

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**  
**AMENDMENTS AND SCHEDULES**  
**Supplementary Notice Paper No. 139**  
**Issue No. 16**  
**TUESDAY, 3 DECEMBER 2019**

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***VOLUNTARY ASSISTED DYING BILL 2019 [139-1]***

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

[\* indicates amendments intended for consideration upon re-committal of Clauses 5, 14, 26 and 56].

**Clause 5**

**\*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 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 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 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);

#### **Clause 14**

**\*Hon Rick Mazza:** To move –

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

#### **Clause 26**

**\*Hon Rick Mazza:** To move –

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

#### **Clause 56**

**\*Hon Rick Mazza:** To move –

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

administering

**\*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”.

**Clause 60****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 Adele Farina:** To move –**481/60** Page 40, lines 9 and 10 — To delete the lines and insert:

- (d) the date and time when the prescribed substance was administered;
- (da) the date and time of the patient’s death;
- (db) the period of time that lapsed between the administration of the prescribed substance and the patient’s death;
- (dc) details of any complications relating to the administration of the prescribed substance, for example —
- (i) the patient regained consciousness after the administration of the substance;  
or
- (ii) the period of time that lapsed between the administration of the substance and the patient’s death was longer than 2 hours; or
- (iii) the patient had difficulty ingesting the substance or regurgitated the substance; or
- (iv) the patient suffered any other kind of adverse reaction to the substance;

**Hon Charles Smith:** To move –**44/60** Page 40, after line 10 — To insert:

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

**Hon Adele Farina:** To move –**482/60** Page 40, lines 17 and 18 — To delete “administering the prescribed substance,” and insert:

the patient dies,

**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 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 –

**487/61** Page 41, line 5 — To insert after “appeared to be”:

free, voluntary and

## Clause 62

**Hon Rick Mazza:** To move –

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

an

**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,

## 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 –

**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 –

**488/65** Page 44, line 11 — To delete “patient.” and insert:

patient if —

- (a) the patient directs the person to complete the contact person appointment form; and
- (b) the person has reached 18 years of age.

#### **Clause 66**

**Hon Rick Mazza:**

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

**Hon Adele Farina:** To move –

**483/66** Page 45, after line 3 — To insert:

- (1A) The contact person for the patient must —
  - (a) be present when the patient self-administers the prescribed substance; and
  - (b) witness the self-administration.

**Hon Adele Farina:** To move –

**484/66** Page 45, after line 7 — To insert:

- (3) If the patient self-administers the prescribed substance, the contact person for the patient must, within 7 business days after the patient dies, complete the approved form (the *self-administration form*) and give a copy of it to the Board.
- (4) The self-administration form must include the following —
  - (a) the name of the patient;
  - (b) the name and contact details of the contact person;
  - (c) the date and time when the prescribed substance was self-administered;
  - (d) the date and time of the patient’s death;
  - (e) the period of time that lapsed between the self-administration of the prescribed substance and the patient’s death;
  - (f) details of any complications relating to the self-administration of the prescribed substance, for example —
    - (i) the patient regained consciousness after the self-administration of the substance; or
    - (ii) the period of time that lapsed between the self-administration of the substance and the patient’s death was longer than 2 hours; or
    - (iii) the patient had difficulty ingesting the substance or regurgitated the substance; or
    - (iv) the patient suffered any other kind of adverse reaction to the substance;
  - (g) the signature of the contact person and the date when the form was signed.

**Clause 67****Hon Rick Mazza:**

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

**Clause 68****Hon Nick Goiran:** To move –

489/68 Page 45, line 24 — To insert after “patient,”:

including

**Hon Rick Mazza:** To move –

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

**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 –

490/68 Page 46, line 14 — To insert after “patient,”:

including

**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.

**Clause 71****Hon Rick Mazza:**

437/71 Page 48, lines 1 to 21 — To oppose the clause.

**Clause 72****Hon Rick Mazza:** To move –

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

**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 Rick Mazza:** To move –**439/73** Page 49, line 22 — To delete “sections 71 and 72” and insert:

section 72

**Clause 74****Hon Rick Mazza:****440/74** Page 50, lines 1 to 13 — To oppose the clause.**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 –**474/75** Page 50, after line 24 — To insert:

- (da) the type and quantity of the prescribed substance given to the authorised disposer;

**Clause 76****Hon Rick Mazza:** To move –**442/76** Page 51, line 7 — To delete “a practitioner” and insert:

an

**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

**Clause 77****Hon Rick Mazza:** To move –**445/77** Page 52, line 18 — To delete “practitioner”.**Clause 78****Hon Rick Mazza:** To move –**446/78** Page 53, lines 5 to 10 — To delete the lines.

