17 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

251/62 Page 42, line 19 — To delete “substance” and insert:

poison

Clause 63

Hon Rick Mazza:

429/63 Page 42, lines 25 to 27 — To oppose the clause.

Clause 64

Hon Rick Mazza:

430/64 Page 43, lines 1 to 17 — To oppose the clause.

Clause 65

Hon Rick Mazza:

431/65 Page 43, line 18 to page 44, line 23 — To oppose the clause.

Hon Nick Goiran: To move –

252/65 Page 44, line 1 — To delete “substance,” and insert:

poison,

Hon Nick Goiran: To move –

253/65 Page 44, line 2 — To delete “substance,” and insert:

poison,

Hon Nick Goiran: To move –

90/65 Page 44, after line 3 — To insert:

- (ea) if the patient was assisted by an interpreter when making the appointment, the name, contact details and accreditation details of the interpreter;

Hon Nick Goiran: To move –

254/65 Page 44, line 21 — To delete “substance” and insert:

poison

Clause 66

Hon Rick Mazza:

432/66 Page 44, line 24 to page 45, line 7 — To oppose the clause.

Hon Nick Goiran: To move –

255/66 Page 44, line 26 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

256/66 Page 44, line 28 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

257/66 Page 44, line 30 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

258/66 Page 45, line 1 — To delete “substance,” and insert:

poison,

Hon Nick Goiran: To move –

259/66 Page 45, line 2 — To delete “substance,” and insert:

poison,

Hon Nick Goiran: To move –

260/66 Page 45, line 6 — To delete “substance” and insert:

poison

Clause 67

Hon Rick Mazza:

433/67 Page 45, lines 8 to 17 — To oppose the clause.

Part 4 Division 4 heading

Hon Nick Goiran: To move –

261/D4H Page 45, line 19 — To delete “**substance**” and insert:

poison

Clause 68

Hon Nick Goiran: To move –

262/68 Page 45, line 23 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

263/68 Page 45, line 26 — To delete “substance;” and insert:

poison;

Hon Nick Goiran: To move –

264/68 Page 45, line 28 — To delete “substance;” and insert:

poison;

Hon Rick Mazza: To move –

434/68 Page 46, lines 1 to 3 — To delete the lines.

Hon Nick Goiran: To move –

265/68 Page 46, line 1 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

266/68 Page 46, line 3 — To delete “substance;” and insert:

poison;

Hon Nick Goiran: To move –

267/68 Page 46, line 4 — To delete “substance;” and insert:

poison;

Hon Rick Mazza: To move –

435/68 Page 46, lines 5 to 10 — To delete the lines and insert:

- (e) that, if the patient decides not to self-administer the substance or dies, the administering practitioner must dispose of any unused or remaining substance.

Hon Nick Goiran: To move –

268/68 Page 46, line 6 — To delete “substance, their contact person must give the substance” and insert:

poison, their contact person must give the poison

Hon Nick Goiran: To move –

269/68 Page 46, line 9 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

270/68 Page 46, line 13 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

271/68 Page 46, line 16 — To delete “substance” and insert:

poison

Hon Rick Mazza: To move –

436/68 Page 46, lines 17 to 22 — To delete the lines and insert:

- (b) that, if the practitioner administration decision is made after the revocation of a self-administration decision, the administering practitioner for the patient must dispose of any prescribed substance received by the administering practitioner.

Hon Nick Goiran: To move –

272/68 Page 46, line 20 — To delete “substance” and insert:

poison

Clause 69

Hon Nick Goiran: To move –

273/69 Page 46, line 29 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

274/69 Page 47, line 4 — To delete “substance; and” and insert:

poison; and

Hon Nick Goiran: To move –

275/69 Page 47, line 16 — To delete “substance” and insert:

poison

Clause 70**Hon Nick Goiran:** To move –**276/70** Page 47, line 22 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –**277/70** Page 47, line 23 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –**278/70** Page 47, line 28 — To delete “substance” and insert:

poison

Clause 71**Hon Rick Mazza:****437/71** Page 48, lines 1 to 21 — To oppose the clause.**Hon Nick Goiran:** To move –**279/71** Page 48, line 4 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –**280/71** Page 48, line 7 — To delete “substance,” and insert:

poison,

Hon Nick Goiran: To move –**281/71** Page 48, line 9 — To delete “substance;” and insert:

poison;

