



HOUSE OF ASSEMBLY

SESSION OF 2019 - 2021

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 85

THURSDAY, 4 MARCH 2021

1 The House met at Ten o'clock a.m.

2 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE. - The Speaker made a statement acknowledging the traditional people of the land.

3 PRAYERS AND REFLECTION. - The Speaker read Prayers.

4 QUESTIONS SEEKING INFORMATION. - In accordance with Standing Order No. 43, Questions without notice were asked.

5 PETITION. - The Minister for Housing presented a Petition from approximately 226 residents of Rocky Cape, Hellyer and surrounding areas in the municipality of Circular Head, requesting that the House supports the request to lower the speed limit between the Hellyer turn off and the Rocky Cape Roadhouse from 100 to 80kms per hour.

Which Petition was read and received.

6 PETITION. - Ms *O'Byrne* presented an E-Petition from approximately 96 citizens of Tasmania, requesting that the House support free TAFE.

Which Petition was read and received.

7 PETITION. - Dr *Woodruff* presented an E-Petition from approximately 58 residents of Tasmania, requesting that the House act on the overwhelming weight of scientific evidence that holds physical punishment of children is ineffective and harmful, and repeal Section 50 of the Criminal Code Act as a matter of priority.

Which Petition was read and received.

8 PAPERS. - The Deputy Premier laid upon the Table of the House the following Paper:-

Australian Children's Education and Care Quality Authority: Annual Report 2019-2020.

9 PAPERS. - The Attorney-General laid upon the Table of the House the following Papers:-

(1) Registration to Work with Vulnerable People Act 2013:

(a) Registration to work with Vulnerable People Amendment Regulations 2020 (Statutory Rules 2020, No. 93);

(b) Registration to work with Vulnerable People (NDIS Disqualifying Offences) Order 2020 (Statutory Rules 2020, No. 99);

- (c) Registration to work with Vulnerable People (Risk Assessment For Child-Related Activities) Amendment Order 2020 (Statutory Rules 2020, No. 100); and
- (d) Registration to work with Vulnerable People (Risk Assessment for NDIS Endorsed Activities) Order 2020 (Statutory Rules 2020, No. 101).

10 PAPERS. – The Minister for Human Services laid upon the Table of the House the following Paper:-

Office of Custodial Inspector Tasmania: Resources and Systems Inspection Report, Inspection of Youth Custodial Services in Tasmania, 2019.

11 LEAVE TO MAKE MOTION WITHOUT NOTICE. - *Ordered*, That the Minister for Infrastructure and Transport have leave to make a Motion without Notice. (The Minister for Infrastructure and Transport)

12 ADJOURNMENT. - *Ordered*, That the House, at its rising, adjourn till Tuesday, 16 March next. (The Minister for Infrastructure and Transport)

13 MATTER OF PUBLIC IMPORTANCE: RAPE CULTURE. – Ms *O'Connor*, in accordance with Standing Orders, moved - That the House take note of the following matter:

Rape Culture.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

14 BILL NO. 30. - The House, according to Order, again resolved itself into a Committee on the End-of-Life Choices (Voluntary Assisted Dying) Bill 2020.

(In the Committee)

Mr *Street* took the Chair.

Clause 117 further considered.

Ordered, That Clause 117 be postponed. (Ms *Courtney*)

Clauses 118 to 121 agreed to.

Clause 122 read.

Amendment proposed (Mr *Barnett*)

Page 155, paragraph (a).

Leave out, “may (but is not required to)”.

Insert instead “must”.

Question proposed – That the Amendment be agreed to.

SUSPENSION OF SITTING. - At One o'clock the Chair of Committees left the Chair.
At half-past Two o'clock the Chair of Committees resumed the Chair.

Proposed amendment to Clause 122 further considered.

Question put – That the Amendment be agreed to.

The Committee divided.

AYES 6

NOES 16

Ms Archer

Dr Broad

Mr Barnett

Ms Courtney

Mr Ferguson

Ms Dow

Ms Ogilvie

Mr Gutwein

Mr Tucker

Ms Haddad

Mr Ellis (Teller)

Ms Hickey

Mr Jaensch

Mr O'Byrne

Ms O'Byrne

Ms O'Connor

Mr Rockliff

Ms Standen

Mr Street

Ms White

Dr Woodruff

Ms Butler (Teller)

So it passed in the Negative.

Clause 122 further considered.

Amendment proposed (*Mr Barnett*)

Page 155, paragraph (b).

Leave out “may”.

Insert instead “must”.

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 122, as read, agreed to.

Clause 123 read.

