

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 I.C. Blayney
Dr A.D. Buti
Mr J.N. Carey
Mr V.A. Catania
Mrs R.M.J. Clarke
Mr R.H. Cook
Ms M.J. Davies
Ms J. Farrer
Mr M.J. Folkard
Ms J.M. Freeman
Ms E.L. Hamilton
Mrs L.M. Harvey
Mr T.J. Healy
Mr M. Hughes

Mr D.J. Kelly
Mr Z.R.F. Kirkup
Mr F.M. Logan
Mr R.S. Love
Mr W.R. Marmion
Mr M. McGowan
Mr J.E. McGrath
Ms S.F. McGurk
Ms L. Mettam
Mr D.R. Michael
Mr K.J.J. Michel
Mr S.A. Millman
Mr Y. Mubarakai
Mrs L.M. O'Malley
Mr P. Papalia

Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley
Mr D.T. Redman
Ms C.M. Rowe
Ms R. Saffioti
Ms J.J. Shaw
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Ms A. Sanderson (*Teller*)

Noes (7)

Dr D.J. Honey
Mr P.A. Katsambanis
Mr A. Krsticevic

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

Mrs A.K. Hayden (*Teller*)

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 P.A. Katsambanis

Mr A. Krsticevic

Mr S.K. L'Estrange

Mr R.S. Love

Dr M.D. Nahan

Ms M.M. Quirk

Mrs A.K. Hayden (*Teller*)

Noes (38)

Ms L.L. Baker
 Dr A.D. Buti
 Mr J.N. Carey
 Mrs R.M.J. Clarke
 Mr R.H. Cook
 Ms M.J. Davies
 Mr M.J. Folkard
 Ms J.M. Freeman
 Ms E.L. Hamilton
 Mr T.J. Healy
 Mr M. Hughes
 Mr D.J. Kelly
 Mr Z.R.F. Kirkup

Mr W.R. Marmion
 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 K.M. O'Donnell
 Mrs L.M. O'Malley
 Mr P. Papalia
 Mr S.J. Price
 Mr D.T. Punch

Mr J.R. Quigley
 Mr D.T. Redman
 Ms R. Saffioti
 Ms J.J. Shaw
 Mrs J.M.C. Stojkovski
 Mr C.J. Tallentire
 Mr D.A. Templeman
 Mr P.C. Tinley
 Mr R.R. Whitby
 Ms S.E. Winton
 Mr B.S. Wyatt
 Ms A. Sanderson (*Teller*)

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)

Ms L.L. Baker
 Mr J.N. Carey
 Mrs R.M.J. Clarke
 Mr R.H. Cook
 Ms M.J. Davies
 Mr M.J. Folkard
 Ms J.M. Freeman
 Ms E.L. Hamilton
 Mrs L.M. Harvey
 Mr T.J. Healy
 Mr M. Hughes
 Mr D.J. Kelly
 Mr Z.R.F. Kirkup
 Mr F.M. Logan

Mr W.R. Marmion
 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
 Mr D.T. Punch

Mr J.R. Quigley
 Mr D.T. Redman
 Ms C.M. Rowe
 Ms R. Saffioti
 Ms J.J. Shaw
 Mrs J.M.C. Stojkovski
 Mr C.J. Tallentire
 Mr P.C. Tinley
 Mr R.R. Whitby
 Ms S.E. Winton
 Mr B.S. Wyatt
 Ms A. Sanderson (*Teller*)

Noes (6)

Dr D.J. Honey
 Mr P.A. Katsambanis

Mr A. Krsticevic
 Mr S.K. L'Estrange

Ms M.M. Quirk
 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.

Ayes (13)

Mrs L.M. Harvey
Dr D.J. Honey
Mr P.A. Katsambanis
Mr Z.R.F. Kirkup
Mr A. Krsticevic

Mr S.K. L'Estrange
Mr W.R. Marmion
Ms L. Mettam
Dr M.D. Nahan
Mr D.C. Nalder

Mr K.M. O'Donnell
Ms M.M. Quirk
Mrs A.K. Hayden (*Teller*)

Noes (36)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Mr M.J. Folkard
Ms J.M. Freeman
Mr T.J. Healy
Mr M. Hughes
Mr W.J. Johnston
Mr D.J. Kelly
Mr F.M. Logan

Mr M. McGowan
Mr J.E. McGrath
Ms S.F. McGurk
Mr D.R. Michael
Mr S.A. Millman
Mr Y. Mubarakai
Mr M.P. Murray
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley

Mr D.T. Redman
Ms C.M. Rowe
Ms R. Saffioti
Ms J.J. Shaw
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Ms A. Sanderson (*Teller*)

Amendment thus negatived.

On the question, That Clause 26 be agreed to,

Question put.

The Assembly divided.

Ayes (38)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Mr M.J. Folkard
Ms J.M. Freeman
Ms E.L. Hamilton
Mr T.J. Healy
Mr M. Hughes
Mr W.J. Johnston
Mr D.J. Kelly
Mr F.M. Logan

Mr M. McGowan
Mr J.E. McGrath
Ms S.F. McGurk
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
Mr D.T. Punch
Mr J.R. Quigley

Mr D.T. Redman
Ms C.M. Rowe
Ms R. Saffioti
Ms J.J. Shaw
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Ms A. Sanderson (*Teller*)

Noes (12)

Mrs L.M. Harvey
Dr D.J. Honey
Mr P.A. Katsambanis
Mr Z.R.F. Kirkup

Mr A. Krsticevic
Mr S.K. L'Estrange
Mr W.R. Marmion
Ms L. Mettam

Dr M.D. Nahan
Mr D.C. Nalder
Ms M.M. Quirk
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.

