

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 167

FRIDAY, 22 NOVEMBER 2019

1. Meeting of Council

The Council assembled at 10.00am pursuant to Temporary Orders.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Royalties for Regions Amendment Bill 2019

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

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

3. 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 until the *Voluntary Assisted Dying Bill 2019* is read a Third Time as follows —

- (a) Tuesday, 26 November 2019:
 - (i) The sitting to commence at 1.00pm;
 - (ii) The sitting be suspended between 4.15pm and 4.30pm; and
 - (iii) Members’ Statements to be taken at 10.30pm or at an earlier time ordered by the House.
- (b) Wednesday, 27 November 2019:
 - (i) The sitting to commence at 12.30pm;
 - (ii) No committee reports; and
 - (iii) The House to sit beyond 9.45pm and take Members’ Statements at 10.30pm or at an earlier time ordered by the House.
- (c) Thursday, 28 November 2019:
 - (i) The House to sit beyond 5.20pm and take Members’ Statements at a time ordered by the House.
- (d) The House to sit on Friday, 29 November 2019 at 10:00am and conduct the following business:
 - (i) Prayers and Formal Business;
 - (i) Orders of the Day;
 - (ii) The sitting to be suspended between 12.30pm and 2.00pm
 - (iii) Question Without Notice to be taken at 4.30pm; and
 - (iv) Members’ Statements to be taken at 5.00pm.

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.

4. Statement by President — Members' Luncheon

The President made the following Statement —

Members, before we move to Orders of the Day, I want to advise you that given today is an additional sitting day, alternative arrangements have been made for your lunch today. The Members' dining room will be unavailable due to the fact that we had a longstanding booking for today by the Western Australian Parliamentary Former Members Association; it is its annual lunch. The carvery has been set up for Legislative Council Members only in the Members' lounge opposite the dining room. This will be available from noon till 2.00 pm.

5. Order of Business

Ordered — That Orders of the Day Nos 1, *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019 — Disallowance*, and 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).

6. 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 11.

Debate resumed.

Hon Alison Xamon moved —

Page 10, line 16 — To delete “commit” and insert “die by”.

Debate ensued.

Amendment — put and passed.

Debate resumed.

Hon Nick Goiran moved —

Page 10, line 16 — To delete “suicide” and insert:

suicide but is taken to have died by assisted suicide —

- (a) if the prescribed poison was self-administered in accordance with section 57 or
- (b) if the prescribed poison was administered by an administering practitioner in accordance with section 58.

Hon Nick Goiran, by leave, amended his amendment by deleting “poison” where it occurs and inserting “substance”.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (5)

Hon Simon O'Brien
Hon Charles Smith
Hon Aaron Stonehouse

Hon Dr Steve Thomas
Hon Nick Goiran (*Teller*)

Noes (27)

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 Adele Farina
Hon Laurie Graham

Hon Colin Holt
Hon Alannah MacTiernan
Hon Rick Mazza
Hon Kyle McGinn
Hon Michael Mischin
Hon Martin Pritchard
Hon Samantha Rowe
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.

Question — put.

The Committee divided.

Ayes (24)

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 Adele Farina
Hon Laurie Graham

Hon Colin Holt
Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Michael Mischin
Hon Martin Pritchard
Hon Samantha Rowe
Hon Tjorn Sibma
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Alison Xamon
Hon Pierre Yang (*Teller*)

Noes (9)

Hon Ken Baston
Hon Jim Chown
Hon Nick Goiran
Hon Simon O'Brien
Hon Charles Smith

Hon Aaron Stonehouse
Hon Dr Steve Thomas
Hon Colin Tincknell
Hon Rick Mazza (*Teller*)

Question thus passed.

Clause, as amended, agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clause 13.

Debate ensued.

Clause agreed to.

Clause 14.

Debate ensued.

Hon Charles Smith moved —

Page 11, after line 10 — To insert:

- (ba) the person has been assessed by a palliative care specialist who has advised the person about the palliative care and treatment options and other services available to the person to treat their pain symptoms and discomfort and address their physical, psychosocial and existential distress; and

Debate ensued.

7. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Health tabled documents in relation to Department of Health, GP Urgent Care Clinic Campaign Development, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 3425).

The Minister for Education and Training tabled documents in relation to Department of Education, student mobile phones in public schools policy, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 3426).

The Minister for Regional Development representing the Minister for Tourism, by leave, incorporated into *Hansard* information in relation to more tourists at Mount Augustus Tourist Park, in response to a question without notice asked by Hon Robin Scott.

8. Transfer of Land Amendment Bill 2018

The President reported the receipt of Message No. 149 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Environment representing the Minister for Lands tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3427).

Debate stands adjourned.

9. Adjournment

There being no Members' Statements the Council adjourned at 1.33pm until Tuesday, 26 November 2019 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Robin Scott.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council