

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 165

WEDNESDAY, 20 NOVEMBER 2019

1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Petitions

Hon Robin Scott presented a petition from 7,430 petitioners requesting the Legislative Council support the passage of the *Voluntary Assisted Dying Bill 2019*. (Tabled Paper 3407).

Hon Diane Evers presented a petition from 1,493 petitioners requesting the Legislative Council to oppose the proposed Bunbury Outer Ring Road through Gelorup. (Tabled Paper 3408).

Hon Colin Holt presented a petition from 82 petitioners requesting the Legislative Council to support a review of legislation that will consider whether young sexual offenders sexually abusing children should face court and the adequacy of maximum penalties for young sex offenders. (Tabled Paper 3409).

3. Ministerial Statement — Warmun Aged Care Facility

The Minister for Regional Development made a Ministerial Statement with respect to an allocation of funds to fix water and plumbing issues and enable the opening of the Warmun Aged Care Centre.

4. Paper

The following Paper was laid on the Table by —

President

Annual Reports —

Parliamentary Inspector of the Corruption and Crime Commission (2018-19) —

Re-tabled due to a transcription error in the Key Performance Indicators section

(Date received 20/11/2019)..... 3406

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

Hon Robin Scott presented the Interim Report of the Select Committee into Mining on Pinjin Station, *Extension of Time*. (Tabled Paper 3410).

Hon Robin Scott moved, without notice —

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

Hon Robin Scott sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

6. Select Committee into Personal Choice and Community Safety — Interim Report — Extension of Time

Hon Aaron Stonehouse presented the Interim Report of the Select Committee into Personal Choice and Community Safety, *Extension of Time*. (Tabled Paper 3411).

Hon Aaron Stonehouse moved, without notice —

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

Hon Aaron Stonehouse sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

7. Greenhouse Gas Emissions

Motion No. 1 having been called, Hon Alison Xamon, pursuant to notice, moved —

That this House:

- (a) notes that the greenhouse gas emissions of the proposed Browse Basin and Burrup Hub LNG development will be several times the amount produced by the proposed Adani mine and will become Australia's largest source of greenhouse gas emissions;
- (b) notes that this development, should it go ahead, will actively undermine Australia's ability to meet its global commitments to reduce greenhouse gas emissions and limit the effects of climate change; and
- (c) recognises that on balance the cumulative impact on the environment is simply too great to justify proceeding and calls on the Government to instead prioritise the creation and retention of ongoing jobs in clean and renewable energy industries.

Debate ensued.

Motion — put.

The Council divided.

Ayes (4)

Hon Robin Chapple
Hon Tim Clifford

Hon Diane Evers
Hon Alison Xamon (*Teller*)

Noes (31)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Jim Chown
Hon Alanna Clohesy
Hon Peter Collier
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Donna Faragher
Hon Adele Farina
Hon Nick Goiran
Hon Laurie Graham
Hon Colin Holt
Hon Alannah MacTiernan
Hon Rick Mazza
Hon Kyle McGinn

Hon Michael Mischin
Hon Simon O'Brien
Hon Martin Pritchard
Hon Samantha Rowe
Hon Robin Scott
Hon Tjorn Sibma
Hon Charles Smith
Hon Aaron Stonehouse
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Dr Steve Thomas
Hon Colin Tincknell
Hon Darren West
Hon Pierre Yang
Hon Ken Baston (*Teller*)

Motion thus negatived.

8. 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).

9. 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 Robin Chapple in the Chair)

Clause 5.

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

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;

Amendment — put and negatived.

Debate resumed.

Clause, as amended, agreed to.

Clause 6.

Debate ensued.

Hon Nick Goiran moved —

Page 8, after line 24 — To insert:

- (aa) retain the information or advice to the extent necessary to make the decision;
- and

Debate ensued.

10. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Child Protection, in accordance with Standing Order 108(2), advised that an answer to questions on notice 2581 asked by Hon Nick Goiran will be provided on 3 December 2019.

The Minister for Environment tabled a Review of Air Quality Management Plan, in response to question on notice 2574 asked by Hon Robin Chapple. (Tabled Paper 3412).

