WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 151

FIRST SESSION OF THE FORTIETH PARLIAMENT

THURSDAY, 5 SEPTEMBER 2019

1. Meeting of Assembly

The Assembly met at 9.00 am pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Papers

The following papers were presented and ordered to lie upon the Table of the House – By the Clerk –

Road Traffic Code 2000 - Review of Penalties 2019 (2690).

Rule Change Panel – Activities Report for 2018–2019 (2691).

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the Public Sector Commission's Governance Review of the North Metropolitan Health Service.

Paper

The following paper was presented and ordered to lie upon the Table of the House – By the Minister for Health –

Public Sector Commission – Governance Review of North Metropolitan Health Service and response by the Department of Health (2692).

The Minister for Emergency Services on the Fire and Emergency Services Commissioner, Darren Klemm, who had received the 2019 Murdoch University Public Sector Leader of the Year for State and Federal Government award.

The Minister for Corrective Services on the opening of the Adult Community Corrections Office in Roebourne and on the restoration of the Victoria Hotel in Roebourne.

4. Grievances

The Speaker called for grievances which were then made.

5. Voluntary Assisted Dying Bill 2019

The Order of the Day for the further consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clause 11.

Paper

The following paper was presented and ordered to lie upon the Table of the House – By the Minister for Health –

Health, Minister for – Letter from Hon. John Quigley, Attorney General to Hon. Christian Porter, Attorney General for Australia, in relation to the Voluntary Assisted Dying Bill 2019 (WA) and the Criminal Code Act 1995 (Cth) (2693).

On the question, That Clause 11 be agreed to,

Question put.

The Assembly divided.

	Ayes (45)	
Ms L.L. Baker	Mr D.J. Kelly	Mr S.J. Price
Mr I.C. Blayney	Mr Z.R.F. Kirkup	Mr D.T. Punch
Dr A.D. Buti	Mr F.M. Logan	Mr J.R. Quigley
Mr J.N. Carey	Mr R.S. Love	Mr D.T. Redman
Mr V.A. Catania	Mr W.R. Marmion	Ms C.M. Rowe
Mrs R.M.J. Clarke	Mr M. McGowan	Ms R. Saffioti
Mr R.H. Cook	Mr J.E. McGrath	Ms J.J. Shaw
Ms M.J. Davies	Ms S.F. McGurk	Mrs J.M.C. Stojkovski
Ms J. Farrer	Ms L. Mettam	Mr C.J. Tallentire
Mr M.J. Folkard	Mr D.R. Michael	Mr D.A. Templeman
Ms J.M. Freeman	Mr K.J.J. Michel	Mr P.C. Tinley
Ms E.L. Hamilton	Mr S.A. Millman	Mr R.R. Whitby
Mrs L.M. Harvey	Mr Y. Mubarakai	Ms S.E. Winton
Mr T.J. Healy	Mrs L.M. O'Malley	Mr B.S. Wyatt
Mr M. Hughes	Mr P. Papalia	Ms A. Sanderson (Teller)
	Noes (7)	
Dr D.J. Honey	Mr S.K. L'Estrange	Mrs A.K. Hayden (Teller)
Mr P.A. Katsambanis	Dr M.D. Nahan	•
Mr A. Krsticevic	Ms M.M. Quirk	

Clause 11 thus agreed to.

Clauses 12 to 14 agreed to.

Clause 15.

Ms M.M. Quirk moved,

Page 12, after line 3 – To insert:

' (ia) is ordinarily resident in Western Australia; and ".

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

6. Members' Statements

The Acting Speaker called for members' statements which were then made.

7. Questions

Questions without Notice were taken.

Questions on Notice Nos 5437 to 5440 were asked.

8. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

9. Voluntary Assisted Dying Bill 2019

The Order of the Day for the further consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clause 15.

Ms M.M. Quirk had moved,

Page 12, after line 3 – To insert:

" (ia) is ordinarily resident in Western Australia; and ".

