

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 171

FRIDAY, 29 NOVEMBER 2019

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Statement by President — Members' Luncheon

The President made the following Statement —

Members, before we start today, as we are aware, today is an additional sitting day. Arrangements have been made for the lunchbreak today, which will occur between 12.30pm and 2.00pm. Members may not be aware that the Members' dining room is unavailable today due to a longstanding booking, so a carvery has been set up for the Legislative Council Members only in the Members' lounge opposite the dining room. That will be available from noon until 2.00 pm.

3. Petition

Hon Simon O'Brien presented a petition from one petitioner requesting the Legislative Council to investigate concerns in relation to the Fremantle Council oversight of the Local Government owned Fremantle Markets, and the financial and management disadvantage to many small business tenants. (Tabled Paper 3462).

4. Order of Business

Ordered — That Order of the Day No. 1, *Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2019 — Disallowance*, be taken after Order of the Day No. 18, *High Risk Offenders Bill 2019*. (Leader of the House).

5. 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 Matthew Swinbourn in the Chair)

Clause 56.

Debate ensued.

Hon Nick Goiran moved —

Page 36, after line 12 — To insert:

- (ea) if the patient was assisted by an interpreter when revoking the administration decision, the name, contact details and accreditation details of the interpreter;

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 57.

Hon Adele Farina moved —

Page 36, after line 23 — To insert:

- (2A) At the time of prescribing a voluntary assisted dying substance for the patient, the coordinating practitioner must inform the patient about the following matters —
 - (a) the schedule 4 and/or schedule 8 poisons constituting the prescribed substance;
 - (b) the method by which the prescribed substance is to be self-administered;
 - (c) how to prepare and self-administer the prescribed substance;
 - (d) the expected effects of ingesting the prescribed substance;
 - (e) the expected time to death after ingestion;
 - (f) the potential risks of self-administering the prescribed substance.

Debate ensued.

Hon Adele Farina, by leave, withdrew her amendment.

Debate resumed.

Hon Rick Mazza sought leave to defer consideration of amendments 420/57 and 421/57 until a later stage of clause 57.

Leave granted.

Hon Nick Goiran moved —

Page 37, lines 1 to 2 — To delete “, the contact person for the patient or an agent of the patient.” and insert:

or the contact person for the patient.

Debate ensued.

Hon Nick Goiran, by leave, withdrew his amendment.

Hon Rick Mazza moved —

Page 37, lines 3 to 18 — To delete the lines and insert:

- (4A) The administering practitioner for the patient is authorised to —
 - (a) receive the prescribed substance from an authorised supplier; and
 - (b) possess the prescribed substance for the purpose of supplying it to the patient; and

- (c) supply the prescribed substance to the patient immediately before the patient is ready to self-administer the prescribed substance if the administering practitioner is satisfied at the time of supply that —
 - (i) the patient has decision-making capacity in relation to voluntary assisted dying; and
 - (ii) the patient is acting voluntarily and without coercion; and
 - (iii) the patient's request for access to voluntary assisted dying is enduring.
- (5) The patient is authorised to —
 - (a) receive the prescribed substance from the administering practitioner for the patient immediately before the patient is ready to self-administer the prescribed substance; and
 - (b) possess the prescribed substance for the purpose of preparing and self-administering it; and
 - (c) prepare the prescribed substance; and
 - (d) in the presence of the administering practitioner for the patient and a witness, self-administer the prescribed substance.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (13)

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 Charles Smith
 Hon Aaron Stonehouse
 Hon Dr Steve Thomas
 Hon Colin Tincknell
 Hon Ken Baston (*Teller*)

Noes (21)

Hon Martin Aldridge
 Hon Jacqui Boydell
 Hon Robin Chapple
 Hon Jim Chown
 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 Robin Scott
 Hon Tjorn Sibma
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Amendment thus negated.

Debate resumed.

Hon Nick Goiran moved —

Page 37, lines 1 to 2 — To delete “, the contact person for the patient or an agent of the patient.” and insert:

or the contact person for the patient.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (14)

Hon Martin Aldridge
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 Charles Smith
Hon Aaron Stonehouse
Hon Dr Steve Thomas
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Hon Kyle McGinn
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.

Debate resumed.

Question, That the clause stand as printed — put and passed.

Clause 58.

Debate ensued.

Clause agreed to.

Clause 59.

Debate ensued.

Hon Nick Goiran moved —

Page 39, after line 12 — To insert:

- (fa) if the patient was assisted by an interpreter when making the administration decision, the name, contact details and accreditation details of the interpreter;

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 60.

Interruption pursuant to order.

The President resumed the Chair.

The Deputy 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.

6. Questions Without Notice

Questions without notice were taken.

The Minister for Environment tabled the *Department of Water and Environment Regulation, Climate Change Actions 2017 Stocktake Report* (September 2017), in response to a question without notice asked by Hon Tim Clifford. (Tabled Paper 3463).

7. Members' Statements

Statements were taken.

8. Adjournment

The Council adjourned at 5.09pm until Tuesday, 3 December 2019 at 10.00am.

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