

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 19

FIRST SESSION OF THE FORTIETH PARLIAMENT

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THURSDAY, 10 AUGUST 2017

### 1. Meeting of Assembly

The Assembly met at 9.00 am pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

### 2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Asian Engagement on the 50<sup>th</sup> Anniversary of the establishment of the Association of South East Asian Nations.

The Minister for Planning on the call in of two planning applications for review lodged with the State Administrative Tribunal.

The Minister for Women's Interests on the death of former WA Labor Senator and women's activist Pat Giles.

The Minister for Science on the Western Australian launch of National Science Week.

The Minister for Police on the retirement of Dr Karl O'Callaghan APM, Commissioner of Police.

### 3. Grievances

The Speaker called for grievances which were then made.

### 4. Variation to the Order of Business

Ordered, That Private Members' Business Order of the Day No. 6 be next considered.

### 5. Joint Select Committee on End of Life Choices

The Order of the Day having been read for the resumption of debate on the motion, moved by Ms A. Sanderson,

1. That a Joint Select Committee of the Legislative Assembly and Legislative Council on End of Life Choices be established.

2. That the Committee inquire into and report on the need for laws in Western Australia to allow citizens to make informed decisions regarding their own end of life choices and, in particular, the Committee should –
  - (a) assess the practices currently being utilised within the medical community to assist a person to exercise their preferences for the way they want to manage their end of life, including the role of palliative care;
  - (b) review the current framework of legislation, proposed legislation and other relevant reports and materials in other Australian states and territories and overseas jurisdictions; and
  - (c) consider what type of legislative change may be required, including an examination of any federal laws that may impact such legislation.
3. That the Joint Select Committee consist of eight members, of whom –
  - (a) four will be members of the Assembly; and
  - (b) four will be members of the Council.
4. The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied.
5. That the Joint Select Committee report to both Houses by 30 June 2018.
6. That the Legislative Council be requested to agree to a similar resolution.
7. That, subject to the Legislative Council agreeing to the above paragraphs, the following Legislative Assembly members be appointed:
  - (a) the Member for Baldivis;
  - (b) the Member for Morley;
  - (c) the Member for Mount Lawley; and
  - (d) the Member for South Perth.

Mrs L.M. Harvey had moved,

To delete sub-paragraphs (a), (b) and (c) in paragraph 2 and substitute the following:

“

- (a) assess the practices currently being utilised within the medical community to manage chronic illnesses and terminal illnesses, including the role of palliative care;
- (b) review the current framework of legislation, proposed legislation and other relevant reports and materials in other Australian states and territories and overseas jurisdictions;
- (c) consider what type of legislative change may be required, including an examination of any federal laws that may impact such legislation;
- (d) examine the risks of introducing voluntary euthanasia, including the impact on suicide prevention; and
- (e) examine the role of Advanced Health Directives, Enduring Power of Attorney and Enduring Power of Guardianship laws and the implications for individuals covered by these instruments in any proposed legislation.

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Debate resumed.

Mr R.R. Whitby moved,

To amend the amendment moved by the Member for Scarborough by:

“

- (1) deleting the words “manage chronic illnesses and terminal illnesses,” in subparagraph (a) and substitute:

“assist a person to exercise their preferences for the way they want to manage their end of life when experiencing chronic and/or terminal illnesses,” ; and

- (2) deleting subparagraph (d).

”.

On the question, That sub-paragraphs (a), (b) and (c) in paragraph 2 in the original motion moved by the Member for Morley be deleted,

Amendment put and passed.

On the question, That the words “manage chronic illnesses and terminal illnesses,” be deleted in the amendment moved by the Member for Scarborough,

Amendment put and passed.

On the question, That the words “assist a person to exercise their preferences for the way they want to manage their end of life when experiencing chronic and/or terminal illnesses,” be substituted in the amendment moved by the Member for Scarborough,

Amendment put.

Debate ensued.

Amendment agreed to.

On the question, That subparagraph (d) in the amendment moved by the Member for Scarborough be deleted.

Amendment put and passed.

On the question, That the words to be inserted, as moved by the Member for Scarborough, as amended by the Member for Baldivis, be agreed to,

Amendment put and passed.

Dr M.D. Nahan moved,

To delete the words “by 30 June 2018” and substitute with the following words “no later than twelve months after the Committee has been established.”

Amendment put.

Debate ensued.

Amendment agreed to.