Hon Nick Goiran: To move –**282/71** Page 48, line 10 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

283/71 Page 48, line 11 — To delete “substance;” and insert:

poison;

Hon Nick Goiran: To move –

284/71 Page 48, line 13 — To delete “substance, their contact person must give the substance” and insert:

poison, their contact person must give the poison

Hon Nick Goiran: To move –

285/71 Page 48, line 16 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

286/71 Page 48, line 19 — To delete “substance,” and insert:

poison,

Clause 72

Hon Nick Goiran: To move –

287/72 Page 48, line 25 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

288/72 Page 48, line 27 — To delete “substance; and” and insert:

poison; and

Hon Nick Goiran: To move –

289/72 Page 48, line 28 — To delete “substance,” and insert:

poison,

Hon Rick Mazza: To move –

438/72 Page 49, lines 1 to 7 — To delete the lines.

Hon Nick Goiran: To move –

290/72 Page 49, line 1 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

291/72 Page 49, line 3 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

292/72 Page 49, line 5 — To delete “substance” and insert:

poison

Minister for Environment representing the Minister for Health: To move –

462/72 Page 49, lines 6 and 7 — To delete “patient to whom it is supplied or their contact person.” and insert:

contact person for the patient to whom it is supplied.

Clause 73

Hon Nick Goiran: To move –

293/73 Page 49, line 10 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

294/73 Page 49, line 16 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

295/73 Page 49, line 19 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

296/73 Page 49, line 20 — To delete “substance” and insert:

poison

Hon Rick Mazza: To move –

439/73 Page 49, line 22 — To delete “sections 71 and 72” and insert:

section 72

Hon Nick Goiran: To move –

297/73 Page 49, line 25 — To delete “substance,” and insert:

poison,

Clause 74

Hon Rick Mazza:

440/74 Page 50, lines 1 to 13 — To oppose the clause.

Hon Nick Goiran: To move –

298/74 Page 50, line 2 — To delete “substance,” and insert:

poison,

Hon Nick Goiran: To move –

299/74 Page 50, line 3 — To delete “substance,” and insert:

poison,

Hon Nick Goiran: To move –

300/74 Page 50, line 6 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

301/74 Page 50, line 8 — To delete “substance.” and insert:

poison.

Hon Nick Goiran: To move –

302/74 Page 50, line 10 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

303/74 Page 50, line 11 — To delete “substance,” and insert:

poison,

Clause 75

Hon Rick Mazza:

441/75 Page 50, line 14 to page 51, line 3 — To oppose the clause.

Hon Nick Goiran: To move –

304/75 Page 50, line 15 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

305/75 Page 50, line 22 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

306/75 Page 50, line 23 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

307/75 Page 50, line 25 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

308/75 Page 51, line 2 — To delete “substance,” and insert:

poison,

Clause 76

Hon Rick Mazza: To move –

442/76 Page 51, line 7 — To delete “a practitioner” and insert:

an

Hon Nick Goiran: To move –

309/76 Page 51, line 10 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

310/76 Page 51, line 13 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

311/76 Page 51, line 15 — To delete “substance.” and insert:

poison.

Hon Nick Goiran: To move –

312/76 Page 51, line 16 — To delete “substance” and insert:

poison

Hon Rick Mazza: To move –

443/76 Page 51, line 18 — To delete “practitioner”.

Hon Rick Mazza: To move –

444/76 Page 51, line 20 — To delete “a practitioner” and insert:

an

Hon Nick Goiran: To move –

313/76 Page 51, line 22 — To delete “substance);” and insert:

poison);

Hon Nick Goiran: To move –

314/76 Page 51, line 24 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

315/76 Page 51, line 26 — To delete “*substance*).” and insert:

poison).

Hon Nick Goiran: To move –

316/76 Page 51, line 28 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

317/76 Page 51, line 30 — To delete “substance.” and insert:

poison.

Hon Nick Goiran: To move –

318/76 Page 52, line 1 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

319/76 Page 52, line 4 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

320/76 Page 52, line 5 — To delete “substance,” and insert:

poison,

Clause 77

Hon Nick Goiran: To move –

321/77 Page 52, line 10 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

322/77 Page 52, line 16 — To delete “substance” and insert:

poison

Hon Rick Mazza: To move –

445/77 Page 52, line 18 — To delete “practitioner”.