Amendment put and negatived.

Ms M.M. Quirk moved,

Page 12, line 9 – To delete "progressive" and substitute:

" progressive and incurable ".

Amendment put and negatived.

Clause 15 agreed to.

Part 3 Division 1 Heading.

Ms M.M. Quirk moved,

Page 13, line 3 – To insert after "**practitioners**":

" and relevant expertise and experience ".

Amendment put.

The Assembly divided.

Ayes (8)

Dr D.J. Honey Mr S.K. L'Estrange Ms M.M. Quirk

Mr P.A. Katsambanis Mr R.S. Love Mrs A.K. Hayden (Teller)

Mr A. Krsticevic Dr M.D. Nahan

Noes (38)

Ms L.L. Baker	Mr W.R. Marmion	Mr J.R. Quigley
Dr A.D. Buti	Mr M. McGowan	Mr D.T. Redman
Mr J.N. Carey	Mr J.E. McGrath	Ms R. Saffioti
Mrs R.M.J. Clarke	Ms S.F. McGurk	Ms J.J. Shaw
Mr R.H. Cook	Ms L. Mettam	Mrs J.M.C. Stojkovski
Ms M.J. Davies	Mr D.R. Michael	Mr C.J. Tallentire
Mr M.J. Folkard	Mr S.A. Millman	Mr D.A. Templeman
Ms J.M. Freeman	Mr Y. Mubarakai	Mr P.C. Tinley
Ms E.L. Hamilton	Mr K.M. O'Donnell	Mr R.R. Whitby
Mr T.J. Healy	Mrs L.M. O'Malley	Ms S.E. Winton
Mr M. Hughes	Mr P. Papalia	Mr B.S. Wyatt
Mr D.J. Kelly	Mr S.J. Price	Ms A. Sanderson (Teller)
Mr Z.R.F. Kirkup	Mr D.T. Punch	

Amendment thus negatived.

Clause 16 agreed to.

New Clause 16A.

Ms M.M. Quirk moved,

Page 14, after line 5 – To insert:

"

16A. Relevant expertise and experience

Either the coordinating practitioner or consulting practitioner for a patient must have relevant expertise and experience in the disease, illness or medical condition expected to cause the patient's death.

New Clause 16A put and negatived.

Clauses 17 and 18 agreed to.

Clause 19.

Sitting suspended from 6.13 pm to 6.45 pm.

Clause 19.

On the question, That Clause 19 be agreed to,

Question put.

The Assembly divided.

Ayes	(40)	

Mr W.R. Marmion	Mr J.R. Quigley
Mr M. McGowan	Mr D.T. Redman
Mr J.E. McGrath	Ms C.M. Rowe
Ms S.F. McGurk	Ms R. Saffioti
Ms L. Mettam	Ms J.J. Shaw
Mr D.R. Michael	Mrs J.M.C. Stojkovski
Mr S.A. Millman	Mr C.J. Tallentire
Mr Y. Mubarakai	Mr P.C. Tinley
Mr M.P. Murray	Mr R.R. Whitby
Mr K.M. O'Donnell	Ms S.E. Winton
Mrs L.M. O'Malley	Mr B.S. Wyatt
Mr P. Papalia	Ms A. Sanderson (Teller)
Mr S.J. Price	
Mr D.T. Punch	
	Mr M. McGowan Mr J.E. McGrath Ms S.F. McGurk Ms L. Mettam Mr D.R. Michael Mr S.A. Millman Mr Y. Mubarakai Mr M.P. Murray Mr K.M. O'Donnell Mrs L.M. O'Malley Mr P. Papalia Mr S.J. Price

Noes (6)

Dr D.J. Honey	Mr A. Krsticevic	Ms M.M. Quirk
Mr P.A. Katsambanis	Mr S.K. L'Estrange	Mrs A.K. Hayden (Teller)

Clause 19 thus agreed to.

Clauses 20 to 24 agreed to.

