

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 166

THURSDAY, 21 NOVEMBER 2019

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### 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. Ministerial Statement — Citrus Canker

The Parliamentary Secretary to the Minister for Agriculture and Food made a Ministerial Statement with respect to Western Australia officially being declared free of citrus canker.

### 3. Environment Court Bill 2019

Hon Diane Evers: To move on the next day of sitting —

That a Bill for “An Act to establish the Environment Court and for incidental and related purposes.” be introduced and read a first time.

### 4. Game and Feral Animal Control Bill 2018

Non-Government Business No. 1 having been called, Hon Rick Mazza, pursuant to notice, moved –

That a Bill for “An Act to manage and regulate the hunting of game; and for other purposes.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Rick Mazza moved, That the Bill be read a second time.

Hon Rick Mazza tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3416).

Debate stands adjourned.

### 5. Firearms Licensing and Registry Information System Failings

Non-Government Business No. 2 having been called, Hon Rick Mazza moved, without notice —

That this House recognises the importance of value for money in the delivery of Government services; and acknowledges that the Firearm Licensing and Registry (L&R) Information System fails to meet an acceptable level of service for application fees charged and the systems failings as outlined in the May 2019 Auditor General Report No. 18.

Debate ensued.

*Motion lapsed.*

## 6. Order of Business

Ordered — That Orders of the Day Nos 1, *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019 — Disallowance*, and 3, *Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2019 — Disallowance*, be taken after Order of the Day No. 20, *High Risk Offenders Bill 2019*. (Leader of the House).

## 7. Public Health Amendment Regulations 2019 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 2, *Public Health Amendment Regulations 2019 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

## 8. Select Committee into Mining on Pinjin Station — Interim Report — Extension of Time

The Order of the Day having been called for the adjourned debate on the motion of Hon Robin Scott as follows —

That the reporting date for the Inquiry into Mining on Pinjin Station be extended from 26 November 2019 to 14 May 2020.

Debate ensued.

Question — put and passed.

## 9. Select Committee on Personal Choice and Community Safety — Interim Report — Extension of Time

The Order of the Day having been called for the adjourned debate on the motion of Hon Aaron Stonehouse as follows —

That the reporting date for the Inquiry into Personal Choice and Community Safety be extended from 5 December 2019 to 25 June 2020.

Debate ensued.

Question — put and passed.

## 10. 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.

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### In Committee

(Hon Dr Steve Thomas in the Chair)

Clause 9.

Debate resumed.

Hon Nick Goiran moved —

Page 10, line 4 — To delete “registered health practitioner” and insert:

person

Debate ensued.

Amendment — put.

The Committee divided.

**Ayes (10)**

Hon Martin Aldridge  
 Hon Nick Goiran  
 Hon Rick Mazza  
 Hon Simon O'Brien  
 Hon Martin Pritchard

Hon Charles Smith  
 Hon Aaron Stonehouse  
 Hon Colin Tincknell  
 Hon Alison Xamon  
 Hon Ken Baston (*Teller*)

**Noes (23)**

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 Kyle McGinn  
 Hon Michael Mischin  
 Hon Samantha Rowe  
 Hon Tjorn Sibma  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Dr Steve Thomas  
 Hon Darren West  
 Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Debate resumed.

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

New Clause 9A.

Hon Martin Pritchard moved —

Page 10, after line 5 — To insert:

**9A. Registered health practitioner not to initiate discussion about voluntary assisted dying**

- (1) A registered health practitioner who provides health services or professional care services to a person must not, in the course of providing those services to the person —
  - (a) initiate discussion with the person that is in substance about voluntary assisted dying; or
  - (b) in substance, suggest voluntary assisted dying to the person.
- (2) Nothing in subsection (1) prevents a registered health practitioner from providing information about voluntary assisted dying to a person at the person's request.

Debate ensued.

New Clause — put.

The Committee divided.

**Ayes (9)**

Hon Donna Faragher  
 Hon Adele Farina  
 Hon Nick Goiran  
 Hon Rick Mazza  
 Hon Martin Pritchard

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

**Noes (23)**

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  
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 Hon Kyle McGinn  
 Hon Michael Mischin  
 Hon Simon O'Brien  
 Hon Samantha Rowe  
 Hon Tjorn Sibma  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Darren West  
 Hon Alison Xamon  
 Hon Pierre Yang (*Teller*)

New Clause thus negatived.

New Clause 9A.

The Minister for Environment representing the Minister for Health moved —

Page 10, after line 5 — To insert:

**9A. Health care worker not to initiate discussion about voluntary assisted dying**

(1) In this section —

*health care worker* means —

- (a) a registered health practitioner; or
- (b) any other person who provides health services or professional care services.

