



HOUSE OF ASSEMBLY

SESSION OF 2019 - 2021

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 84

WEDNESDAY, 3 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. - Ms *Ogilvie* presented a Petition from approximately 437 citizens of Tasmania, requesting that the House implement a community (producer responsibility) container deposit scheme which is open to greater participation by local Tasmanian businesses, community groups and sporting clubs, which supports local jobs, and which maximises benefits for the community, the environment and the Tasmanian circular economy.

Which Petition was read and received.

6 PAPERS. - The Minister for Primary Industries and Water laid upon the Table of the House the following Papers:-

(1) Response to Petition: HA7/2020.

(2) Land Acquisition Act 1993 (Notice of Acquisition pursuant to Section 18):

- (i) Dated 4 January 2021, land situate in Parish of Wells, Land District of Devon, Municipal Area of West Tamar, Lot 1 on Plan of Survey P179949 registered in the names of Donald Clyde Bott and Hazel Pamela Bott for road purposes;
- (ii) Dated 4 January 2021, land situate in Parish of Wells, Land District of Devon, Municipal Area of West Tamar, Lot 2 on Plan of Survey P179949 registered in the names of Dennis Gordon Jones and Susan Jones for road purposes;
- (iii) Dated 4 January 2021, land situate in Parish of Wells, Land District of Devon, Municipal Area of West Tamar, Lot 3 on Plan of Survey P179949 registered in the name of Natalie Suli for road purposes;
- (iv) Dated 4 January 2021, land situate in Parish of Wells, Land District of Devon, Municipal Area of West Tamar, Lot 4 on Plan of Survey P179949 registered in the names of Royston Edwin Thorne and Laraine Adeline Thorne for road purposes; and
- (v) Dated 4 January 2021, land situate in Parish of Wells, Land District of Devon, Municipal Area of West Tamar, Lot 5 and Lot 6 on Plan of Survey P179949 registered in the names of Anthony James Warmasley and Carmen Louise Warmasley for road purposes.

7 PAPERS. – The Minister for Environment and Parks laid upon the Table of the House the following Paper:-

Marine-related Incidents (MARPOL Implementation) Act 2020: Marine Related Incidents (MARPOL Implementation) Regulations 2020 (Statutory Rules 2020, No. 91).

8 PAPERS. – The Minister for Finance laid upon the Table of the House the following Papers:-

(1) Response to Petition: HA6/2020.

(2) HomeBuilder Grants Act 2020: HomeBuilder Grants Regulations 2020 (Statutory Rules 2020, No. 82).

9 BILL NO. 3. – The Minister for Human Services presented -

“A Bill for an Act to amend the Children, Young Persons and Their Families Act 1997”.

And Mr *Jaensch* having presented the said Bill, the same was read the First time and made an Order of the Day for tomorrow.

10 MATTER OF PUBLIC IMPORTANCE: HOUSING. – Ms *Standen*, in accordance with Standing Orders, moved - That the House take note of the following matter:

Housing.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

11 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.

Proposed amendment to Clause 6 further considered.

In subclause (5).

Leave out the subclause.

Insert instead the following subclause:

“(5) The Commission must, so as to assist the Commission to decide whether or not to make a determination under subsection (3) in relation to the person –

(a) request medical practitioners to provide to the Commission medical records, in the possession of the medical practitioners, in relation to the person; and

(b) request a medical practitioner, who has specialist knowledge as to a relevant medical condition that is a relevant medical condition in relation to a person, to advise the Commission in relation to the relevant medical condition using

the collection of medical records for the person provided by the Commission.”

Question put – That the Amendment be agreed to;

The Committee divided.