**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 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,

**Clause 81**

**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 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 96****Hon Nick Goiran:** To move –**475/96** Page 64, after line 23 — To insert:

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

**Hon Nick Goiran:** To move –**476/96** Page 64, lines 25 and 26 — To delete “the administering practitioner for the patient.” and insert:

a person to whom the role has been transferred.

**Clause 99****Hon Nick Goiran:** To move –**491/99** Page 66, after line 24 — To insert:

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

Penalty for this subsection: imprisonment for life.

**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 103**

**Hon Nick Goiran:** To move –

**492/103** Page 68, line 7 — To insert before “cancel”:

immediately

**Hon Nick Goiran:** To move –

**493/103** Page 68, line 9 — To delete “inform the CEO” and insert:

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

**Clause 104**

**Hon Rick Mazza:**

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

**Clause 106**

**Hon Nick Goiran:** To move –

**477/106** Page 70, after line 18 — To insert:

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

**Hon Nick Goiran:** To move –

**478/106** Page 70, lines 20 and 21 — To delete “the administering practitioner for the patient.” and insert:

a person to whom the role has been transferred.

**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 Adele Farina:** To move –**485/107** Page 70, after line 27, the Table — To insert in numerical order:

s. 66(3)

**Minister for Environment representing the Minister for Health:** To move –**406/107** Page 70, after line 27, the Table the 1<sup>st</sup> row the 1<sup>st</sup> column — To delete:

s. 21(1)

**Hon Rick Mazza:** To move –**453/107** Page 70, after line 27, the Table the 6<sup>th</sup> row the 2<sup>nd</sup> column — To delete:

s. 65(4)

**Hon Rick Mazza:** To move –**454/107** Page 70, after line 27, the Table the 7<sup>th</sup> row the 2<sup>nd</sup> column — To delete:

s. 75(3)

**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 148**

**Hon Rick Mazza:**

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

**Hon Adele Farina:** To move –

**486/148** Page 86, after line 17 — To insert:

- (c) includes the self-administration form to be completed by the contact person under section 66(3).

**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 Martin Aldridge:** To move –

**463/151** Page 87, after line 12 — To insert:

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

**Clause 154**

**Hon Martin Aldridge:** To move –

**464/154** Page 88, after line 27 — To insert:

- (f) information about the extent to which regional residents had access to voluntary assisted dying, including —
  - (i) statistical information recorded and retained under section 151(1)(ba); and
  - (ii) an assessment of the extent to which the access standard under section 154A has been met.

**New Part 9A****Hon Martin Aldridge:** To move –**465/NP9A** Page 89, after line 11 — To insert:**Part 9A — Accessing voluntary assisted dying in regional Western Australia****154A. Standard about access to voluntary assisted dying for persons in regional Western Australia**

- (1) The CEO must issue a standard (the *access standard*) setting out how the State intends to provide regional residents with access to voluntary assisted dying, including how the State intends to facilitate the residents' access to —
  - (a) the services of medical practitioners and other persons who —
    - (i) are authorised to carry out functions under this Act; and
    - (ii) do not refuse to participate in voluntary assisted dying under section 9;
 and
  - (b) prescribed substances; and
  - (c) information about accessing voluntary assisted dying.
- (2) The CEO may modify or replace the access standard.

**154B. Laying access standard before each House of Parliament**

- (1) The Minister must, within 14 days after the day on which the access standard is issued, modified or replaced under section 154A, cause a copy of the standard to be laid before each House of Parliament.
- (2) If a House of Parliament is not sitting and the Minister is of the opinion that the House will not sit during the 14-day period, the Minister must instead give a copy of the access standard to the Clerk of that House.
- (3) A copy of the access standard given to the Clerk of a House under subsection (2) is taken to have been laid before the House.
- (4) The laying of a copy of the access standard before a House that is taken to have occurred under subsection (3) is to be reported to the House by the Clerk, and recorded in the Votes and Proceedings or Minutes of Proceedings, on the first sitting day of the House after the Clerk received the copy.

**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.

