

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 170

THURSDAY, 28 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 — Nationals WA — Non-Government Business

The President made the following Statement —

I have received the following letter —

Dear Madam President,

I write today to advise that the National Party are in agreement to notify of a change regarding the Non-Government Business schedule for the month of December.

Currently the National Party are scheduled to manage Non-Government Business on 5 December 2019, as previously negotiated with the Liberal Party and advised to you via email on 17 October 2019.

The Nationals WA advise we intend to waive Non-Government Business on 5 December 2019. This will instead allow the Legislative Council to proceed with debate of the *Voluntary Assisted Dying Bill 2019* uninhibited and in a timely manner.

Yours sincerely,

Hon Jacqui Boydell MLC

3. Ministerial Statement — Red Imported Fire Ant Detection

The Minister for Agriculture and Food made a Ministerial Statement with respect to the detection of red imported fire ants at the Port of Fremantle and requesting local residents to help surveillance efforts to stop the spread of the pest.

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

Local Government Grants Commission (2018–19) (Date received 27/11/2019)..... 3445

WA Industry Link (2018–19) (Date received 27/11/2019)..... 3446

Minister for Environment

Annual Reports —

Conservation and Parks Commission (2018–19) (Date received 27/11/2019) 3447

Police Western Australia — Assumed Identities (2018–19) — Criminal Investigation
(Covert Powers) Act 2012 (Date received 27/11/2019)..... 3448

Proposals —

Conservation and Land Management (Changes to State Forest No. 26) Proposal 2019.... 3449

5. Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community — Final Report — Help, not handcuffs: Evidence-based approaches to reducing harm from illicit drug use

Hon Alison Xamon presented the Final Report of the Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community, *Help, not handcuffs: Evidence-based approaches to reducing harm from illicit drug use*. (Tabled Paper 3450).

6. Joint Standing Committee on the Corruption and Crime Commission — Report 13 — Annual Report 2018–19

Hon Jim Chown presented Report 13 of the Joint Standing Committee on the Corruption and Crime Commission, *Annual Report 2018–19*. (Tabled Paper 3452).

7. Joint Standing Committee on the Commissioner for Children and Young People — Report 4 — Annual Report (2018–19)

Hon Dr Sally Talbot presented Report 4 of the Joint Standing Committee on the Commissioner for Children and Young People, *Annual Report 2018–19*. (Tabled Paper 3451).

8. Weapons Amendment Regulations 2019 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Weapons Amendment Regulations 2019* published in the *Gazette* on 22 October 2019 and tabled in the Legislative Council on 29 October 2019 under the *Weapons Act 1999*, be and are hereby disallowed. (Tabled paper No. 3329).

9. Suspension of Standing Orders — Business of the House

The Leader of the House moved, without notice —

That so much of the Standing Orders be suspended as to enable the following variations to the order of business and sitting days and times to those agreed by the House on 16 October 2019 as follows —

- (a) Tuesday, 3 December 2019:
 - (i) The sitting to commence at 10.00am;
 - (ii) The sitting be suspended between 1.00pm and 2.00pm; 4.15pm and 4.30pm; and 6.00pm and 7.00pm; and
 - (iii) Members' Statements and business under SO 5(5) be taken at 10.30pm or at an earlier time ordered by the House.
- (b) Wednesday, 4 December 2019:
 - (i) The sitting to commence at 1.00pm;
 - (ii) No committee reports;
 - (iii) The House to sit beyond 9.45pm until the Committee of the Whole House completes its consideration of the *Voluntary Assisted Dying Bill 2019*, including any recommittal, and the Committee's report on the Bill is made to the House; and
 - (i) Members' Statements and business under SO 5(5) be taken at a time ordered by the House.
- (c) Thursday, 5 December 2019:
 - (i) If the previous day's sitting is adjourned, the sitting to commence at 12.00noon or at a time ordered by the House.

- (d) The House to sit on Friday, 6 December 2019 at 10:00am and conduct the following business:
- (i) Prayers and Formal Business;
 - (ii) Orders of the Day;
 - (iii) The sitting be suspended between 1.00pm and 2.00pm, 4.15pm and 4.30pm; and 6.00pm and 7.00pm;
 - (iv) Question Without Notice to be taken at 4.30pm;
 - (v) The House to sit until the question on the Third Reading of the *Voluntary Assisted Dying Bill 2019* is put and determined and, if applicable, SO 140 is suspended for that purpose; and
 - (vi) Members' Statements and business under SO 5(5) be taken at a time ordered by the House.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

There being a dissentient voice the President ordered the Council to divide.