AYES 11

Ms Archer

Mr Barnett

Ms Courtney

Mr Ferguson

Mr Gutwein

Mr Jaensch

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Tucker

Mr Ellis (Teller)

NOES 11

Dr Broad

Ms Butler

Ms Dow

Ms Haddad

Ms Hickey

Mr O'Byrne

Ms O'Byrne

Ms O'Connor

Ms Standen

Ms White

Dr Woodruff (Teller)

DEPUTY CHAIR OF COMMITTEES GIVES CASTING VOTE. – The Deputy Chair of Committees, *Mr Street* said ‘The result of the division is 11 Ayes and 11 Noes. In accordance with Standing Order 257, I cast my vote with the Ayes’.

Clause 6, as amended, further considered.

Amendment proposed (*Ms O'Connor*)

Page 23.

Leave out all words after “For the purposes of this Act -“

Insert instead the following words:

“*relevant medical condition*, in relation to a person, means a disease, illness, injury, or medical condition, of the person that is advanced, incurable and irreversible and is expected to cause the death of the person.

(2) For the purposes of this Act, a disease, illness, injury, or medical condition, of a person is incurable and irreversible and is expected to cause the death of the person if there is no reasonably available treatment that –

(a) is acceptable to the person; and

(b) can cure or reverse the disease, illness, injury or medical condition and prevent the expected death of the person from the disease, illness, injury or medical condition.”

Mr Tucker took the Chair.

Proposed Amendment to Clause 6 further considered.

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 6 further considered.

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 6 further considered.

Amendment proposed (Dr *Woodruff*)

Page 23, in subclause (1), definition of “*relevant medical condition*”

Leave out paragraph (c).

Insert instead the following paragraph:

“(c) except if the person is exempted from this requirement under subsection (3) – has resulted in the death of the person being reasonably foreseeable within a period of 12 months,”

Question put;

That the Amendment be agreed to;

The Committee divided.

AYES 3

NOES 19

Ms O'Connor

Ms Archer

Mr Street

Mr Barnett

Dr Woodruff (Teller)

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ferguson

Mr Gutwein

Ms Haddad

Ms Hickey

Mr Jaensch

Mr O'Byrne

Ms O'Byrne

Ms Ogilvie

Mr Rockliff

Ms Standen

Mr Tucker

Ms White

Mr Ellis (Teller)

So it passed in the Negative.

Clause 6, as amended, agreed to.

Clauses 7 to 8 agreed to.

Clause 9 read.

Amendment made (*Ms Courtney*)

Page 28, paragraph (a).

Leave out the paragraph.

Insert instead the following paragraph:

“(a) the person is a medical practitioner;”

Clause 9, as amended, further considered.

Amendment proposed (*Ms Courtney*)

Page 28, paragraph (b).

Leave out the paragraph.

Insert instead the following paragraph:

“(b) the person has practised as a medical practitioner for at least 5 years after vocational registration as a general practitioner or after completing a fellowship with a specialist medical college; and”

Mr *Street* took the Chair.

Proposed amendment to Clause 9 further considered.

Question put – That the Amendment be agreed to;

The Committee divided.

AYES 11

Ms *Archer*

Mr *Barnett*

Ms *Courtney*

Mr *Ferguson*

Mr *Gutwein*

Mr *Jaensch*

Ms *Ogilvie*

Mrs *Petrusma*

Mr *Rockliff*

Mr *Tucker*

Mr *Ellis* (Teller)

NOES 11

Ms *Butler*

Ms *Dow*

Ms *Haddad*

Ms *Hickey*

Mr *O'Byrne*

Ms *O'Byrne*

Ms *O'Connor*

Ms *Standen*

Ms *White*

Dr *Woodruff*

Dr *Broad* (Teller)

DEPUTY CHAIR OF COMMITTEES GIVES CASTING VOTE. – The Deputy Chair of Committees, Mr *Street* said ‘The result of the division is 11 Ayes and 11 Noes. In accordance with Standing Order 257, I cast my vote with the Ayes’.

Clause 9, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 28, paragraph (c), before “medical condition”.

Insert “disease, illness, injury, or”.

Clause 9, as amended, agreed to.

Clause 10 read.

