



LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 75

TUESDAY, 27 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 NON-CONFORMING PETITION.**— Ms *Rattray* by leave Tabled a non-conforming Petition from 97 citizens of Tasmania opposing the White Beach Flinders Island development
- 5 PAPERS.**— The Clerk of the Council laid upon the Table the following Papers:—
 - (1) Report of the Auditor-General No. 4 of 2020-21: Information and communications technology strategy, critical systems and investment. Dated 27 October 2020.
 - (2) Report of the Auditor-General No. 5 of 2020-21: Review of selected COVID-19 support measures and expenditure in 2019-20. Dated 27 October 2020.
 - (3) House of Assembly: Annual Report 2019-2020.
 - (4) Tasmanian Economic Regulator: Comparison of Electricity and Gas Prices Available to Small Customers in Australia. Dated September 2020.
 - (5) The Anti-Discrimination Tribunal: Annual Report 2019-2020.
 - (6) Solicitor-General: Report for 2019-20.
 - (7) The Asbestos Compensation Tribunal: Annual Report 2019-2020.
 - (8) Office of the Public Guardian: Annual Report 2019-2020.
 - (9) Port Arthur Historic Site Management Authority: Annual Report 2019-20.
- 6 SPECIAL INTEREST MATTERS.**— The President advised the Chamber of six Members who had indicated their desire to speak and of the order in which they were to speak as follows —
 - (1) Mr *Gaffney* - 10 Year Anniversary of Tim Blair Run for Kids;
 - (2) Ms *Siejka* – Warrane Mornington Neighbourhood Centre;
 - (3) Ms *Webb* – Diverse Tassie;
 - (4) Dr *Seidel* – Jeffrey’s Track Upgrade;

Ordered, That Dr *Seidel*, have leave to Table Jeffreys Track Feasibility Study Submission prepared by Jenny Cambers Smith.

- (5) Ms *Forrest* – Distance runner Stewart McSweyn; and
- (6) Ms *Armitage* – Launceston Airport.

At the conclusion of Special Interest Matters the Council proceeded to Orders of the Day.

7 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

Clause 14 as amended further considered.

Further amendment made (Ms *Webb*)

Proposed new subclause (4A).

Leave out “subparagraph (i) or (ii), or both, of that subsection do”.

Insert instead “a subparagraph of that subsection does”.

Clause as amended agreed to.

Clause 15 Amendments made (Ms *Lovell*)

First amendment

Page 38, subclause (4), paragraph (d).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 38, subclause (5), paragraph (c).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 16 Amendments proposed. (Dr *Seidel*)

First amendment

Page 40, subclause (2), paragraph (a).

Leave out “and not by way of”.

Insert instead “, or by way of”.

Second amendment

Page 40, subclause (2), paragraph (b).

Leave out “and not by way of”.

Insert instead “, or by way of”.

Question put, That the Amendments be agreed to,
Committee divided.

AYES 6

Ms Lovell
Dr Seidel
Ms Siejka
Mr Valentine
Ms Webb
Mr Willie (Teller)

NOES 8

Ms Armitage
Mr Dean
Ms Forrest
Mr Gaffney
Mrs Hiscutt (Teller)
Ms Howlett
Ms Palmer
Ms Rattray

So it passed in the Negative.

Clause 16 as read agreed to.

Clauses 17 to 20 agreed to.

Clause 21 Amendment made (Ms Lovell)

Page 43, paragraph (c).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 22 Amendments made (Ms Webb)

First amendment

Page 45, subclause (2), paragraph (d), before “reasonably available treatment”.

Insert “information as to”.

Second amendment

Page 46, subclause (2), paragraph (e), before “palliative care”.

Insert “information as to”.

Further Amendment made (Ms Lovell)

Page 46, subclause (3).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clauses 23 and 24 agreed to.

Ms Rattray in Chair.

Clause 25 Amendments proposed. (Ms Forrest)

First amendment

Page 47, subclause (1), paragraph (a).

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

Second amendment

Page 47, subclause (1), paragraph (b).