Amendment made (*Ms Courtney*)

Page 156, paragraph (b).

Leave out “exercise dishonest or undue influence on a person in order to induce the person”.

Insert instead “by dishonesty or undue influence, induce, or attempt to induce, another person”.

Clause 123, as amended, agreed to.

Clause 124 read.

Amendment proposed (Ms *Courtney*)

Page 156.

Leave out “or in bad faith”.

Amendment, *by leave*, withdrawn.

Clause 124, as read, agreed to.

Clauses 125 to 126 agreed to.

Mr *Street* took the Chair.

Clause 127 read.

Amendment made (Ms *Courtney*)

Page 158.

Leave out “a false statement”.

Insert instead “a statement that is false in a material particular”.

Clause 127, as amended, agreed to.

Clause 128 read.

Amendment made (Ms *Courtney*)

Page 158.

Leave out “dishonest or undue influence, induce,”.

Insert instead “dishonesty or undue influence, induce, or attempt to induce,”.

Clause 128, as amended, agreed to.

Clause 129 agreed to.

Clause 130 read.

Amendment made (Ms *Courtney*)

Page 159, at the end of the clause.

Insert the following subclause:

- “(2) A contact person in relation to a person must, within 14 days after a VAD substance is given to the contact person under section 91(4) by the person, return the VAD substance to the person’s AHP.

Penalty: Fine not exceeding 100 penalty units.”

Clause 130, as amended, agreed to.

Clause 131 agreed to.

Clause 132 read.

Amendment made (Ms *Courtney*)

Page 160.

Leave out “, or purportedly in accordance with,”.

Clause 132, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 160, paragraph (a), after “process”.

Insert “, other than by administering a VAD substance to a person, or assisting a person to self-administer a VAD substance, otherwise than as authorised under this Act”.

Clause 132, as amended, agreed to.

Clause 133 agreed to.

Clause 134 read.

Amendment proposed (Ms *Courtney*)

Page 160, subclause (1).

Leave out the subclause.

Question proposed – That the Amendment be agreed to;

Mr *Tucker* took the Chair.

Proposed amendment to Clause 134 further considered.

Mr *Street* took the Chair.

Question put – That the Amendment be agreed to;

It was resolved in the Affirmative.

Clause 134, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 161, subclause (2).

Leave out “or purportedly under this Act,”.

Clause 134, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 162, subclause (3).

Leave out “or a registered nurse”.

Insert instead “, paramedic, patient transport officer or officer of the Ambulance Service”.

Clause 134, as amended, further considered.

Amendment proposed (Ms *Courtney*)

Page 162, subclause (4).

Leave out “registered nurse,”.

Insert instead “, paramedic, patient transport officer”.

Question proposed – That the Amendment be agreed to.

The Chair of Committees resumed the Chair.

Question put – That the Amendment be agreed to;

It was resolved in the Affirmative.

Clause 134, as amended, agreed to.

Clause 135 read.

Amendment made (Ms *Courtney*)

Page 163, subclause (1).

Leave out “registered medical practitioner or registered nurse”.

Insert instead “registered health practitioner”.

Clause 135, as amended, agreed to.

Clause 136 to 138 agreed to.

Clause 139 read.

Amendment made (Ms *Courtney*)

Page 166.

Leave out “Poisons Act 1971 or the”.

Clause 139, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 166, at the end of the clause.

Insert the following subclauses:

“(2) Nothing in this Act is to be taken to prevent the application, of a requirement specified in a provision of –

(a) the *Poisons Act 1971*; or

(b) regulations, or an instrument issued or made under that Act –

to the prescription, sale, supply, possession, administration, storage, recording and destruction under this Act, of a VAD substance.

(3) Subsection (2) does not apply in relation to a provision of –

(a) the *Poisons Act 1971*; or

(b) regulations, or an instrument issued or made under that Act –

that is prescribed, if the requirements, if any, that are prescribed are satisfied.”

Clause 139, as amended, agreed to.

Clauses 140 – 145 agreed to.

Postponed Clause 5.

Proposed amendment to Clause 5 further considered.

Page 20, definition of VAD substance prescription, after “means a”.

Insert “prescription, issued in accordance with the Poisons Act 1971, that is a”.

Question put – That the Amendment be agreed to;

It was resolved in the Affirmative.

Clause 5, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 22, definition of *voluntary assisted dying process*,

paragraph (s), after “section 82”.

Insert “and the amending of the final permission under section 82(4)”.

Clause 5, as amended, agreed to.

Postponed Clause 21 agreed to.

Postponed Clause 27 read.