Amendment made (Ms *Courtney*)

Page 30, after subclause (2).

Insert the following subclause:

“(3) For the avoidance of doubt –

- (a) a person who has a disability, within the meaning of the *Disability Services Act 2011*, is eligible to access voluntary assisted dying if the person has a relevant medical condition and the other requirements of subsection (1) are satisfied in relation to the person; and
- (b) a person who has a mental illness, within the meaning of the *Mental Health Act 2013*, is eligible to access voluntary assisted dying if the other requirements of subsection (1) are satisfied in relation to the person.”

Clause 10, as amended, agreed to.

Clauses 11 to 14 agreed to.

New Clause A was brought up by Mr *Ferguson* and read a First Time as follows:-

“A. Person’s general practice medical practitioner must be consulted by PMP and CMP

(1) In this section –

“**relevant information**”, in relation to the general practice medical practitioner of a person, means –

- (a) all information from the person’s general practice medical practitioner; and
 - (b) all copies of the person’s medical records that are in the possession of the person’s general practice medical practitioner – that the PMP or CMP reasonably requires to enable the PMP or CMP to determine that the person is, or is not, eligible to access voluntary assisted dying.
- (2) A person’s PMP or CMP who receives a request from the person must, before determining the request under this Act –
- (a) consult with the person’s general practice medical practitioner; and
 - (b) require the person’s general practice medical practitioner to provide to the PMP or CMP, respectively, all relevant information in relation to the person; and
 - (c) before determining the request under section 33, 47, 55, consider all relevant information, in relation to the person, provided to the PMP or CMP by the person’s general practice medical practitioner in accordance with the requirement under paragraph (a) or (b) or otherwise.
- (3) If a person’s PMP or CMP does not comply with subsection (2) in relation to a request, the PMP or CMP is, for the purposes of this Act, to be taken to have determined, under section 33, 47, 55, the request by determining the person is not eligible to access the voluntary assisted dying process.
- (4) A general practice medical practitioner to whom a requirement is given under subsection (2) must comply with the requirement as soon as reasonably practicable.
- (5) This section does not apply in relation to a person’s PMP or CMP if the PMP or CMP is, after making reasonable attempts to obtain from the person the information reasonably necessary to determine the matter, of the opinion that –
- (a) there is no general practice medical practitioner in relation to the person; or

- (b) the PMP or CMP, respectively, is unable to determine whether or not there is a general practice medical practitioner in relation to the person.”

Question proposed – That new Clause A read a Second time and made a part of the Bill to follow Clause 14;

The Chair of Committees resumed the Chair.

New Clause A to follow Clause 14 further considered.

Question put – That new Clause A read a Second time and made a part of the Bill to follow Clause 14;

It passed in the Negative.

Clause 15 read.

To report progress and ask leave to sit again.

The House being resumed, Mrs *Petrusma* 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.

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

13 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 Health)

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)

The Chair of Committees took the Chair.

Clause 15 further considered.

Amendment made (Ms *Courtney*)

Page 39, subclause (1), definition of ***relevant communication***, paragraph (c), after “section 82(1)(b)”.

Insert “or (4)”.

Clause 15, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 42, subclause (7), after “section 82(1)(b)”.

Insert “or (4)”.

Clause 15, as amended, agreed to.

Clauses 16 to 17 agreed to.

Clause 18 read.

Amendment made (Ms *Courtney*)

Page 47, before subclause (1).

Insert the following subclause.

“(1AA) If a person has clearly indicated to a medical practitioner that the person wishes to access voluntary assisted dying, the medical practitioner must, whether or not the medical practitioner has a conscientious objection to providing assistance to the person to die, provide to the person the contact details of the Commission.”

Clause 18, as amended, agreed to.

Clause 19 agreed to.

Clause 20 read.

Amendment made (Dr *Woodruff*)

Page 49, subclause (3).

Leave out the subclause.