Ayes (13)

Mrs L.M. Harvey
Dr D.J. Honey
Mr P.A. Katsambanis
Mr Z.R.F. Kirkup
Mr A. Krsticevic

Mr S.K. L'Estrange
Mr W.R. Marmion
Ms L. Mettam
Dr M.D. Nahan
Mr D.C. Nalder

Mr K.M. O'Donnell
Ms M.M. Quirk
Mrs A.K. Hayden (*Teller*)

Noes (34)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Mr M.J. Folkard
Ms J.M. Freeman
Ms E.L. Hamilton
Mr T.J. Healy
Mr M. Hughes
Mr D.J. Kelly
Mr F.M. Logan

Mr M. McGowan
Mr J.E. McGrath
Mr D.R. Michael
Mr S.A. Millman
Mr Y. Mubarakai
Mr M.P. Murray
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley
Mr D.T. Redman

Ms C.M. Rowe
Ms J.J. Shaw
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Ms A. Sanderson (*Teller*)

Amendment thus negatived.

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. ”.

Amendment put.

The Assembly divided.

Ayes (13)

Mrs L.M. Harvey
Dr D.J. Honey
Mr P.A. Katsambanis
Mr Z.R.F. Kirkup
Mr A. Krsticevic

Mr S.K. L'Estrange
Mr W.R. Marmion
Ms L. Mettam
Dr M.D. Nahan
Mr D.C. Nalder

Mr K.M. O'Donnell
Ms M.M. Quirk
Mrs A.K. Hayden (*Teller*)

Noes (36)

Ms L.L. Baker
 Dr A.D. Buti
 Mr J.N. Carey
 Mrs R.M.J. Clarke
 Mr R.H. Cook
 Mr M.J. Folkard
 Ms J.M. Freeman
 Ms E.L. Hamilton
 Mr T.J. Healy
 Mr M. Hughes
 Mr D.J. Kelly
 Mr F.M. Logan

Mr M. McGowan
 Mr J.E. McGrath
 Ms S.F. McGurk
 Mr D.R. Michael
 Mr S.A. Millman
 Mr Y. Mubarakai
 Mr M.P. Murray
 Mrs L.M. O'Malley
 Mr P. Papalia
 Mr S.J. Price
 Mr D.T. Punch
 Mr J.R. Quigley

Mr D.T. Redman
 Ms C.M. Rowe
 Ms R. Saffioti
 Ms J.J. Shaw
 Mrs J.M.C. Stojkovski
 Mr C.J. Tallentire
 Mr D.A. Templeman
 Mr P.C. Tinley
 Mr R.R. Whitby
 Ms S.E. Winton
 Mr B.S. Wyatt
 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 (14)

Mrs L.M. Harvey
 Dr D.J. Honey
 Mr P.A. Katsambanis
 Mr Z.R.F. Kirkup
 Mr A. Krsticevic

Mr S.K. L'Estrange
 Mr R.S. Love
 Mr W.R. Marmion
 Ms L. Mettam
 Dr M.D. Nahan

Mr D.C. Nalder
 Mr K.M. O'Donnell
 Ms M.M. Quirk
 Mrs A.K. Hayden (*Teller*)

Noes (36)

Ms L.L. Baker
 Dr A.D. Buti
 Mr J.N. Carey
 Mrs R.M.J. Clarke
 Mr R.H. Cook
 Mr M.J. Folkard
 Ms J.M. Freeman
 Ms E.L. Hamilton
 Mr T.J. Healy
 Mr M. Hughes
 Mr D.J. Kelly
 Mr F.M. Logan

Mr M. McGowan
 Mr J.E. McGrath
 Ms S.F. McGurk
 Mr D.R. Michael
 Mr S.A. Millman
 Mr Y. Mubarakai
 Mr M.P. Murray
 Mrs L.M. O'Malley
 Mr P. Papalia
 Mr S.J. Price
 Mr D.T. Punch
 Mr J.R. Quigley

Mr D.T. Redman
 Ms C.M. Rowe
 Ms R. Saffioti
 Ms J.J. Shaw
 Mrs J.M.C. Stojkovski
 Mr C.J. Tallentire
 Mr D.A. Templeman
 Mr P.C. Tinley
 Mr R.R. Whitby
 Ms S.E. Winton
 Mr B.S. Wyatt
 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
Dr D.J. Honey
Mr W.J. Johnston
Mr P.A. Katsambanis
Mr Z.R.F. Kirkup

Mr A. Krsticevic
Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
Ms L. Mettam

Dr M.D. Nahan
Mr D.C. Nalder
Ms M.M. Quirk
Mrs A.K. Hayden (*Teller*)

Noes (35)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Ms J.M. Freeman
Ms E.L. Hamilton
Mr T.J. Healy
Mr M. Hughes
Mr D.J. Kelly
Mr F.M. Logan
Mr M. McGowan

Mr J.E. McGrath
Ms S.F. McGurk
Mr D.R. Michael
Mr S.A. Millman
Mr Y. Mubarakai
Mr K.M. O'Donnell
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley
Mr D.T. Redman

Ms C.M. Rowe
Ms R. Saffioti
Ms J.J. Shaw
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Ms A. Sanderson (*Teller*)

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. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly