

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 164

TUESDAY, 19 NOVEMBER 2019

1. Meeting of Council

The Council assembled at 1.00pm pursuant to Temporary Orders.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Ministerial Statement — Support for Southern Rangelands Pastoralists

The Minister for Agriculture and Food made a Ministerial Statement with respect to additional dry season assistance to strengthen feral animal control across the pastoral region and extend financial counselling support for regional small businesses.

3. Papers

The following Papers were laid on the Table by —

President

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4. Standing Committee on Uniform Legislation and Statutes Review — Report 124 — Inquiry into the Form and Content of the Statute Book

Hon Michael Mischin presented Report 124 of the Standing Committee on Uniform Legislation and Statutes Review, *Inquiry into the Form and Content of the Statute Book*. (Tabled Paper 3396).

5. Suspension of Standing Orders — Afternoon Tea Break

The Leader of the House moved, without notice —

That so much of the Standing Orders be suspended as to enable the House at today's sitting to suspend proceedings from 4.15pm to 4.30pm.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

6. Order of Business

Ordered — That Orders of the Day Nos 1, *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019 — Disallowance*, and 2, *Public Health Amendment Regulations 2019 — Disallowance*, be taken after Order of the Day No. 19, *High Risk Offenders Bill 2019*. (Leader of the House).

7. Voluntary Assisted Dying Bill 2019

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 4.

Debate resumed on the amendment of Hon Nick Goiran as follows —

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

registered

Hon Nick Goiran sought leave to withdraw his amendment.

Leave granted.

Hon Nick Goiran moved —

Page 3, line 4 — To insert after “practitioner”:

or social worker

Debate ensued.

Hon Nick Goiran, by leave, amended his amendment by deleting “or” and inserting “and”.

Debate ensued.

Amendment — put and negatived.

Debate resumed.

Hon Martin Aldridge moved —

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;

Debate ensued.

Hon Nick Goiran moved to amend the amendment as follows —

To insert after “dying”:

and palliative care

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (17)

Hon Jim Chown
 Hon Peter Collier
 Hon Donna Faragher
 Hon Adele Farina
 Hon Nick Goiran
 Hon Rick Mazza
 Hon Michael Mischin
 Hon Simon O’Brien
 Hon Martin Pritchard

Hon Robin Scott
 Hon Tjorn Sibma
 Hon Charles Smith
 Hon Aaron Stonehouse
 Hon Dr Steve Thomas
 Hon Colin Tincknell
 Hon Alison Xamon
 Hon Ken Baston (*Teller*)

Noes (18)

Hon Martin Aldridge
 Hon Jacqui Boydell
 Hon Robin Chapple
 Hon Tim Clifford
 Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Colin de Grussa
 Hon Sue Ellery
 Hon Diane Evers

Hon Laurie Graham
 Hon Colin Holt
 Hon Alannah MacTiernan
 Hon Kyle McGinn
 Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Amendment to amendment thus negatived.

Debate resumed.

Interruption pursuant to order.

8. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training tabled documents in relation to the Department of Education's marketing visit to China in October 2019, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 3397).

The Minister for Agriculture and Food tabled the final report in relation to the replacement of Boyanup Shipyards (October 2017), in response to a question without notice asked by Hon Jim Chown. (Tabled Paper 3398).

The Leader of the House representing the Minister for Community Services tabled documents in relation to the Job Description Form for the Assistant Director General Corporate Services, in response to a question without notice asked by Hon Tjorn Sibma. (Tabled Paper 3399).

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to the Gifted and Talented Secondary Selective Entrance Program, in response to a question without notice 1302 asked by Hon Donna Faragher.

The Leader of the House representing the Attorney General tabled paragraph 6 of the Report 56 of the Standing Committee on Procedure and Privileges, in response to question on notice 2458 asked by Hon Michael Mischin. (Tabled Paper 3400).

The Minister for Environment representing the Minister for Emergency Services tabled documents in relation to Operational Fleet Project, Project Board, details of Board members and the Boards Terms of Reference, in response to question on notice 2575 asked by Hon Colin de Grussa. (Tabled Paper 3401).

The Minister for Regional Development representing the Minister for Fisheries tabled documents in relation to staffing levels at Fisheries in 2016, in response to question on notice 2510 asked by Hon Colin de Grussa. (Tabled Paper 3402).

9. Voluntary Assisted Dying Bill 2019

Resumption of consideration of this Bill in Committee of the Whole House (*see item 7 above*).