Insert instead the following subclause:

- “(3) A medical practitioner must, as soon as reasonably practicable, but in any case within 7 days, after refusing to accept a first request from a person under section 19(b) –
- (a) notify the person of the refusal of the first request; and
 - (b) note, on the medical practitioner’s medical records in relation to the person, that the person has made a first request and that the medical practitioner has refused to accept the request; and
 - (c) notify the Commission, in the approved form, that the medical practitioner has refused a first request from the person.”

Clause 20, as amended, agreed to.

Clause 21 read.

Ordered, that Clause 21 be postponed. (Ms *Courtney*)

Clauses 22 to 24 agreed to.

Clause 25 read.

Amendment made (Ms *Courtney*)

Page 54, after paragraph (c), Insert the following paragraph:

- “(x) request a person (a *medical record holder*) to provide to the PMP copies of medical records, in relation to the person, that are held or stored by the

medical record holder and that the PMP requires in order to make the determination;”

Clause 25, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 54, paragraph (d), after “the information”.

Insert “(which may include any medical records)”.

Clause 25, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 54, at the end of the clause.

Insert the following subclause:

- “(2) A person to whom a request is made under subsection (1) must not fail, without reasonable excuse, to comply with the request as soon as reasonably practicable.”

Mr *Street* took the Chair.

Clause 25, as amended, agreed to.

Clause 26 read.

Amendment made (Ms *Courtney*)

Page 54, at the end of the clause.

Insert the following subclause:

- “(2) A person’s PMP is to determine a first request from the person as soon as reasonably practicable after the PMP has sufficient information to enable the PMP to make the determination.”

Clause 26, as amended, agreed to.

Clause 27 read.

Ordered, That clause 27 be postponed. (Ms *Courtney*)

Clause 28 agreed to.

Clause 29 read.

Amendment proposed (Mrs *Petrusma*)

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;"

Ordered, That clause 29 be postponed. (Mrs *Petrusma*)

Clauses 30 to 31 agreed to.

Clause 32 read.

Amendment made (Ms *Courtney*)

Page 61, after paragraph (c).

Insert the following paragraph:

“(x) request a person (a *medical record holder*) to provide to the PMP copies of medical records, in relation to the person, that are held or stored by the medical record holder and that the PMP requires in order to make the determination;”

Clause 32, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 61, paragraph (d), after “the information”.

Insert “(which may include any medical records)”.

Clause 32, as amended further considered.

Amendment made (Ms *Courtney*)

Page 61, at the end of the clause.

Insert the following subclause:

“(2) A person to whom a request is made under subsection (1) must not fail, without reasonable excuse, to comply with the request as soon as reasonably practicable.”

Clause 32, as amended, agreed to.

Clause 33 agreed to.

Clause 34 read.

Ordered, That clause 34 be postponed. (Ms *Courtney*)

Clause 35 agreed to.

Clause 36 read.

Ordered, That clause 36 be postponed. (Mrs *Petrusma*)

Clauses 37 to 42 agreed to.

Clause 43 read.

Amendment made (Ms *Courtney*)

Page 67.

Leave out “the person’s PMP person”.

Insert instead “the person’s PMP”.

Clause 43, as amended, agreed to.

Clause 44 agreed to.

Clause 45 read.

Amendment made (Ms *Courtney*)

Page 68, at the end of the clause.

Insert the following subclause:

“(2) A PMP to whom a request is made under subsection (1) must not fail, without reasonable excuse, to comply with the request as soon as reasonably practicable.”

Clause 45, as amended, agreed to.

Clause 46 read.

Amendment made (Ms *Courtney*)

Page 69, subclause (1), after paragraph (c).

Insert the following paragraph:

“(x) request a person (a *medical record holder*) to provide to the PMP copies of medical records, in relation to the person, that are held or stored by the medical record holder and that the PMP requires in order to make the determination;”

Clause 46, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 69, subclause (1), paragraph (d), after “the information”.

Insert “(which may include any medical records)”.