Hon Nick Goiran: To move –

323/77 Page 52, line 20 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

324/77 Page 52, line 25 — To delete “substance,” and insert:

poison,

Clause 78

Hon Nick Goiran: To move –

325/78 Page 53, line 1 — To delete “substances” and insert:

poisons

Hon Rick Mazza: To move –

446/78 Page 53, lines 5 to 10 — To delete the lines.

Hon Nick Goiran: To move –

326/78 Page 53, line 7 — To delete “substances” and insert:

poisons

Hon Rick Mazza: To move –

447/78 Page 53, line 12 — To delete “(1) or (3).” and insert:

(1).

Hon Rick Mazza: To move –

448/78 Page 53, line 14 — To delete “and authorised disposers”.

Clause 79

Hon Nick Goiran: To move –

327/79 Page 53, line 20 — To delete “substance” and insert:

poison

Hon Rick Mazza: To move –

449/79 Page 53, lines 21 and 22 — To delete “patient, the contact person for the patient or an agent of the patient,” and insert:

administering practitioner for the patient,

Hon Nick Goiran: To move –

328/79 Page 53, line 26 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

329/79 Page 53, line 30 — To delete “substance” and insert:

poison

Clause 81

Hon Nick Goiran: To move –

331/81 Page 54, line 20 — To delete “substance” and insert:

poison

Hon Charles Smith: To move –

45/81 Page 54, lines 23 to 26 — To delete the lines and insert:

- (3) Subsection (2) does not apply if —
 - (a) the coordinating practitioner for a patient gives the Board a copy of a self-administration form in respect of the patient under section 59A(4); or
 - (b) the administering practitioner for a patient gives the Board a copy of a practitioner administration form in respect of the patient under section 60(4).

Hon Rick Mazza: To move –

450/81 Page 54, line 24 — To insert after “copy of”:

a self-administration form in respect of the patient under section 59A(4) or

Hon Nick Goiran: To move –

332/81 Page 54, line 31 — To delete “substance” and insert:

poison

Hon Colin Tincknell: To move –

16/81 Page 55, lines 6 to 8 — To delete the lines and insert:

- (6) The medical practitioner must state that voluntary assisted dying was the cause of death.

Hon Nick Goiran: To move –

333/81 Page 55, lines 6 to 8 — To delete the lines.

Clause 83

Hon Nick Goiran: To move –

69/83 Page 56, after line 22 — To insert:

- (ia) is or is not ordinarily resident in Western Australia; or

Hon Nick Goiran: To move –

70/83 Page 57, after line 2 — To insert:

- (ia) is or is not ordinarily resident in Western Australia; or

Clause 85

Hon Nick Goiran: To move –

339/85 Page 58, line 7 — To delete “substance)” and insert:

Poison)

Clause 87

Hon Nick Goiran: To move –

71/87 Page 58, after line 15 — To insert:

- (aa) the patient is ordinarily resident in Western Australia; or
(ab) the patient is not ordinarily resident in Western Australia; or

Clause 88

Hon Nick Goiran: To move –

72/88 Page 59, line 2 — To delete “87(a),” and insert:

87(aa), (a),

Clause 89**Hon Nick Goiran:** To move –**73/89** Page 60, line 20 — To delete “87(b),” and insert:

87(ab), (b),

Hon Nick Goiran: To move –**350/89** Page 61, line 1 — To delete “substance)” and insert:

poison)

Clause 98**Hon Nick Goiran:** To move –**351/98** Page 66, line 4 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –**352/98** Page 66, line 7 — To delete “substance” and insert:

poison

Clause 100**Hon Nick Goiran:** To move –**356/100** Page 66, line 28 — To delete “substance.” and insert:

poison.

New Clause 101A**Hon Charles Smith:** To move –**46/NC101A** 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).

Clause 102

Hon Nick Goiran: To move –

357/102 Page 67, line 23 — To delete “substance.” and insert:

poison.

Clause 103

Hon Nick Goiran: To move –

358/103 Page 67, line 29 — To delete “substance; and” and insert:

poison; and

Clause 104

Hon Rick Mazza:

451/104 Page 68, lines 12 to 32 — To oppose the clause.

