



LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 78

FRIDAY, 30 OCTOBER 2020

1 COUNCIL MEETS.— The Council met at 9.00 o'clock in the forenoon.

2 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE.— The President said: “We meet today on Tasmanian Aboriginal land. We acknowledge and pay respect to the Tasmanian Aboriginal people and elders, past, present and emerging. We recognise them as the traditional and original owners and the continuing custodians of this land.”

3 PRAYERS.— The President read Prayers.

4 BILL NO. 50 of 2019. — The Teachers Registration Amendment Bill 2019 was read the Third time and passed.

5 BILL NO. 50 OF 2019.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act to amend the *Teachers Registration Act 2000*’.

Legislative Council, 30 October 2020

C.M. FARRELL, *President*

6 BILL NO. 8. — The Vehicle and Traffic Amendment (Road Vehicle Standards) Bill 2020 was read the Third time and passed.

7 BILL NO. 8.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act to amend the *Vehicle and Traffic Act 1999*, the *Motor Vehicle Traders Act 2011* and the *Taxi and Hire Vehicle Industries Act 2008* and various regulations’.

Legislative Council, 30 October 2020

C.M. FARRELL, *President*

8 BILL NO. 52 OF 2019. — The State Service Amendment (Validation) Bill 2019 was read the Third time and passed.

9 BILL NO. 52 of 2019.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act to amend the *State Service Act 2000* and the *State Service Regulations 2011*’.

Legislative Council, 30 October 2020

C.M. FARRELL, *President*

10 BILL NO. 33. — The Anzac Day Trust Winding-Up Bill 2020 was read the Third time and passed.

11 BILL NO. 33.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act to wind up the Anzac Day Trust and Anzac Day Trust Fund and to amend the *Anzac Day Observance Act 1929*’.

Legislative Council, 30 October 2020

C.M. FARRELL, *President*

12 BILL NO. 7. — The Rail Safety National Law (Tasmania) Amendment Bill 2020 was read the Third time and passed.

13 BILL NO. 7.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act to amend the *Rail Safety National Law (Tasmania) Act 2012*’.

Legislative Council, 30 October 2020

C.M. FARRELL, *President*

14 BILL NO. 30.— The Order of the Day was read for the further consideration in Committee of the End-of-Life Choices (Voluntary Assisted Dying) Bill 2020.

And the President having left the Chair, the Council resolved itself into the said Committee.

(In the Committee)

Ms Forrest in the Chair

New Clause E [Conscientious objection by entities providing health care inserted] brought up (Dr Seidel) and read the First time as follows:—

A. Conscientious objection by entities providing health care

(1) In this section –

"health service establishment" means each of the following:

- (a) an establishment as defined in section 3 the *Health Service Establishments Act 2006*;
- (b) premises owned or operated by a residential care provider;

"relevant service provider" means a person or body that operates a health service establishment.

- (2) A relevant service provider may refuse to authorise or permit the carrying out, at a health service establishment owned or occupied by the relevant service provider, of any part of the voluntary assisted dying process in relation to a person who resides in, or receives services at, the establishment, including any assessments as to whether a person is eligible to access voluntary assisted dying.
- (3) Subsection (4) applies in relation to a person who resides in, or receives services at, a health service establishment owned or occupied by a relevant service provider, if the person advises a person employed or engaged by the relevant service provider at that health service establishment that the person wishes to access voluntary assisted dying.
- (4) If this subsection applies in relation to a person who resides in, or receives services at, a health service establishment owned or occupied by a relevant service provider, the relevant service provider must ensure that –

- (a) the person is advised of the relevant service provider's refusal to authorise or permit the carrying out at a health service establishment owned or occupied by the relevant service provider of any part of the voluntary assisted dying process; and
- (b) an offer is made to the person to arrange a transfer of the care or residence of the person to a health service establishment at which, in the opinion of the relevant service provider, a medical practitioner who does not have a conscientious objection to voluntary assisted dying is likely to be able to ensure the person is able, if the person indicates that the person wishes to do so, to make a request under this Act; and
- (c) reasonable steps are taken to facilitate the transfer referred to in paragraph (b).

Question put, That New Clause D be now read the Second time. It passed in the Negative.

To report progress and seek leave to sit again.

The Council being resumed, Ms *Forrest* reported that the Committee had made progress in the Bill, and directed her to seek leave for the Committee to sit again for the purpose of reconsidering New Clause B as amended.

Resolved, That the Council will, immediately, again resolve itself into the said Committee.

The Council, accordingly, resolved itself into the Committee.

(In the Committee)

Ms *Forrest* in the Chair.

New Clause B as amended, further considered.

Amendment made. (Ms *Webb*)

New Clause B as inserted by Ms *Lovell's* Amendment.

First amendment

subclause (1).

Leave out the subclause.

New Clause B as amended, further considered and further Amendments made (Ms *Webb*)

Second amendment

Subclause (2).

Leave out "health care worker".

Insert instead "registered health practitioner".

Third amendment

After subclause (3).

Insert the following subclause:

- (3A) Nothing in subsection (2) prevents a registered health practitioner who is not a medical practitioner from taking an action referred to in subsection (2) in relation to a person if the registered health practitioner, before the conclusion of the discussion, with the person, in which the action is taken, informs the person that a medical practitioner would be the most appropriate person with whom to discuss the voluntary

assisted dying process and care and treatment options for the patient.

New Clause B as further amended agreed to.

Long Title, Amendment made. (Ms Lovell)

Leave out “Commissioner of Voluntary Assisted Dying”.

Insert instead “Voluntary Assisted Dying Commission”.

Long Title as amended agreed to.

Bill to be reported with Amendments and Amendment to the Long Title.

The Council being resumed, Ms *Forrest* reported that the Committee had gone through the Bill, and directed her to report the same to the Council with Amendments and Amendment to the Long Title.

15 MOTION WITHOUT NOTICE.— *Ordered*, That Mr *Gaffney* have leave to move a Motion without Notice.

16 SUSPENSION OF STANDING ORDER.— A Motion was made (Mr *Gaffney*) and the Question was proposed, That Standing Order No 280 be suspended to allow the Bill as amended in Committee to be now taken into consideration

A Debate arose thereupon.

And the Question being put,

It passed in the Negative.

Ordered, That the Bill as amended in Committee be taken into consideration tomorrow. (Mr *Gaffney*)

17 LEAVE TO TABLE ANSWERS TO QUESTIONS.— *Ordered*, That Ms *Hiscutt* have leave to Table answers to Questions from the Member for McIntyre (Ms *Rattray*) regarding the State Service Amendment (Validation) Bill 2019 (Bill No 52 of 2019).

18 ADJOURNMENT.— A Motion was made (Mrs *Hiscutt*) and the Question was put, That the Council will at its rising adjourn until 11.00 o'clock am on Tuesday, 10 November 2020.

It was resolved in the Affirmative.

A Motion was made (Mrs *Hiscutt*) and the Question was put, That the Council do now adjourn.

It was resolved in the Affirmative.

The Council adjourned at 12.46 o'clock p.m.

D.T. PEARCE, *Clerk of the Council*.