To report progress and ask leave to sit again.

The House being resumed, Mr *Street* reported that the Committee had made progress in the Bill, and had directed her to ask leave to sit again.

Resolved, That this House will, at a later hour, again resolve itself into the said Committee.

15 LEAVE TO MAKE MOTION WITHOUT NOTICE. - *Ordered*, That the Minister for Infrastructure and Transport have leave to make a Motion without Notice. (The Minister for Infrastructure and Transport)

16 SITTING TIMES. - *Ordered*, That for this day's sitting the House not stand adjourned at Six o'clock and that the House continue to sit past Six o'clock, and that the sitting be suspended from 7.00 p.m. until 7.30. p.m.. (The Minister for Infrastructure and Transport)

17 SUSPENSION OF SITTING. - At thirty-nine minutes past Five o'clock the Speaker left the Chair. At forty-five minutes-past Five o'clock the Speaker resumed the Chair.

18 BILL NO. 30. - The House, according to Order, again resolved itself into a Committee on the End-of-Life Choices (Voluntary Assisted Dying) Bill 2020.

(In the Committee)

Mr *Street* took the Chair.

Postponed Clause 27 further considered.

Amendment proposed (Ms *Courtney*)

Page 54, subclause (1), paragraph (a).

Leave out “in person or by way of audio-visual link”.

SUSPENSION OF SITTING. - At Seven o'clock the Chair of Committees left the Chair.
At thirty-three minutes past Seven o'clock the Chair of Committees resumed the Chair.

Proposed amendment to Clause 27 further considered.

Mr *Street* took the Chair.

Question put – That the Amendment be agreed to;

The Committee divided.

AYES 9

NOES 13

Ms *Archer*

Dr *Broad*

Mr *Barnett*

Ms *Dow*

Ms *Courtney*

Ms *Haddad*

Mr *Ferguson*

Ms *Hickey*

Mr *Gutwein*

Mr *Jaensch*

Ms *Ogilvie*

Mr *O'Byrne*

Mrs *Petrusma*

Ms *O'Byrne*

Mr *Tucker*

Ms *O'Connor*

Mr *Ellis* (Teller)

Mr *Rockliff*

Ms *Standen*

Ms *White*

Dr *Woodruff*

Ms *Butler* (Teller)

So it passed in the Negative.

Clause 27 further considered.

Amendment proposed (Ms *Courtney*)

Page 55, subclause (1), paragraph (b).

Leave out “in person or by way of audio-visual link”.

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 27, as read, agreed to.

Postponed Clause 29

Proposed amendment to Clause 29 further considered.

Page 57, after paragraph (a).

Insert the following paragraph:

“(x) may, with the consent of the person, provide to the medical practitioner who the person ordinarily attends in relation to a disease, illness, injury, or medical condition –

(i) a copy of the PMP’s determination; and

(ii) a statement of the reasons for the PMP’s determination;”

An Amendment to the Amendment was proposed (Mrs *Petrusma*)

Leave out all words after “Page 57”.

Insert instead the following:

“, after paragraph (c)

Insert the following proposed new subclause:

(2) A person’s PMP who has made a determination under section 26 in relation to the person may, at the request of the person, provide to the medical practitioner who the person ordinarily attends in relation to a disease, illness, injury, or medical condition-

(a) a copy of the PMP’s determination; and

(b) a statement of the reasons for the PMP’s determination.”

Question put – That the Amendment to the Amendment be agreed to;

It was resolved in the Affirmative.

Question put – That the Amendment, as amended, be agreed to;

It was resolved in the Affirmative.

Clause 29, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 57, paragraph (c), after “determination”.

Insert “and a statement, in the approved form, setting out the PMP’s reasons for the determination”.

Clause 29, as amended, agreed to.

Postponed Clause 34.

Amendment proposed (Ms *Courtney*)

Page 62, subclause (1), paragraph (a).

Leave out “or by way of audio-visual link”.

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 34 further considered

Amendment proposed (Ms *Courtney*)

Page 62, subclause (1), paragraph (b).

Leave out “, in person or by way of audio-visual link”.

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 34, as read, agreed to.

Postponed Clause 36.

Amendment made (Mrs *Petrusma*)

Page 63, after paragraph (c).

Insert the following proposed new subclause:

“(2) A person’s PMP who has made a determination under section 33 in relation to the person may, at the request of the person, provide to the medical practitioner who the person ordinarily attends in relation to a disease, illness, injury, or medical condition –

(a) a copy of the PMP’s determination; and

(b) a statement of the reasons for the PMP’s determination.”