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 4.

Debate resumed on the amendment of Hon Martin Aldridge as follows —

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;

Amendment — put and passed.

Hon Martin Pritchard moved —

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

abuse or coercion;

Debate ensued.

Hon Nick Goiran moved to amend the amendment as follows —

To insert after “coercion”:

, duress or undue influence

Debate ensued.

Amendment to the amendment — put.

The Committee divided.

Ayes (12)

Hon Ken Baston
Hon Donna Faragher
Hon Adele Farina
Hon Nick Goiran
Hon Rick Mazza
Hon Michael Mischin

Hon Simon O’Brien
Hon Martin Pritchard
Hon Charles Smith
Hon Aaron Stonehouse
Hon Colin Tincknell
Hon Alison Xamon

Noes (22)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Robin Chapple
Hon Jim Chown
Hon Tim Clifford
Hon Alanna Clohesy
Hon Peter Collier
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Diane Evers

Hon Laurie Graham
Hon Colin Holt
Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Samantha Rowe
Hon Robin Scott
Hon Tjorn Sibma
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Pierre Yang (*Teller*)

Amendment to the amendment thus negatived.

Amendment — put and passed.

Debate resumed.

Hon Nick Goiran moved —

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

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

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (7)

Hon Martin Aldridge
Hon Nick Goiran
Hon Simon O'Brien
Hon Charles Smith

Hon Aaron Stonehouse
Hon Colin Tincknell
Hon Ken Baston (*Teller*)

Noes (25)

Hon Jacqui Boydell
Hon Robin Chapple
Hon Jim Chown
Hon Tim Clifford
Hon Alanna Clohesy
Hon Peter Collier
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Diane Evers
Hon Adele Farina
Hon Laurie Graham
Hon Colin Holt

Hon Alannah MacTiernan
Hon Rick Mazza
Hon Kyle McGinn
Hon Martin Pritchard
Hon Samantha Rowe
Hon Robin Scott
Hon Tjorn Sibma
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Alison Xamon
Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Clause, as amended, agreed to.

Clause 5.

Debate ensued.

Hon Nick Goiran moved —

Page 4, line 2 — To delete “substance,” and insert:

poison,

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (6)

Hon Jim Chown
Hon Nick Goiran
Hon Simon O'Brien

Hon Charles Smith
Hon Aaron Stonehouse
Hon Ken Baston (*Teller*)

Noes (26)

Hon Martin Aldridge
 Hon Jacqui Boydell
 Hon Robin Chapple
 Hon Tim Clifford
 Hon Alanna Clohesy
 Hon Peter Collier
 Hon Stephen Dawson
 Hon Colin de Grussa
 Hon Sue Ellery
 Hon Diane Evers
 Hon Donna Faragher
 Hon Adele Farina
 Hon Laurie Graham

Hon Colin Holt
 Hon Alannah MacTiernan
 Hon Rick Mazza
 Hon Kyle McGinn
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Robin Scott
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Colin Tincknell
 Hon Darren West
 Hon Alison Xamon
 Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Debate resumed.

Hon Martin Aldridge moved —

Page 6, after line 6 — To insert:

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

Debate ensued.

Amendment — put and passed.

Debate resumed.

Hon Nick Goiran moved —

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;

Debate ensued.

Hon Nick Goiran sought leave to withdraw his amendment.

Leave denied.

Debate resumed.

Hon Nick Goiran sought leave to withdraw his amendment.

Leave granted.

Minister for Environment representing the Minister for Health moved —

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;

Debate ensued.

Amendment — put and passed.

Hon Martin Aldridge moved —

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;

Debate ensued.

Amendment — put and passed.

Hon Nick Goiran moved —

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;

Debate ensued.

Interruption pursuant to order.

The President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again.

10. Members' Statements

Statements were taken.

Hon Robin Chapple, by leave, tabled the Derby Youth Drug and Alcohol Project Report, July 2006. (Tabled Paper 3403).

11. Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019

The President reported the receipt of Message No. 150 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Minister for Health moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary to the Minister for Health moved, That the Bill be read a second time.

The Parliamentary Secretary to the Minister for Health tabled the governance framework for the Bill (Tabled Paper 3404).

The Parliamentary Secretary to the Minister for Health tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3405).

Debate stands adjourned.

12. Adjournment

The Council adjourned at 10.20pm until Wednesday, 20 November 2019 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council

Uncorrected Draft