

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 153

FIRST SESSION OF THE FORTIETH PARLIAMENT

WEDNESDAY, 18 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. Petition

Mandurah Police Resources – Mr Z.R.F. Kirkup presented a petition from 1,570 people asking the Legislative Assembly to recommend that more police officers and police resources be provided to Mandurah, including a 24 hour seven day a week police presence in the Mandurah CBD (P. 144).

3. Papers

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

By the Clerk –

Auditor General, Office of the – Opinion on Ministerial Notifications, Report No. 6, September 2019 (2722).

Biosecurity Council of Western Australia – Annual Report 2018–2019 (2723).

Busselton Water – Annual Report 2018–2019 (2724).

ChemCentre – Annual Report 2018–2019 (2725).

Fremantle Ports – Annual Report 2018–2019 (2726).

Goldfields-Esperance Development Commission – Annual Report 2018–2019 (2727).

Great Southern Development Commission – Annual Report 2018–2019 (2728).

Kimberley Ports Authority – Annual Report 2018–2019 (2729).

Landcare Trust – Annual Report 2018–2019 (2730).

Mid West Ports – Annual Report 2018–2019 (2731).

Peel Development Commission – Annual Report 2018–2019 (2732).

Pilbara Development Commission – Annual Report 2018–2019 (2733).

Rural Business Development Corporation – Annual Report 2018–2019 (2734).

Southern Ports – Annual Report 2018–2019 (2735).

State Supply Commission – Annual Report 2018–2019 (2736).

Western Australian Building Management Authority – Annual Report 2018–2019 (2737).

Western Australian Meat Industry Authority – Annual Report 2018–2019 (2738).
 Western Australian Regional Development Trust – Annual Report 2018–2019 (2739).
 Wheatbelt Development Commission – Annual Report 2018–2019 (2740).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Emergency Services on the Natural Disaster Resilience Program.

The Minister for Culture and the Arts on the Regional Exhibition Touring Boost, which connects regional Western Australia with the State’s art collection.

The Attorney General on the roll-out of the new victims of crime complaints process.

The Minister for Seniors and Ageing on the expansion of the Age-Friendly Communities Grants Program to include dementia-friendly initiatives.

The Minister for Finance on the Government’s review of the contractors named in the Corruption and Crime Commission Report into the North Metropolitan Health Service.

The Minister for Child Protection on the charity abseil event, Central Park Plunge.

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 6.00 pm on Wednesday, 18 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 81.

Clause put.

The Assembly divided.

Ayes (42)

Ms L.L. Baker	Mr F.M. Logan	Mr D.T. Punch
Dr A.D. Buti	Mr R.S. Love	Mr D.T. Redman
Mr J.N. Carey	Mr W.R. Marmion	Ms C.M. Rowe
Mrs R.M.J. Clarke	Mr M. McGowan	Mr P.J. Rundle
Mr R.H. Cook	Mr J.E. McGrath	Ms R. Saffioti
Ms M.J. Davies	Ms S.F. McGurk	Ms J.J. Shaw
Mr M.J. Folkard	Mr D.R. Michael	Mrs J.M.C. Stojkovski
Ms J.M. Freeman	Mr K.J.J. Michel	Mr C.J. Tallentire
Ms E.L. Hamilton	Mr S.A. Millman	Mr D.A. Templeman
Mrs L.M. Harvey	Mr Y. Mubarakai	Mr P.C. Tinley
Mr T.J. Healy	Mr M.P. Murray	Mr R.R. Whitby
Mr M. Hughes	Mrs L.M. O’Malley	Ms S.E. Winton
Mr D.J. Kelly	Mr P. Papalia	Mr B.S. Wyatt
Mr Z.R.F. Kirkup	Mr S.J. Price	Ms A. Sanderson (<i>Teller</i>)

Noes (10)

Dr D.J. Honey
Mr P.A. Katsambanis
Mr A. Krsticevic
Mr S.K. L'Estrange

Ms L. Mettam
Dr M.D. Nahan
Mr D.C. Nalder
Mr K.M. O'Donnell

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

Clause 81 thus agreed to.

Clauses 82 to 84 agreed to.

Clause 85.

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 5454 to 5483 were asked.

Questions on Notice Nos 5286, 5317, 5319, 5321, 5322, 5327, 5339, 5374, 5376 to 5380, and 5387 were answered.

8. Matter of Public Interest – Minister for Water

The Speaker informed the Assembly that he was in receipt of a notice from Ms M.J. Davies that she intended to move a motion on a matter of public interest.

At least five members having risen in support,

Ms M.J. Davies moved,

That this House condemns the Minister for Water for his lack of leadership and policy in the water portfolio, including the lack of progress on water reform legislation and cuts to programs designed to secure water resources for communities and businesses in regional WA.

Debate ensued.

Question put.

The Assembly divided.

Ayes (17)

Mr I.C. Blayney
Ms M.J. Davies
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
Mr J.E. McGrath
Ms L. Mettam

Dr M.D. Nahan
Mr D.C. Nalder
Mr D.T. Redman
Mr P.J. Rundle
Mrs A.K. Hayden (*Teller*)

Noes (34)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Mr M.J. Folkard
Ms E.L. 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 M.P. Murray
Mrs L.M. O'Malley
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 A. Sanderson
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
Mr D.R. Michael (*Teller*)

Question thus negatived.