Ayes (33)

Hon Martin Aldridge	Hon Rick Mazza
Hon Ken Baston	Hon Kyle McGinn
Hon Jacqui Boydell	Hon Michael Mischin
Hon Robin Chapple	Hon Simon O'Brien
Hon Jim Chown	Hon Martin Pritchard
Hon Tim Clifford	Hon Samantha Rowe
Hon Alanna Clohesy	Hon Robin Scott
Hon Peter Collier	Hon Tjorn Sibma
Hon Stephen Dawson	Hon Charles Smith
Hon Colin de Grussa	Hon Aaron Stonehouse
Hon Sue Ellery	Hon Matthew Swinbourn
Hon Diane Evers	Hon Dr Sally Talbot
Hon Donna Faragher	Hon Dr Steve Thomas
Hon Adele Farina	Hon Darren West
Hon Laurie Graham	Hon Alison Xamon
Hon Colin Holt	Hon Pierre Yang (<i>Teller</i>)
Hon Alannah MacTiernan	

Noes (1)

Hon Colin Tincknell (*Teller*)

The concurrence of an absolute majority of the whole number of Members being met Standing Orders suspended.

10. Rights of Nature and Future Generations Bill 2019

Non-Government Business No. 1 having been called, Hon Diane Evers, pursuant to notice, moved —

That a Bill for “An Act to protect the rights of nature and future generations and for related purposes.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Diane Evers moved, That the Bill be read a second time.

Hon Diane Evers tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3453).

Debate stands adjourned.

11. Environment Court Bill 2019

Non-Government Business No. 2 having been called, Hon Diane Evers, pursuant to notice, moved —

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

Question — put and passed.

Bill read a first time.

Hon Diane Evers moved, That the Bill be read a second time.

Hon Diane Evers tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3454).

Debate stands adjourned.

12. Royalties for Regions Amendment Bill 2019

Non-Government Business No. 3 having been called, Hon Diane Evers, pursuant to notice, moved —

That a Bill for “An Act to amend the *Royalties for Regions Act 2009*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Diane Evers moved, That the Bill be read a second time.

Hon Diane Evers tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3455).

Debate stands adjourned.

13. Net Zero Greenhouse Gas Emissions in Western Australia

Non-Government Business No. 4 having been called, Hon Tim Clifford moved, without notice —

That this House —

- (a) acknowledges the letter from 54 scientists, doctors and academics, urging the Parliament of Western Australia to enact a Zero Carbon Act to establish a binding target of net zero greenhouse gas emissions in Western Australia by 2050 and to implement shorter-term ‘carbon budgets’ for the State; and
- (b) calls on the McGowan Government to enshrine in legislation its own ‘net zero emissions by 2050 aspiration’, including setting interim targets and providing a clear pathway for how the target will be reached.

Debate ensued.

Hon Robin Chapple, by leave, tabled a letter from scientists to the Premier regarding a Zero Carbon Act. (Tabled Paper 3456).

Debate resumed.

Motion lapsed.

14. Order of Business

Ordered — That Order of the Day No. 2, *Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2019 — Disallowance*, be taken after Order of the Day No. 19, *High Risk Offenders Bill 2019*. (Leader of the House).

15. Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 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. 1, *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019*, be discharged from the Notice Paper.

Question — put and passed.

16. 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 Acting President left the Chair.

In Committee

(Hon Matthew Swinbourn in the Chair)

Clause 42.

Debate resumed.

Clause agreed to.

Clause 43.

Debate ensued.

Clause agreed to.

Clause 44.

Debate ensued.

Clause agreed to.

Clause 45.

Debate ensued.

Clause agreed to.

Clause 46.

Debate ensued.

Clause agreed to.

Clause 47.

Debate ensued.

Clause agreed to.

Clause 48.

Debate ensued.

Clause agreed to.

Clause 49.

Hon Nick Goiran moved —

Page 30, after line 31 — To insert:

- (ea) if the patient was assisted by an interpreter when making the final request, the name, contact details and accreditation details of the interpreter;

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clause 50.

Debate ensued.

Hon Adele Farina moved —

Page 31, after line 29 — To insert:

- (da) if the patient was assisted by an interpreter, the name, contact details and accreditation details of the interpreter;

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clause 51.

Debate ensued.

Clause agreed to.

Clause 52.

Debate ensued.

Clause agreed to.

New Clause 52A.