Clause 46, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 69, after subclause (1).

Insert the following subclause:

“(2) A person to whom a request is made under subsection (1) must not fail, without reasonable excuse, to comply with the request as soon as reasonably practicable.”

Clause 46, as amended, agreed to.

Clause 47 agreed to.

Clause 48 read.

Ordered, That clause 48 be postponed. (Ms *Courtney*)

Clause 49 agreed to.

Clause 50 read.

Ordered, That clause 50 be postponed. (Mrs *Petrusma*)

Clauses 51 to 53 agreed to.

Clause 54 read.

Amendment made (Ms *Courtney*)

Page 76, after paragraph (c).

Insert the following paragraph:

“(d) request a person (a *medical record holder*) to provide to the PMP copies of medical records, in relation to the person, that are held or stored by the medical record holder and that the PMP requires in order to make the determination;”

Clause 54, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 76, paragraph (d), after “the information”.

Insert “(which may include any medical records)”.

Clause 54, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 77, at the end of the clause.

Insert the following subclause:

“(2) A person to whom a request is made under subsection (1) must not fail, without reasonable excuse, to comply with the request as soon as reasonably practicable.”

Clause 54, as amended, agreed to.

Clause 55 agreed to.

Clause 56 read.

Ordered, That Clause 56 be postponed. (Ms *Courtney*)

Clause 57 agreed to.

Clause 58 read.

Ordered, That Clause 58 be postponed. (Mrs *Petrusma*)

Clause 59 read.

Amendment made (Ms *Courtney*)

Page 79, subclause (1), after “section 16”.

Insert “and Part 16”.

Clause 59, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 80, subclause (2), after “section 16”.

Insert “and Part 16”.

Clause 59, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 80, subclause (5), after “section 16”.

Insert “and Part 16”.

Clause 59, as amended, agreed to.

Clauses 60 to 70 agreed to.

Clause 71 read.

Ordered, That Clause 71 be postponed. (Ms *Courtney*)

Clause 72 to 75 agreed to.

Clause 76 read.

Amendment made (Ms *Courtney*)

Page 99, subclause (2), paragraph (d), subparagraph (i), after “the substance” (second occurring).

Insert “and has not obtained an AHP administration certificate under section 86”.

Clause 76, as amended, agreed to.

Clauses 77 to 78 agreed to.

Clause 79 read.

Amendment made (Ms *Courtney*)

Page 104, after paragraph (c).

Insert the following paragraph:

“(d) request a person (a *medical record holder*) to provide to the PMP copies of medical records, in relation to the person, that are held or stored by the medical record holder and that the PMP requires in order to make the determination;”

Clause 79, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 104, paragraph (d), after “information”.

Insert “(which may include any medical records)”.

Clause 79, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 104, at the end of the clause.

Insert the following subclause:

- “(2) A person to whom a request is made under subsection (1) must not fail, without reasonable excuse, to comply with the request as soon as reasonably practicable.”

Clause 79, as amended, agreed to.

Clause 80 agreed to.

Clause 81 read.

Ordered, That Clause 81 be postponed. (Ms *Courtney*)

Clause 82 read.

Amendment made (Ms *Courtney*)

Page 108, after subclause (3).

Insert the following subclause.

- “(4) A person who has given the person’s AHP a final permission may give to the person’s AHP an instrument in writing –
- (a) completed, and signed, by the person; or
 - (b) if the person is unable to complete or sign the instrument – completed and signed by an adult (other than the PMP, the CMP, or the AHP, in relation to the person) who is designated by the person to complete or sign, or to complete and sign, the instrument on the person’s behalf –

amending the statement, referred to in subsection (3)(c), that is included in the final permission.”

The Chair of Committees resumed the Chair.

Clause 82, as amended, agreed to.

Clauses 83 to 85 agreed to.

Clause 86 read.

Amendment made (Ms *Courtney*)

Page 113, subclause (5), after “self-administer a VAD substance,” (first occurring).