Clause 36, as amended, further considered.

Amendment made (Ms *Courtney*).

Page 63, paragraph (c), after “determination”.

Insert “and a statement, in the approved form, setting out the PMP’s reasons for the determination”.

Clause 36, as amended, agreed to.

Postponed Clause 48.

Amendment proposed (Ms *Courtney*)

Page 70, subclause (1), paragraph (a).

Leave out “, in person or by way of audio-visual link”.

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 48 further considered.

Amendment proposed (Ms *Courtney*)

Page 70, subclause (1), paragraph (b).

Leave out “, in person or by way of audio-visual link”.

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 48, as read, agreed to.

Postponed Clause 50

Amendment made (Mrs *Petrusma*)

Page 72, after subclause (1).

Insert the following proposed new subclause:

- “(X) A person’s CMP who has made a determination under section 47 in relation to the person may, at the request of the person, provide to the medical practitioner who the person ordinarily attends in relation to a disease, illness, injury, or medical condition –
- (a) a copy of the CMP’s determination; and
 - (b) a statement of the reasons for the CMP’s determination.”

Clause 50, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 72, subclause (1), paragraph (b), after “determination”.

Insert “and a statement, in the approved form, setting out the CMP’s reasons for the determination”.

Clause 50, as amended, agreed to.

Postponed Clause 56.

Amendment proposed (Ms *Courtney*)

Page 77, subclause (1), paragraph (a).

Leave out “, in person or by way of audio-visual link”.

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 56 further considered.

Amendment proposed (Ms *Courtney*)

Page 77, subclause (1), paragraph (b).

Leave out “, in person or by way of audio-visual link”.

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 56, as read, agreed to.

Postponed Clause 58.

Amendment made (Mrs *Petrusma*)

Page 79, after paragraph (c).

Insert the following proposed new subclause:

“(2) A person’s PMP who has made a determination under section 55 in relation to the person may, at the request of the person, provide to the medical practitioner who the person ordinarily attends in relation to a disease, illness, injury, or medical condition

—

(a) a copy of the PMP’s determination; and

(b) a statement of the reasons for the PMP’s determination.”

Clause 58, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 79, paragraph (c), after “determination”.

Insert “and a statement, in the approved form, setting out the PMP’s reasons for the determination”.

Clause 58, as amended, agreed to.

Postponed Clause 71

Amendment proposed (Ms *Courtney*)

Page 92, subclause (2).

Leave out “(in person or by way of audio-visual link)”.

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 71, as read, agreed to.

Postponed Clause 81 agreed to.

Postponed Clause 117 disagreed to.

Title agreed to

Bill to be reported with Amendment.

The House being resumed, Mr *Street* reported that the Committee had gone through the Bill, and made Amendments thereto.

Ordered, That so much of the Standing Orders be suspended as prevents the Bill being now read the Third time.
(Ms *Courtney*)

Ordered, That the Bill, as amended in Committee, be now taken into consideration.
And the Amendments were, accordingly, read and agreed to

Question proposed – That the Bill be read the Third time;

The House divided.

AYES 16

NOES 6

Dr *Broad*

Ms *Archer*

Ms *Butler*

Mr *Barnett*

Ms *Courtney*

Mr *Ferguson*

Mr *Gutwein*

Mrs *Petrusma*

Ms *Haddad*

Mr *Tucker*

Mr *Jaensch*

Mr *Ellis* (Teller)

Mr *O'Byrne*

Ms *O'Byrne*

Ms *O'Connor*

Ms *Ogilvie*

Mr *Rockliff*

Ms *Standen*

Mr *Street*

Ms *White*

Dr *Woodruff*

Ms *Dow* (Teller)

It was resolved in the Affirmative.

Ordered, That the Bill be now read the Third time.

And the Bill was, accordingly, read the Third time.

19 BILL NO. 30 of 2020. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly having this day agreed, with Amendments, to a Bill, intituled –

‘A Bill for an Act to provide for, and regulate access to, voluntary assisted dying, to establish the Voluntary Assisted Dying Commission, and for related purposes’,

now returns the same to the Legislative Council, and requests its concurrence therein.

House of Assembly, 4 March 2021.

SUE HICKEY, *Speaker.*

20 ADJOURNMENT. – A Motion being made - That the House do now adjourn (The Minister for Health)

The Speaker proposed – That the House do now adjourn and called for issues to be raised;

The House adjourned at Eight minutes past Nine o’clock.

SHANE DONNELLY, *Clerk of the House.*

MEMBERS. - All present during the day except Ms *Houston* and Mr *Shelton*.