Clause 25.

Sitting suspended from 10.10 pm to 10.25 pm.

Clause 25.

Ms M.M. Quirk moved,

Page 17, lines 25 to 27 – To delete the lines and substitute:

"

(2) The coordinating practitioner must refer the patient to a registered health practitioner who has relevant expertise and experience in the disease, illness or medical condition expected to cause the patient's death and otherwise has the appropriate skills and training to make a determination in relation to the matter.

Amendment put and negatived.

Clause 25 agreed to.

Clause 26.

Mrs L.M. Harvey moved,

Page 19, line 13 – To delete "or" and insert:

" and ".

Amendment put.

The Assembly divided.

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Mrs L.M. Harvey	Mr S.K. L'Estrange	Mr K.M. O'Donnell
Dr D.J. Honey	Mr W.R. Marmion	Ms M.M. Quirk
Mr P.A. Katsambanis	Ms L. Mettam	Mrs A.K. Hayden (Teller)
Mr Z.R.F. Kirkup	Dr M.D. Nahan	
Mr A. Krsticevic	Mr D.C. Nalder	

Noes (36)

Ms L.L. Baker	Mr M. McGowan	Mr D.T. Redman
Dr A.D. Buti	Mr J.E. McGrath	Ms C.M. Rowe
Mr J.N. Carey	Ms S.F. McGurk	Ms R. Saffioti
Mrs R.M.J. Clarke	Mr D.R. Michael	Ms J.J. Shaw
Mr R.H. Cook	Mr S.A. Millman	Mrs J.M.C. Stojkovski
Mr M.J. Folkard	Mr Y. Mubarakai	Mr C.J. Tallentire
Ms J.M. Freeman	Mr M.P. Murray	Mr D.A. Templeman
Mr T.J. Healy	Mrs L.M. O'Malley	Mr P.C. Tinley
Mr M. Hughes	Mr P. Papalia	Mr R.R. Whitby
Mr W.J. Johnston	Mr S.J. Price	Ms S.E. Winton
Mr D.J. Kelly	Mr D.T. Punch	Mr B.S. Wyatt
Mr F M Logan	Mr I R Quigley	Ms A Sanderson (Teller)

Mr F.M. Logan Mr J.R. Quigley Ms A. Sanderson (*Teller*)

Amendment thus negatived.

On the question, That Clause 26 be agreed to,

Question put.

The Assembly divided.

Ayes	(38)
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Ms L.L. Baker	Mr M. McGowan	Mr D.T. Redman
Dr A.D. Buti	Mr J.E. McGrath	Ms C.M. Rowe
Mr J.N. Carey	Ms S.F. McGurk	Ms R. Saffioti
Mrs R.M.J. Clarke	Mr D.R. Michael	Ms J.J. Shaw
Mr R.H. Cook	Mr S.A. Millman	Mrs J.M.C. Stojkovski
Mr M.J. Folkard	Mr Y. Mubarakai	Mr C.J. Tallentire
Ms J.M. Freeman	Mr M.P. Murray	Mr D.A. Templeman
Ms E.L. Hamilton	Mr K.M. O'Donnell	Mr P.C. Tinley
Mr T.J. Healy	Mrs L.M. O'Malley	Mr R.R. Whitby
Mr M. Hughes	Mr P. Papalia	Ms S.E. Winton
Mr W.J. Johnston	Mr S.J. Price	Mr B.S. Wyatt
Mr D.J. Kelly	Mr D.T. Punch	Ms A. Sanderson (Teller)
Mr F.M. Logan	Mr J.R. Quigley	

Noes (12)

	11068 (12)	
Mrs L.M. Harvey	Mr A. Krsticevic	Dr M.D. Nahan
Dr D.J. Honey	Mr S.K. L'Estrange	Mr D.C. Nalder
Mr P.A. Katsambanis	Mr W.R. Marmion	Ms M.M. Quirk
Mr Z.R.F. Kirkup	Ms L. Mettam	Mrs A.K. Hayden (Teller)

Clause 26 thus agreed to.