Insert “or to self-administer the VAD substance without the AHP being in close proximity to the person or assisting the person to self-administer the VAD substance,”.

Clause 86, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 113, subclause (5), paragraph (a), after “self-administer the VAD substance”.

Insert “or to self-administer the VAD substance without the AHP being in close proximity to the person or assisting the person to self-administer the VAD substance,”.

Clause 86, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 113, subclause (5), paragraph (b), after “VAD substance”.

Insert “or about self-administering the VAD substance without the AHP being in close proximity to the person or assisting the person to self-administer the VAD substance,”.

Clause 86, as amended, agreed to.

Clause 87 read.

Amendment made (Ms *Courtney*)

Page 114, after subclause (3).

Insert the following subclause:

- “(4) After the VAD substance has been administered to the person, the person’s AHP must, if the person’s AHP has not remained in the same room or place as the room or place in which the person is situated, take reasonable steps (which may include moving into the same room or place as the room or place in which the person is situated) to determine whether the person has died or unexpected complications may have arisen.”

Clause 87, as amended, agreed to.

Clauses 88 to 90 agreed to.

Clause 91 read.

Amendment made (Ms *Courtney*)

Page 118, after subclause (4).

Insert the following subclauses:

- “(5) If a private self-administration certificate was issued in relation to a person and more than 6 months (or, if the person has a neurodegenerative disease, more than 12 months) has expired since the certificate was issued, the person may self-administer a VAD substance supplied to the person’s AHP, but only if there is, under section 86, an AHP administration certificate in relation to the person and the self-administration occurs in accordance with the requirements of sections 87 and 88.
- (6) The death of a person is, for all purposes, including for the purposes of the *Coroner’s Act 1995*, not to be taken, by reason only of a contravention by the

person of the requirements of subsection (4) or (5), to be a death that is not under and in accordance with this Act.”

Clause 91, as amended, agreed to.

Clause 92 read.

Amendments made (Ms *Courtney*)

First Amendment

Page 119, subclause (2).

Leave out “must, as soon as practicable, notify the police”.

Second Amendment

Page 119, after subclause (2).

Insert the following subclause:

“(2A) If the contact person in relation to a person complies with subsection (2) in relation to the person, section 19(1) of the *Coroners Act 1995* does not apply in relation to the contact person.”

Clause 92, as amended, agreed to.

Clause 93 read.

Amendment proposed (Ms *Courtney*)

Page 120, subclause (1).

Leave out all words after “section 92(2) of the death of the person”.

Insert instead “, notify the Commission of the death of the person”.

Question proposed – That the Amendment be agreed to.

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

Mr *Street* took the Chair.

Amendment to clause 93 further considered.

Question put – That the Amendment be agreed to;

The Committee divided.

AYES 16

NOES 6

Ms *Butler*

Ms *Archer*

Ms *Courtney*

Mr *Barnett*

Ms *Dow*

Mr *Ferguson*

Mr *Gutwein*

Mrs *Petrusma*

Ms *Haddad*

Mr *Tucker*

Ms *Hickey*

Mr *Ellis* (Teller)

Mr *Jaensch*

Mr *O'Byrne*

Ms *O'Byrne*

Ms *O'Connor*

Ms *Ogilvie*

Mr *Rockliff*

Ms *Standen*

Ms *White*

Dr *Woodruff*

Dr *Broad* (Teller)

It was resolved in the Affirmative.

Clause 93, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 120, subclause (2).

Leave out the subclause.

Insert instead the following subclause:

“(2) The death of a person who has been administered or self-administered a VAD substance in accordance with this Act is not a reportable death for the purposes of the *Coroners Act 1995*.”

Clause 93, as amended, agreed to.

Clause 94 read.

Amendment made (Ms *Courtney*)

Page 122, definition of *eligible applicant*, paragraph (c), after “satisfied”.

Insert “, after having considered the guidelines issued under section B, in so far as they relate to the person,”.