9. Message from the deputy of the Governor

Message No. 18 from the deputy of the Governor was reported assenting to the following bills –
 TAB (Disposal) Bill 2019, Act No. 21 of 2019.
 Betting Control Amendment (Taxing) Bill 2019, Act No. 22 of 2019.

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 85 agreed to.

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. 14 be next considered.

13. Western Australia's Health System

Mr Z.R.F. Kirkup, pursuant to notice, moved,

That this House condemns the McGowan Labor Government for being asleep at the wheel when it comes to managing Western Australia's struggling health system.

Debate ensued.

Debate interrupted by the Chair (Minister for Health 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 86 agreed to.

New Clause 86A.

Ms M.M. Quirk moved,

Page 58, after line 12 – To insert:

“

86A. Tribunal review of Board's decision in relation to notice of no objection

- (1) The Board is a party to the proceeding for a review application made in relation to a decision of the Board to give, or refuse to give, the coordinating practitioner for a patient a notice of no objection under section 117A.
- (2) In determining a review application made in relation to a decision of the Board to refuse to give the coordinating practitioner for a patient a notice of no objection under section 117A, the Tribunal may set aside the decision to

refuse to give the notice if satisfied that there were no reasonable grounds for the refusal.

- (3) If the Tribunal sets aside the decision under subsection (2), the Board must give a notice of no objection to the coordinating practitioner.
- (4) In determining a review application made in relation to a decision of the Board to give the coordinating practitioner for a patient a notice of no objection under section 117A, the Tribunal may set aside the decision to give the notice if satisfied that there were reasonable grounds for refusing to give the notice.
- (5) If the Tribunal sets aside the decision under subsection (4), the notice of no objection has no effect for the purposes of section 57(1)(b) or 58(1)(b).

”.

New Clause 86A put and negatived.

Clause 87.

Ms M.M. Quirk moved,

Page 58, after line 15 – To insert:

“

- (aa) the patient is ordinarily resident in Western Australia; or
- (ab) the patient is not ordinarily resident in Western Australia; or

”.

Amendment put and negatived.

Clause 87 agreed to.

Clauses 88 to 102 agreed to.

Sitting suspended from 10.05 pm to 10.20 pm.

New Clause 102A.

Ms M.M. Quirk moved,

Page 67, after line 24 – To insert:

“

102A. Publishing statements about accessing voluntary assisted dying

- (1) In this section —
publish has the meaning given in the *Civil Liability Act 2002* section 16.
- (2) A medical practitioner, or a person acting for a medical practitioner, must not publish, or cause to be published, a statement that may reasonably be thought to be intended or likely to encourage or induce a person —
 - (a) to make a request to a medical practitioner for access to voluntary assisted dying; or
 - (b) to use the services of a medical practitioner in order to make a request for access to voluntary assisted dying.

Penalty for this subsection: a fine of \$10 000.

- (3) A medical practitioner does not contravene subsection (2) only because —
 - (a) of a statement made to a person —

- (i) who is receiving ongoing health services from the medical practitioner; or
 - (ii) at a health facility as defined in section 160(1) where the medical practitioner carries out health services;
- or
- (b) the medical practitioner gives a patient information under this Act, including under section 19(4)(b) or (5)(b); or
- (c) of a statement made on the medical practitioner's website that is limited to statements about —
 - (i) the operation of this Act and a person's right to access voluntary assisted dying; and
 - (ii) the conditions under which the medical practitioner is prepared to do anything under this Act as a medical practitioner.
- (4) A person acting for a medical practitioner does not contravene subsection (2) only because of a statement made —
 - (a) to a person —
 - (i) who is receiving ongoing health services from the medical practitioner; or
 - (ii) at a health facility as defined in section 160(1) where the medical practitioner carries out health services;
 - or
 - (b) on the medical practitioner's website that is limited to statements about —
 - (i) the operation of this Act and a person's right to access voluntary assisted dying; and
 - (ii) the conditions under which the medical practitioner is prepared to do anything under this Act as a medical practitioner.

”.

On the question, That New Clause 102A be agreed to,
 New Clause put.
 The Assembly divided.

Ayes (12)

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

Noes (36)

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
 Mr M.J. Folkard
 Ms J.M. Freeman
 Ms E.L. Hamilton
 Mr T.J. Healy
 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 K.M. O'Donnell
 Mrs L.M. O'Malley
 Mr P. Papalia
 Mr S.J. Price
 Mr D.T. Punch

Mr D.T. Redman
 Ms C.M. Rowe
 Mr P.J. Rundle
 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
 Mr B.S. Wyatt
 Ms A. Sanderson (*Teller*)

New Clause 102A thus negatived.

Clauses 103 to 114 agreed to.

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

Question put and passed.

16. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 12.04 am on Thursday, 19 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 V.A. Catania, Ms J. Farrer and Mr W.J. Johnston.

KIRSTEN M. ROBINSON
 Clerk of the Legislative Assembly

HON. PETER WATSON
 Speaker of the Legislative Assembly