(2) A health care worker who provides health services or professional care services to a person must not, in the course of providing the services to the person —

- (a) initiate discussion with the person that is in substance about voluntary assisted dying; or
- (b) in substance, suggest voluntary assisted dying to the person.

(3) Nothing in subsection (2) prevents a medical practitioner or nurse practitioner from doing something referred to in subsection (2)(a) or (b) if, at the time it is done, the medical practitioner or nurse practitioner also informs the person about the following —

- (a) the treatment options available to the person and the likely outcomes of that treatment;
- (b) the palliative care and treatment options available to the person and the likely outcomes of that care and treatment.

(4) Nothing in subsection (2) prevents a health care worker from providing information about voluntary assisted dying to a person at the person's request.

- (5) A contravention of subsection (2) by a registered health practitioner is unprofessional conduct for the purposes of the Health Practitioner Regulation National Law (Western Australia).
- (6) Subsection (5) overrides section 10(1).
- (7) A contravention of subsection (2) by a provider, as defined in the Health and Disability Services (Complaints) Act 1995 section 3(1), is taken to be unreasonable conduct described in section 25(1)(c) of that Act.

Debate ensued.

Hon Nick Goiran moved to amend the amendment as follows —

To delete subclauses (3) and (4).

Hon Nick Goiran, by leave, tabled a letter from Dr Tandon (and Health Professionals Say No) regarding proposed New Clause 9A to amend the *Voluntary Assisted Dying Bill 2019*. (Tabled Paper 3417).

Debate ensued.

Amendment — put and negatived.

Debate resumed.

The Minister for Environment representing the Minister for Health, by leave, amended his amendment as follows —

In subsection (3)(a) — To insert after “treatment;” —

and

New Clause, as amended — put and passed.

## 11. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Attorney General tabled the itinerary for the Attorney General’s travel and activities over the weekend of 17 and 18 November 2018, in response to a question without notice asked by Hon Michael Mischin. (Tabled Paper 3418).

The Minister for Education and Training tabled a media release on the second international education consortium to grow international students studying in Western Australia, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 3419).

The Minister for Environment tabled the Department of Environmental Regulation Consultation Summary, Authorised Officers, Review of Delegated Powers, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 3420).

The Leader of the House on behalf of the Minister for Regional Development representing the Minister for State Development, Jobs and Trade tabled a complete, consolidated, current version of the *North West Gas Development (Woodside) Agreement 1979* and separate copies of all variations to the Agreement, in response to question on notice 2685 asked by Hon Robin Chapple. (Tabled Paper 3421).

The Minister for Environment tabled documents in relation to air pollution monitoring reports on Woodside Energy Ltd, Karratha Gas Plant and Pluto Gas Plant, in response to question on notice 2592 asked by Hon Robin Chapple. (Tabled Paper 3422).

The Minister for Environment representing the Minister for Police tabled a correction to an answer in relation to a stranger danger alert at West Leederville Primary School, in response to a question without notice 1111 asked by Hon Ken Baston. (Tabled Paper 3423).

## 12. Voluntary Assisted Dying Bill 2019

Resumption of consideration of this Bill in Committee of the Whole House (*see item 10 above*).

The President left the Chair.

**In Committee**

(Hon Robin Chapple in the Chair)

New Clause 9A.

Hon Charles Smith moved —

Page 10, after line 5 — To insert:

**9A. Palliative care and treatment**

- (1) This section applies if, at any time after making a first request, a patient is provided with palliative care and treatment that relieves the patient's suffering to a level that is tolerable to the patient.
- (2) If the request and assessment process in respect of the patient has not been completed, the request and assessment process ends.
- (3) If the request and assessment process in respect of the patient has been completed, the process for accessing voluntary assisted dying under Part 4 ends and no step under that Part (including the prescription, supply or administration of a voluntary assisted dying substance) is to be taken in relation to the patient.
- (4) Nothing in subsection (2) or (3) prevents the patient from beginning a new request and assessment process by making a new first request if the palliative care and treatment options available to the patient subsequently cease to relieve the patient's suffering in a manner that is tolerable to the patient.

Debate ensued.

New Clause — put and negatived.

Clause 10.

Debate ensued.

Clause agreed to.

Clause 11.

Debate ensued.

*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.

**13. Members' Statements**

Statements were taken.

**14. Petroleum Products Pricing Amendment Bill 2019**

The President reported the receipt of Message No. 148 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Regional Development representing the Minister for Commerce moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Regional Development representing the Minister for Commerce moved, That the Bill be read a second time.

The Minister for Regional Development representing the Minister for Commerce tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3424).

Debate stands adjourned.

**15. Adjournment**

The Council adjourned at 6.48pm until Friday, 22 November 2019 at 10.00am.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Jim Chown and Hon Robin Scott.

**NIGEL PRATT**  
Clerk of the Legislative Council

**HON KATE DOUST MLC**  
President of the Legislative Council