Hon Nick Goiran: To move –

359/104 Page 68, line 15 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

360/104 Page 68, line 18 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

361/104 Page 68, line 23 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

362/104 Page 68, line 26 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

363/104 Page 68, line 30 — To delete “substance is a reference to any prescribed substance” and insert:

poison is a reference to any prescribed poison

Clause 107

Hon Charles Smith: To move –

47/107 Page 70, after line 27, the Table — To insert in numerical order:

s. 52A(2)(b)

Hon Charles Smith: To move –

48/107 Page 70, after line 27, the Table — To insert in numerical order:

s. 59A(4)

Hon Rick Mazza: To move –

452/107 Page 70, after line 27, the Table — To insert in numerical order:

s. 59A(4)

Hon Nick Goiran: To move –

91/107 Page 70, after line 27, the Table — To insert in numerical order:

s. 25A(4)(b)(ii)

Minister for Environment representing the Minister for Health: To move –

406/107 Page 70, after line 27, the Table the 1st row the 1st column — To delete:

s. 21(1)

Hon Rick Mazza: To move –

453/107 Page 70, after line 27, the Table the 6th row the 2nd column — To delete:

s. 65(4)

Hon Rick Mazza: To move –

454/107 Page 70, after line 27, the Table the 7th row the 2nd column — To delete:

s. 75(3)

Clause 112

Hon Nick Goiran: To move –

365/112 Page 74, line 9 — To delete “substance” and insert:

poison

Clause 113

Minister for Environment representing the Minister for Health: To move –

407/113 Page 74, line 12 — To delete “faith,” and insert:

faith and with reasonable care and skill,

Clause 114

Hon Nick Goiran: To move –

366/114 Page 75, line 18 — To delete “substance” and insert:

poison

Clause 148

Hon Rick Mazza:

455/148 Page 86, lines 7 to 17 — To oppose the clause.

Hon Nick Goiran: To move –

369/148 Page 86, line 13 — To delete “substance,” and insert:

poison,

Hon Nick Goiran: To move –

370/148 Page 86, line 14 — To delete “substance,” and insert:

poison,

Clause 149

Hon Rick Mazza: To move –

456/149 Page 86, lines 19 and 20 — To delete “(including the contact person for a patient)”.

Clause 151

Hon Nick Goiran: To move –

372/151 Page 87, line 10 — To delete “substance” and insert:

poison

Clause 156

Hon Nick Goiran: To move –

92/156 Page 92, after line 13 — To insert:

(5) This section has effect subject to section 25B(1).

Clause 158

Hon Nick Goiran: To move –

74/158 Page 93, lines 10 and 11 — To delete “abuse or coercion;” and insert:

abuse, coercion, duress or undue influence;

New Clause 160A

Hon Nick Goiran: To move –

93/NC160A 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.

New Clause 161A

Hon Nick Goiran: To move –

51/NC161A 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.

Clause 166

Hon Nick Goiran: To move –

381/166 Page 96, line 24 — To delete “substance” and insert:

poison

Clause 172

Hon Nick Goiran: To move –

385/172 Page 98, line 18 — To delete “*substance*” and insert:

poison

Hon Nick Goiran: To move –

386/172 Page 98, line 20 — To delete “substance” and insert:

poison

Clause 173

Hon Nick Goiran: To move –

387/173 Page 99, line 6 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

388/173 Page 99, line 12 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

389/173 Page 99, line 15 — To delete “substance;” and insert:

poison;

Hon Nick Goiran: To move –

390/173 Page 100, line 7 — To delete “substance” and insert:

poison

Clause 174

Hon Nick Goiran: To move –

391/174 Page 101, line 14 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

392/174 Page 101, line 23 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

393/174 Page 101, line 25 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

394/174 Page 102, line 11 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

395/174 Page 102, line 22 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

396/174 Page 102, line 24 — To delete “substance” and insert:

poison

Hon Nick Goiran: To move –

397/174 Page 102, line 26 — To delete “substance; and” and insert:

poison; and

Clause 176

Hon Nick Goiran: To move –

398/176 Page 103, line 17 — To delete “substance.” and insert:

poison.

Hon Nick Goiran: To move –

399/176 Page 103, line 27 — To delete “substance” and insert:

poison