Clause 94, as amended, agreed to.

Clauses 95 to 99 agreed to.

Clause 100 read.

Amendment made (Ms *Courtney*)

Page 127, after subclause (6).

Insert the following subclauses:

- “(7) The Commission may give to either or both of the following:
- (a) persons present at a hearing in relation to an application;
 - (b) the parties to proceedings in relation to an application –
- directions prohibiting the publication, except in the circumstances specified in the directions, of matters relating to the application or the proceedings.
- (8) A person must not contravene or fail to comply with a direction given under subsection (7).
- Penalty: Fine not exceeding 100 penalty units.”

Clause 100, as amended, agreed to.

Clause 101 read.

Amendment made (Ms *Courtney*)

Page 127, subclause (1).

Leave out “there are documents”.

Insert instead “there is evidence, or there are documents,”.

Clause 101, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 127, subclause (1), paragraph (a), before “are”.

Insert “is or”.

Clause 101, as amended, further considered.

Amendment made (Ms *Courtney*)

Page 127, subclause (1).

Leave out “to lodge a copy of each document with the Commission”.

Insert instead “to lodge with the Commission the evidence, or a copy of each document,”.

Clause 101, as amended, agreed to.

Clauses 102 – 103 agreed to.

Clause 104 read.

Amendment made (Ms *Courtney*)

Page 132, after subclause (2).

Insert the following subclause:

- “(3) Despite subsections (1) and (2), the Commission may, if the Commission considers it appropriate to do so, do either or both of the following:
 - (a) prepare written reasons for the determination of the application under section 103(1) that do not enable persons referred to in the transcript to be identified;
 - (b) ensure that so much, of the written transcript of the part of the proceedings, as is used by the Commission as the Commission’s reasons for the determination of the application under section 103(1) does not enable persons referred to in the transcript to be identified.”

Clause 104, as amended, agreed to.

Clause 105 to 111 agreed to.

Clause 112 read.

Amendment made (Ms *Courtney*)

Page 145, after subclause (2).

Insert the following subclause:

- “(3) A person appointed under this section is subject to the direction of the Commission.”

Clause 112, as amended, agreed to.

New Clause A was brought up by Ms *Courtney* and read the First time as follows:

“A. Confidentiality

- (1) A person who obtains information of a confidential or personal nature about a person in discharging any responsibilities under this Act as a member of the Commission or an officer appointed under section 112 must not disclose the information except as authorised or required under subsection (2).
- (2) The information may be disclosed if –
 - (a) the disclosure is authorised or required by law or any court; or
 - (b) the disclosure is made for or in connection with the reporting or lawful investigation of a crime or unlawful act (whether actual or prospective); or
 - (c) the Commissioner authorises the disclosure; or
 - (d) the person making the disclosure reasonably believes it to be necessary in connection with the administration of this Act; or
 - (e) the prescribed circumstances exist in relation to the disclosure.

Penalty: Fine not exceeding 50 penalty units.”

Amendment to proposed New Clause A proposed (Ms *Courtney*)

Leave out subsection (1).

Insert instead the following subsection:

“(1) A person, in discharging any responsibilities under this Act as a member of the Commission or an officer appointed under section 112, who obtains information of a confidential or personal nature about a person, must not disclose the information except as authorised or required under subsection (2).”

Question put – That the Amendment be agreed to;

It was resolved in the Affirmative.

Question put – That new Clause A, as amended, be read a Second time and made a part of the Bill to follow Clause 112;

It was resolved in the Affirmative.

Clause 113 read.

Amendment made (*Ms Courtney*)

Page 145, subclause (1), after paragraph (a).

Insert the following paragraph:

“(x) to provide an appropriate level of assistance to persons who wish to access voluntary assisted dying but who are prevented from, or hampered in, accessing the process because of their personal circumstances, which may include their access to medical practitioners who are willing and able to assist them in achieving such access;”

Clause 113, as amended, further considered.

