

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**  
**AMENDMENTS AND SCHEDULES**  
**Supplementary Notice Paper No. 139**  
**Issue No. 18**  
**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 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)
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**Hon Charles Smith:** To move –

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

s. 59A(4)
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**Hon Rick Mazza:** To move –

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

s. 59A(4)
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**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)
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**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)
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**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)
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### 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 11 — To insert:

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

### 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 150****Hon Adele Farina:** To move –

495/148 Page 87, after line 2 — To insert:

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

**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;

**New Clause 152A****Hon Adele Farina:** To move –

496/NC152A Page 87, after line 29 — To insert:

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

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

**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.