Clause 27 agreed to.

Clause 28.

Mrs L.M. Harvey moved,

Page 20, line 3 – To insert after "assessment":

" and provide a copy of the first assessment report form ".

Amendment put.

The Assembly divided.

A 1700	11	2)
Ayes	(1	3)

Mrs L.M. Harvey	Mr S.K. L'Estrange	Mr K.M. O'Donnell
Dr D.J. Honey	Mr W.R. Marmion	Ms M.M. Quirk
Mr P.A. Katsambanis	Ms L. Mettam	Mrs A.K. Hayden (Teller)
Mr Z.R.F. Kirkup	Dr M.D. Nahan	
Mr A. Krsticevic	Mr D.C. Nalder	

Noes (34)

Ms L.L. Baker	Mr M. McGowan	Ms C.M. Rowe
Dr A.D. Buti	Mr J.E. McGrath	Ms J.J. Shaw
Mr J.N. Carey	Mr D.R. Michael	Mrs J.M.C. Stojkovski
Mrs R.M.J. Clarke	Mr S.A. Millman	Mr C.J. Tallentire
Mr R.H. Cook	Mr Y. Mubarakai	Mr D.A. Templeman
Mr M.J. Folkard	Mr M.P. Murray	Mr P.C. Tinley
Ms J.M. Freeman	Mrs L.M. O'Malley	Mr R.R. Whitby
Ms E.L. Hamilton	Mr P. Papalia	Ms S.E. Winton
Mr T.J. Healy	Mr S.J. Price	Mr B.S. Wyatt
Mr M. Hughes	Mr D.T. Punch	Ms A. Sanderson (Teller)
Mr D.J. Kelly	Mr J.R. Quigley	

Mr D.T. Redman

Amendment thus negatived.

Mr F.M. Logan

Clause 28 agreed to.

Clauses 29 to 31 agreed to.

Clause 32.

Sitting suspended from 1.44 am to 1.58 am.

Clauses 32 to 38 agreed to.

Clause 39.

Mrs L.M. Harvey moved,

Page 25, line 2 – To delete "." and insert:

" and the patient. ".

Mr A. Krsticevic

Amendment put.

The Assembly divided.

Ayes (13)

Mr D.C. Nalder

Teller)

Noes (36)

Ms L.L. Baker	Mr M. McGowan	Mr D.T. Redman
Dr A.D. Buti	Mr J.E. McGrath	Ms C.M. Rowe
Mr J.N. Carey	Ms S.F. McGurk	Ms R. Saffioti
Mrs R.M.J. Clarke	Mr D.R. Michael	Ms J.J. Shaw
Mr R.H. Cook	Mr S.A. Millman	Mrs J.M.C. Stojkovski
Mr M.J. Folkard	Mr Y. Mubarakai	Mr C.J. Tallentire
Ms J.M. Freeman	Mr M.P. Murray	Mr D.A. Templeman
Ms E.L. Hamilton	Mrs L.M. O'Malley	Mr P.C. Tinley
Mr T.J. Healy	Mr P. Papalia	Mr R.R. Whitby
Mr M. Hughes	Mr S.J. Price	Ms S.E. Winton
Mr D.J. Kelly	Mr D.T. Punch	Mr B.S. Wyatt
Mr F.M. Logan	Mr J.R. Quigley	Ms A. Sanderson (Teller)

Amendment thus negatived.

Clause 39 agreed to.

Clause 40.

Mrs A.K. Hayden moved,

Page 26, line 6 – To delete "assessment." and insert:

" assessment no more than three times. ".

Amendment put.

The Assembly divided.