Amendment made (*Ms Courtney*)

Page 147, subclause (3).

Leave out “contacts details”.

Insert instead “contact details”.

Clause 113, as amended, further considered.

Amendment made (*Ms Courtney*)

Page 147, after subclause (3).

Insert the following subclause.

“(3A) A list referred to in subsection (1) is only to contain the names of persons who have advised the Commission that they are willing to have their names included on the list.”

Clause 113, as amended, agreed to.

Clause 114 to 116 agreed to.

New Clause B was brought up by Ms *Courtney* and read a First Time as follows:-

“B. Guidelines for determination of persons with special interest

- (1) The Commission must prepare and issue guidelines for the purposes of the definition of *eligible applicant* in section 94.
- (2) The Commission may –
 - (a) amend guidelines issued under subsection (1); or
 - (b) revoke guidelines issued under subsection (1) and issue guidelines under that subsection in their place.
- (3) The Commission, before issuing, amending, or revoking and issuing, guidelines under subsection (1) –
 - (a) must ensure that there is published, in a newspaper published in, and circulating generally within, the State, a notice –
 - (i) specifying that the Commission is proposing to issue, amend or revoke guidelines; and
 - (ii) inviting members of the community to make submissions in relation to the proposal by a date specified in the notice; and
 - (b) consider all submissions made by the date specified in the notice under paragraph (a)(ii).
- (4) The Commission must, after issuing, amending, or revoking and issuing, guidelines under subsection (1) –
 - (a) give notice, in a newspaper published in, and circulating generally in, the State, of the issuing, amending, or revoking, of the guidelines; and
 - (b) ensure that guidelines issued under subsection (1) are available for viewing by members of the public –
 - (i) at the office of the Commission; and
 - (ii) on a website of the Commission.”

New Clause B read a Second time and made a part of the Bill to follow Clause 116

New Clause C was brought up by Ms *Courtney* and read a First Time as follows:-

“C. Regional access standards

- (1) The Secretary of the Department must issue a standard (the access standard) setting out how the State intends to facilitate access to voluntary assisted dying for persons ordinarily resident in the State, including how the State intends to facilitate access by those persons to –
 - (a) the services of medical practitioners and other persons who perform functions, or exercise powers, under this Act; and
 - (b) VAD substances for use under this Act; and

- (c) information about access to voluntary assisted dying under this Act.
- (2) The access standard must specifically set out how the State intends to facilitate access to voluntary assisted dying for residents of the State who reside outside of Hobart and Launceston.
- (3) The Secretary of the Department –
 - (a) may amend or replace the access standard; and
 - (b) must publish the access standard on the Department’s website; and
 - (c) must include in the annual report, of the Department, under the *State Service Act 2000* for a year, a report in relation to the steps taken by the Department during the year to meet the access standard.”

Amendment to proposed New Clause C proposed (Ms *Courtney*)

In proposed subclause (2).

Leave out all words after “reside”

Insert instead the words “in a regional area”.

Question put – That the Amendment to proposed New Clause C be agreed to;

It was resolved in the Affirmative.

Proposed New Clause C, as amended, further considered.

An Amendment to proposed New Clause C proposed (Ms *Courtney*)

Leave out the words “To follow Clause 116”

Insert instead the words “To follow Clause 137 in Part 20”.

Question put – That the Amendment to proposed New Clause C be agreed to;

It was resolved in the Affirmative.

New Clause C, as amended, read a Second time and made a part of the Bill to follow Clause 137.

Clause 117 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 him to ask leave to sit again.

Resolved, That this House will, on tomorrow, again resolve itself into the said Committee.

15 ADJOURNMENT. – A Motion being made - That the House do now adjourn (The Deputy Premier)

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

The House adjourned at fifty-one minutes past Ten o’clock.

SHANE DONNELLY, *Clerk of the House.*

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

The Minister for Sport and Recreation and Minister for Racing attended Question Time.