The Minister for Environment tabled documents in relation to the location and names of 35 wetlands, in response to question on notice 2577 asked by Hon Diane Evers. (Tabled Paper 3413).

The Minister for Environment representing the Minister for Police, by leave, incorporated into *Hansard* information in relation to Australia Post charges to Western Australia Police for processing applications for firearms licensing, in response to a question without notice asked by Hon Rick Mazza.

The Minister for Environment representing the Minister for Transport, by leave, incorporated into *Hansard* information in relation to regional taxi-car operators, in response to a question without notice asked by Hon Simon O’Brien.

The Minister for Environment representing the Minister for Police, by leave, incorporated into *Hansard* information in relation to the Police Commissioner's request for more frontline officers, in response to a question without notice asked by Hon Martin Aldridge.

The Minister for Environment representing the Minister for Transport tabled, and by leave incorporated into *Hansard*, minutes of the Metro Central Joint Development Assessment Panel, in response to a question without notice 1336 asked by Hon Colin Holt. (Tabled Paper 3414).

The Minister for Agriculture and Food, by leave, incorporated into *Hansard* information in relation to the WA Wild Dog Action Plan Research and Development Fund, in response to a question without notice asked by Hon Robin Scott.

11. Voluntary Assisted Dying Bill 2019

Resumption of consideration of this Bill in Committee of the Whole House (*see item 9 above*).

The President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 6.

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

Page 8, after line 24 — To insert:

- (aa) retain the information or advice to the extent necessary to make the decision;
and

Amendment — put.

The Committee divided.

Ayes (16)

Hon Martin Aldridge
Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Adele Farina
Hon Nick Goiran
Hon Rick Mazza
Hon Simon O'Brien

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 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 Martin Pritchard
Hon Samantha Rowe
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Debate resumed.

Hon Nick Goiran moved —

Page 9, line 5 — To delete “unless the patient is shown not to have that capacity.” and insert:

unless —

- (a) the patient is shown not to have that capacity; or
- (b) the patient has, within the last 7 days, received medical advice relating to their disease, illness or medical condition that contains —
 - (i) a terminal or life-limiting diagnosis; or
 - (ii) a poor prognosis.

Debate ensued.

The Minister for Environment representing the Minister for Health tabled correspondence from Mr Malcolm McCusker QC to the Chief Psychiatrist. (Tabled Paper 3415).

Debate resumed.

Amendment — put.

The Committee divided.

Ayes (12)

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 Robin Scott
Hon Charles Smith
Hon Colin Tincknell
Hon Ken Baston (*Teller*)

Noes (21)

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 Martin Pritchard
Hon Samantha Rowe
Hon Aaron Stonehouse
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 7.

Debate ensued.

Clause agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

New Clause 8A

Hon Charles Smith moved —

Page 9, after line 22 — To insert:

8A. When request for access to voluntary assisted dying ceases to be enduring

- (1) For the purposes of this Act, a patient's request for access to voluntary assisted dying ceases to be enduring if the patient, at any time, 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) Subsection (1) does not limit the circumstances in which a patient's request for access to voluntary assisted dying ceases to be enduring.
- (3) If a patient's request for access to voluntary assisted dying ceases to be enduring under subsection (1), then —
 - (a) if the request and assessment process in respect of the patient has not been completed — the request and assessment process ends; and
 - (b) 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 (3) prevents the patient from beginning a new request and assessment process by making a new first request.

Debate ensued.

Hon Nick Goiran moved to amend the amendment as follows —

To insert after “coordinating practitioner”:

or consulting practitioner

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (18)

Hon Martin Aldridge
 Hon Jim Chown
 Hon Peter Collier
 Hon Donna Faragher
 Hon Adele Farina
 Hon Nick Goiran
 Hon Colin Holt
 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 Ken Baston (*Teller*)

Noes (17)

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 Alannah MacTiernan
 Hon Kyle McGinn
 Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Alison Xamon
 Hon Pierre Yang (*Teller*)

Amendment thus passed.

Debate resumed.

New Clause, as amended — put and negatived.

Clause 9.

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.

12. Members' Statements

Statements were taken.

13. Adjournment

The Council adjourned at 10.06pm until Thursday, 21 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