

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 150

FIRST SESSION OF THE FORTIETH PARLIAMENT

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WEDNESDAY, 4 SEPTEMBER 2019

### 1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

### 2. Papers

The following papers were presented and ordered to lie upon the Table of the House –

By the Clerk –

Conservation and Land Management Act 1984 – Lease No. 1703/97 between the Department of Biodiversity, Conservation and Attractions and West Australian Rifle Association Inc. for a further term of 17 years in State Forest No. 7 in the Perth Hills (2688).

Conservation and Land Management Act 1984 – Lease No. 1709/97 between the Department of Biodiversity, Conservation and Attractions and Sporting Shooters Association of Australia (WA) Inc. for a further term of 15 years in State Forest No. 7 in the Perth Hills (2689).

### 3. Notice of Motion Lapsed

The Speaker advised that Private Members' Business Notice of Motion No. 1 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

### 4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Emergency Services on the opening of the Geraldton-Greenough State Emergency Service facility.

The Minister for Culture and the Arts on the 12<sup>th</sup> CinefestOz Awards.

The Minister for Citizenship and Multicultural Interests on Australia-Africa Week 2019.

The Minister for Mines and Petroleum on the Diggers and Dealers Awards 2019.

### 5. Suspension of Standing Orders – Precedence of Private Members' Business

The Leader of the House, pursuant to notice, moved,

That so much of the Standing Orders be suspended as is necessary to enable Private Members' Business to have priority from 4.00 pm to 8.00 pm on Wednesday, 4 September 2019.

Debate ensued.

Question put and passed.

## 6. Voluntary Assisted Dying Bill 2019

The Order of the Day for the further consideration in detail of the bill was read.

### CONSIDERATION IN DETAIL

Clause 5.

Ms M.M. Quirk moved,

Page 6, after line 10 – To insert:

“

*palliative care and treatment* includes a medical, surgical or nursing procedure or other treatment or service that is directed at identifying or relieving the pain, discomfort or distress of a person who has been diagnosed with at least 1 disease, illness or medical condition that is advanced, progressive and incurable and will cause death;

”.

Amendment put.

The Assembly divided.

#### Ayes (13)

Mr V.A. Catania  
Mrs L.M. Harvey  
Dr D.J. Honey  
Mr P.A. Katsambanis  
Mr A. Krsticevic

Mr S.K. L'Estrange  
Mr R.S. Love  
Mr W.R. Marmion  
Ms L. Mettam  
Dr M.D. Nahan

Ms M.M. Quirk  
Mrs M.H. Roberts  
Mrs A.K. Hayden (*Teller*)

#### Noes (39)

Ms L.L. Baker  
Mr I.C. Blayney  
Dr A.D. Buti  
Mr J.N. Carey  
Mrs R.M.J. Clarke  
Mr R.H. Cook  
Ms J. Farrer  
Mr M.J. Folkard  
Ms J.M. Freeman  
Ms E.L. Hamilton  
Mr T.J. Healy  
Mr D.J. Kelly  
Mr Z.R.F. Kirkup

Mr M. McGowan  
Mr J.E. McGrath  
Ms S.F. McGurk  
Mr D.R. Michael  
Mr K.J.J. Michel  
Mr S.A. Millman  
Mr Y. Mubarakai  
Mr M.P. Murray  
Mr K.M. O'Donnell  
Mrs L.M. O'Malley  
Mr P. Papalia  
Mr S.J. Price  
Mr D.T. Punch

Mr J.R. Quigley  
Mr D.T. Redman  
Ms C.M. Rowe  
Ms R. Saffioti  
Ms J.J. Shaw  
Mrs J.M.C. Stojkovski  
Mr C.J. Tallentire  
Mr D.A. Templeman  
Mr P.C. Tinley  
Mr R.R. Whitby  
Ms S.E. Winton  
Mr B.S. Wyatt  
Ms A. Sanderson (*Teller*)

Amendment thus negatived.

On the question, That Clause 5 be agreed to,

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

## **7. Questions**

Questions without Notice were taken.

Questions on Notice Nos 5435 and 5436 were asked.

Questions on Notice Nos 5094 and 5272 were answered.

## **8. Additional Information**

The Minister for Industrial Relations provided additional information relating to Questions without Notice Nos 712 and 713 from Ms M.J. Davies.