On the question, That the motion, as amended, be agreed to,

“

1. That a Joint Select Committee of the Legislative Assembly and Legislative Council on End of Life Choices be established.
2. That the Committee inquire into and report on the need for laws in Western Australia to allow citizens to make informed decisions regarding their own end of life choices and, in particular, the Committee should –
  - (a) assess the practices currently being utilised within the medical community to assist a person to exercise their preferences for the way they want to manage their end of life when experiencing chronic and/or terminal illnesses, including the role of palliative care;

- (b) review the current framework of legislation, proposed legislation and other relevant reports and materials in other Australian states and territories and overseas jurisdictions;
  - (c) consider what type of legislative change may be required, including an examination of any federal laws that may impact such legislation; and
  - (d) examine the role of Advanced Health Directives, Enduring Power of Attorney and Enduring Power of Guardianship laws and the implications for individuals covered by these instruments in any proposed legislation.
3. That the Joint Select Committee consist of eight members, of whom –
    - (a) four will be members of the Assembly; and
    - (b) four will be members of the Council.
  4. The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied.
  5. That the Joint Select Committee report to both Houses no later than twelve months after the Committee has been established.
  6. That the Legislative Council be requested to agree to a similar resolution.
  7. That, subject to the Legislative Council agreeing to the above paragraphs, the following Legislative Assembly members be appointed:
    - (a) the Member for Baldivis;
    - (b) the Member for Morley;
    - (c) the Member for Mount Lawley; and
    - (d) the Member for South Perth.

”

Question put and passed and the Legislative Council acquainted accordingly.

#### **6. First Home Owner Grant Amendment Bill 2017**

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.  
Debate resumed.

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#### **Message from the Governor**

Message No. 4 from Her Excellency the Governor was reported recommending that appropriations be made for the purposes of the First Home Owner Grant Amendment Bill 2017.

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Debate resumed.

Debate interrupted by the Chair (Ms L. Mettam speaking) and adjourned until a later stage of the sitting.

#### **7. Members' Statements**

The Acting Speaker called for members' statements which were then made.

#### **8. Speaker's Statement – Ministers quoting from mobile devices**

The Speaker advised members that Ministers should be aware that when they read from a mobile phone or other mobile device in answering a question or in the course of debate, a member may request that the electronic document they quoted from be tabled as an official document under Standing Order 157. The Speaker advised that if the Chair forms the view that the electronic document quoted from is an official document the Chair will request the Minister to table a printed copy of the electronic document.

## 9. Questions

Questions without Notice were taken.

Question on Notice No. 1767 was asked.

Questions on Notice Nos 824, 834, 874, 1052, 1072, 1464, and 1537 were answered.

Paper tabled by the Attorney General –

Question on Notice No. 1537 – Table of events organised by a private organisation and attended by Officers or Board Members of Departments and Agencies within the Minister’s portfolio of responsibilities since 17 March 2017 (510).

## 10. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

## 11. First Home Owner Grant Amendment Bill 2017

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

### *CONSIDERATION IN DETAIL*

Clauses 1 to 8 agreed to.

Clause 9.

Mr D.C. Nalder moved,

Page 4, line 6 – To delete “30 June 2017” and substitute:

“ 31 December 2017 ”.

Amendment put.

The Assembly divided.

#### Ayes (12)

Mr C.J. Barnett  
Mr I.C. Blayney  
Mrs L.M. Harvey  
Mr P. Katsambanis

Mr Z.R.F. Kirkup  
Mr A. Krsticevic  
Mr S.K. L’Estrange  
Mr W.R. Marmion

Mr J.E. McGrath  
Dr M.D. Nahan  
Mr D.C. Nalder  
Ms L. Mettam (*Teller*)

#### Noes (33)

Ms L.L. Baker  
Mr J.N. Carey  
Mrs R.M.J. Clarke  
Mr R.H. Cook  
Mr M.J. Folkard  
Ms E. Hamilton  
Mr T.J. Healy  
Mr M. Hughes  
Mr D.J. Kelly  
Mr F.M. Logan  
Mr M. McGowan

Ms S.F. McGurk  
Mr K.J.J. Michel  
Mr S.A. Millman  
Mr Y. Mubarakai  
Mr P. Papalia  
Mr S.J. Price  
Mr D.T. Punch  
Mr J.R. Quigley  
Ms M.M. Quirk  
Mrs M.H. Roberts  
Ms C.M. Rowe

Ms R. Saffioti  
Ms A. Sanderson  
Ms J.J. Shaw  
Mrs J.M.C. Stojkovski  
Mr C.J. Tallentire  
Mr P.C. Tinley  
Mr B. Urban  
Mr R.R. Whitby  
Ms S.E. Winton  
Mr B.S. Wyatt  
Mr D.R. Michael (*Teller*)

Amendment thus negatived.

Clause 9 agreed to.

Clauses 10 to 18 agreed to.

Title agreed to.

Consideration in detail concluded.

Leave was granted to proceed forthwith to the third reading of the bill.

The Treasurer moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

## **12. Child Support (Adoption of Laws) Amendment Bill 2017**

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

The Attorney General moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

## **13. Adjournment**

The Minister for Police moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 5.29 pm until Tuesday, 15 August 2017 at 2.00 pm.

*Members present during any part of the day's proceedings* – All the members except Ms J. Farrer and Mr D.T. Redman.

**KIRSTEN M. ROBINSON**  
Clerk of the Legislative Assembly

**HON. PETER WATSON**  
Speaker of the Legislative Assembly