Hon Charles Smith moved —

Page 32, after line 23 — To insert:

52A. Board to be notified if patient decides not to continue or if request for access to voluntary assisted dying ceases to be enduring

- (1) This section applies if —
 - (a) at any time before the request and assessment process in respect of a patient is completed, the patient informs the coordinating practitioner for the patient of a decision not to continue the request and assessment process; or
 - (b) at any time after the request and assessment process in respect of a patient has been completed, the patient informs the coordinating practitioner for the patient of a decision not to take any further step in relation to access to voluntary assisted dying; or
 - (c) at any time after making a first request, a patient's request for access to voluntary assisted dying ceases to be enduring because the patient indicates to the coordinating practitioner or administering practitioner for the patient that the patient does not wish to continue the request and assessment process or access voluntary assisted dying.
- (2) The coordinating practitioner or administering practitioner referred to in subsection (1)(a), (b) or (c) must —
 - (a) record the decision, or that the request has ceased to be enduring, in the patient's medical record; and
 - (b) within 2 business days after being informed of the decision, or after the request has ceased to be enduring, complete the approved form (the *request cessation form*) and give a copy of it to the Board.
- (3) The request cessation form must include the following —
 - (a) the name, date of birth and contact details of the patient;
 - (b) the name and contact details of the person completing the form;
 - (c) if the person completing the form is not the coordinating practitioner for the patient, the name and contact details of the coordinating practitioner;
 - (d) the date when the first request was made;
 - (e) if the request and assessment process in respect of the patient has been completed, the date when the final review form was signed;
 - (f) the date when the coordinating practitioner was informed of the decision referred to in subsection (1)(a) or (b), or the date when the request for access to voluntary assisted dying ceased to be enduring as referred to in subsection (1)(c), as the case requires;

- (g) the signature of the person completing the form and the date when the form was signed.

Debate ensued.

New Clause — put.

The Committee divided.

Ayes (5)

Hon Adele Farina
Hon Nick Goiran
Hon Rick Mazza

Hon Aaron Stonehouse
Hon Charles Smith (*Teller*)

Noes (29)

Hon Martin Aldridge
Hon Ken Baston
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 Donna Faragher
Hon Laurie Graham
Hon Colin Holt

Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Michael Mischin
Hon Simon O'Brien
Hon Martin Pritchard
Hon Samantha Rowe
Hon Robin Scott
Hon Tjorn Sibma
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Colin Tincknell
Hon Darren West
Hon Alison Xamon
Hon Pierre Yang (*Teller*)

New Clause thus negatived.

Clause 53.

Debate ensued.

Hon Nick Goiran moved —

Page 33, line 11 — To delete lines 11 to 15.

Debate ensued.

17. Questions Without Notice

Questions without notice were taken.

The Minister for Environment representing the Minister for Energy tabled documents in relation to fire precautions work instruction and a total fire ban risk assessment plan, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 3457).

The Minister for Regional Development tabled a media release from the former Minister for Housing; Racing and Gaming, Hon Brendan Grylls MLA, regarding the Pilbara Development Commission (16 January 2013), in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 3458).

The Parliamentary Secretary to the Minister for Health tabled the *Mental Health Network Review*, in response to a question without notice asked by Hon Alison Xamon. (Tabled Paper 3459).

The Minister for Environment representing the Minister for Lands tabled documents in relation to sale information for The Workshops, Midland, Lot 6 and Lot 762, in response to a question without notice asked by Hon Michael Mischin. (Tabled Paper 3460).

18. Voluntary Assisted Dying Bill 2019

Resumption of consideration of this Bill in Committee of the Whole House (*see item 16 above*).
The President left the Chair.

In Committee

(Hon Dr Steve Thomas in the Chair)

Clause 53.

Debate resumed.

Amendment — put and negatived.

Hon Nick Goiran moved —

Page 33, line 17 — To delete “training.” and insert:

training;

and

(c) the person is not a family member of the patient;

and

(d) the person does not know or believe that they —

(i) are a beneficiary under a will of the patient; or

(ii) may otherwise benefit financially or in any other material way from the death of the patient, other than by receiving reasonable fees for the provision of services as the administering practitioner for the patient.

Debate ensued.

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clause 54.

Debate ensued.

Clause agreed to.

Clause 55.

Debate ensued.

Hon Nick Goiran moved —

Page 34, line 22 — To insert after “assisted”:

dying

Debate ensued.

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clause 56.

The Minister for Environment representing the Minister for Health moved, That the Chair report progress and seek to sit again.

Question — put and passed.

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.

19. Members' Statements

Statements were taken.

20. Road Traffic Amendment (Impaired Driving and Penalties) Bill 2019

The President reported the receipt of Message No. 154 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment representing the Minister for Road Safety moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Environment representing the Minister for Road Safety moved, That the Bill be read a second time.

The Minister for Environment representing the Minister for Road Safety tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3461).

Debate stands adjourned.

21. Adjournment

The Council adjourned at 6.27pm until Friday, 29 November 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