## **9. Personal Explanation**

Mr P.A. Katsambanis made a personal explanation in relation to a matter raised by the Premier during Questions without Notice.

## **10. Variation to the Order of Business**

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

## **11. Voluntary Assisted Dying Bill 2019**

The Order of the Day for the further consideration in detail of the bill was read.

### *CONSIDERATION IN DETAIL*

Clause 5 agreed to.

Clause 6.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

## **12. Variation to the Order of Business**

Ordered, That Private Members' Business Notice of Motion No. 15 be next considered.

## **13. Safety of the Western Australian Community**

Mr P.A. Katsambanis, pursuant to notice, moved,

That this House condemns the McGowan Labor Government for failing to protect the community of Western Australia.

Debate ensued.

Debate interrupted by the Chair (Mr A. Krsticevic speaking) and adjourned until a later stage of the sitting.

## **14. Variation to the Order of Business**

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

## **15. Voluntary Assisted Dying Bill 2019**

The Order of the Day for the further consideration in detail of the bill was read.

### *CONSIDERATION IN DETAIL*

Clause 6.

Ms M.M. Quirk moved,

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 Assembly divided.

Ayes (15)

Mr I.C. Blayney  
Mrs L.M. Harvey  
Dr D.J. Honey  
Mr P.A. Katsambanis  
Mr Z.R.F. Kirkup

Mr A. Krsticevic  
Mr S.K. L'Estrange  
Mr R.S. Love  
Mr W.R. Marmion  
Ms L. Mettam

Dr M.D. Nahan  
Mr D.C. Nalder  
Ms M.M. Quirk  
Mrs M.H. Roberts  
Mrs A.K. Hayden (*Teller*)

Noes (38)

Ms L.L. Baker  
Dr A.D. Buti  
Mr J.N. Carey  
Mrs R.M.J. Clarke  
Mr R.H. Cook  
Ms M.J. Davies  
Ms J. Farrer  
Mr M.J. Folkard  
Ms J.M. Freeman  
Ms E.L. Hamilton  
Mr M. Hughes  
Mr D.J. Kelly  
Mr F.M. Logan

Mr M. McGowan  
Mr J.E. McGrath  
Ms S.F. McGurk  
Mr D.R. Michael  
Mr K.J.J. Michel  
Mr S.A. Millman  
Mr Y. Mubarakai  
Mr M.P. Murray  
Mrs L.M. O'Malley  
Mr P. Papalia  
Mr S.J. Price  
Mr D.T. Punch  
Mr J.R. Quigley

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

Amendment thus negatived.

Clause 6 agreed to.

Clauses 7 to 9 agreed to.

New Clause 9A.

Dr A.D. Buti 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.

”.

Dr A.D. Buti moved, That the question be now put.

Question put and passed.

On the question, That New Clause 9A be agreed to,

New Clause put.

The Assembly divided.

Ayes (17)

Dr A.D. Buti  
Ms J. Farrer  
Mrs L.M. Harvey  
Dr D.J. Honey  
Mr W.J. Johnston  
Mr P.A. Katsambanis

Mr Z.R.F. Kirkup  
Mr A. Krsticevic  
Mr S.K. L'Estrange  
Mr R.S. Love  
Mr W.R. Marmion  
Ms L. Mettam

Dr M.D. Nahan  
Mr D.C. Nalder  
Ms M.M. Quirk  
Mrs M.H. Roberts  
Mrs A.K. Hayden (*Teller*)

Noes (34)

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

Mr J.E. McGrath  
Ms S.F. McGurk  
Mr D.R. Michael  
Mr K.J.J. Michel  
Mr S.A. Millman  
Mr Y. Mubarakai  
Mrs L.M. O'Malley  
Mr P. Papalia  
Mr S.J. Price  
Mr D.T. Punch  
Mr J.R. Quigley  
Mr D.T. Redman

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

New Clause 9A thus negatived.

Clause 10 agreed to.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

## 16. Messages from the Legislative Council

Messages from the Legislative Council were reported returning the following bills without amendment –  
4 September 2019

TAB (Disposal) Bill 2019 (Message No. 94).

Betting Control Amendment (Taxing) Bill 2019 (Message No. 95).

**17. Adjournment**

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 12.24 am ON Thursday, 5 September 2019 until 9.00 am on the same day.

*Members present during any part of the day's proceedings* – All the members except Mr P.J. Rundle.

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

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