Ayes	(1	4

Mrs L.M. Harvey	Mr S.K. L'Estrange	Mr D.C. Nalder
Dr D.J. Honey	Mr R.S. Love	Mr K.M. O'Donnell
Mr P.A. Katsambanis	Mr W.R. Marmion	Ms M.M. Quirk
Mr Z.R.F. Kirkup	Ms L. Mettam	Mrs A.K. Hayden (Teller)
Mr A. Krsticevic	Dr M.D. Nahan	•

Noes (36)

Ms L.L. Baker	Mr M. McGowan	Mr D.T. Redman
Dr A.D. Buti	Mr J.E. McGrath	Ms C.M. Rowe
Mr J.N. Carey	Ms S.F. McGurk	Ms R. Saffioti
Mrs R.M.J. Clarke	Mr D.R. Michael	Ms J.J. Shaw
Mr R.H. Cook	Mr S.A. Millman	Mrs J.M.C. Stojkovski
Mr M.J. Folkard	Mr Y. Mubarakai	Mr C.J. Tallentire
Ms J.M. Freeman	Mr M.P. Murray	Mr D.A. Templeman
Ms E.L. Hamilton	Mrs L.M. O'Malley	Mr P.C. Tinley
Mr T.J. Healy	Mr P. Papalia	Mr R.R. Whitby
Mr M. Hughes	Mr S.J. Price	Ms S.E. Winton
Mr D.J. Kelly	Mr D.T. Punch	Mr B.S. Wyatt
Mr F.M. Logan	Mr J.R. Quigley	Ms A. Sanderson (Teller)

Amendment thus negatived.

Clause 40 agreed to.

Clause 41 agreed to.

Clause 42.

Ms M.M. Quirk moved,

Page 28, after line 2 – To insert:

"

- (d) is an owner of, or is responsible for the day-to-day management and operation of, any health facility as defined in section 160(1) at which the patient is being treated or resides; or
- (e) is directly involved in providing health services or professional care services to the patient making the declaration.

Amendment put.

The Assembly divided.

Ayes (14)			
Mrs L.M. Harvey	Mr A. Krsticevic	Dr M.D. Nahan	
Dr D.J. Honey	Mr S.K. L'Estrange	Mr D.C. Nalder	
Mr W.J. Johnston	Mr R.S. Love	Ms M.M. Quirk	
Mr P.A. Katsambanis	Mr W.R. Marmion	Mrs A.K. Hayden (Teller)	
Mr Z.R.F. Kirkup	Ms L. Mettam		
	Noes (35)		
Ms L.L. Baker	Mr J.E. McGrath	Ms C.M. Rowe	
Dr A.D. Buti	Ms S.F. McGurk	Ms R. Saffioti	
Mr J.N. Carey	Mr D.R. Michael	Ms J.J. Shaw	
Mrs R.M.J. Clarke	Mr S.A. Millman	Mrs J.M.C. Stojkovski	
Mr R.H. Cook	Mr Y. Mubarakai	Mr C.J. Tallentire	
Ms J.M. Freeman	Mr K.M. O'Donnell	Mr D.A. Templeman	
Ms E.L. Hamilton	Mrs L.M. O'Malley	Mr P.C. Tinley	
Mr T.J. Healy	Mr P. Papalia	Mr R.R. Whitby	
Mr M. Hughes	Mr S.J. Price	Ms S.E. Winton	
Mr D.J. Kelly	Mr D.T. Punch	Mr B.S. Wyatt	
Mr F.M. Logan	Mr J.R. Quigley	Ms A. Sanderson (Teller)	
Mr M. McGowan	Mr D.T. Redman		

Amendment thus negatived.

Clause 42 agreed to.

Clauses 43 to 50 agreed to.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

10. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 17 September 2019 at 2.00 pm.

Debate ensued.

Question put and passed.

11. Adjournment

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 5.21 am on Friday, 6 September 2019 until Tuesday, 17 September 2019 at 2.00 pm.

Members present during any part of the day's proceedings – All the members except Mr P.J. Rundle.

KIRSTEN M. ROBINSONClerk of the Legislative Assembly

HON. PETER WATSONSpeaker of the Legislative Assembly