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

Insert instead “and not by way of audio-visual link”

Question put, That the Amendments be agreed to,

It passed in the Negative.

Ms *Forrest* in Chair.

Clause 25 Amendment proposed (Mr *Gaffney*)

Page 48, after subclause (3).

Insert the following subclause:

- (4) If a person's PMP determines under section 24 a first request by the person by determining under section 24(a) that the person is eligible to access voluntary assisted dying, the PMP must, if the person consents –
- (a) provide to a member of the family of the person, if any, the relevant facts in relation to accessing voluntary assisted dying; and
 - (b) take all reasonable steps to explain to a member of the family of the person, if any, the plan for the person to access voluntary assisted dying including, in particular, the arrangements to be made in relation to the body of the person if the person is intending to obtain a private self-administration certificate and self-administer a VAD substance without the person's AHP being present

Question put, That the Amendment be agreed to,

Committee divided.

AYES 8

Ms *Armitage*
Mr *Dean*
Mr *Gaffney*
Mrs *Hiscutt*
Ms *Howlett*
Ms *Palmer* (Teller)
Ms *Rattray*
Mr *Valentine*

NOES 6

Ms *Forrest*
Ms *Lovell*
Dr *Seidel* (Teller)
Ms *Siejka*
Ms *Webb*
Mr *Willie*

It was resolved in the Affirmative.

Clause as amended agreed to.

Clause 26 agreed to.

Clause 27 Amendment made. (Ms *Lovell*)

Page 49, paragraph (c).

Leave out "Commissioner".

Insert instead "Commission".

Clause as amended agreed to.

Clause 28 Amendment proposed (Mrs *Hiscutt*)

Page 51, subclause (3), paragraph (b), after "2 adults".

Insert " , and a commissioner for declarations, within the meaning of the *Oaths Act 2001* ,".

Amendment made to main proposed amendment (Mr *Gaffney*)

Page 1 of proposed amendments, proposed amendment to subclause (3).

Leave out “, and a commissioner”.

Insert instead “, or by a commissioner”.

Main proposed amendment as amended agreed to.

Clause as amended agreed to.

Clause 29 Amendment proposed (Mrs *Hiscutt*)

Page 51, subclause (1), after “One of the witnesses”.

Insert “, and the commissioner for declarations, within the meaning of the *Oaths Act 2001*,”.

Amendment made to main proposed amendment (Mr *Gaffney*)

Page 1 of proposed amendments, proposed amendment to subclause (1).

Leave out “, and the commissioner”.

Insert instead “, or the commissioner”.

Main proposed amendment as amended agreed to.

Clause 29 as amended, further amendment made (Ms *Forrest*)

Further considered.

Page 51, subclause (1), paragraph (b).

Leave out “receive a financial benefit as a result of the death of the person”.

Insert instead “directly or indirectly benefit from, or receive a financial benefit, directly or indirectly, as a result of, the death of the person, other than by receiving reasonable fees for the provision of services”.

Ms *Forrest* in the Chair.

Clause 29 as amended, further Amendment proposed. (Mr *Gaffney*)

Page 51, after subclause (1).

Insert the following subclause:

(1A) The reference in subsection (1) to a financial benefit in relation to a witness does not include a reference to a financial benefit consisting only of the payment to the witness of reasonable fees related to the provision of services by the witness, after the death of the person, in relation to the estate of the person.”.

The proposed amendment was, by leave, withdrawn.

Clause as amended agreed to.

Clauses 30 to 33 agreed to.

Clause 34 Amendment made. (Ms *Lovell*)

Page 55, paragraph (c).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 35 Amendment made. (Ms *Lovell*)

Page 56, after subclause (1).

Insert the following subclause:

(1A) A person’s PMP must not, under subsection (1), refer the person to another medical practitioner who is –

- (a) a member of the family of the PMP; or
- (b) employed by, contracted directly or indirectly by, or working under the supervision of, the PMP; or
- (c) a person who is the employer of, has a direct or indirect contract with, or is a supervisor of, the PMP.

Clause as amended agreed to.

Clauses 36 to 47 agreed to.

Clause 48 Amendments made. (Ms Lovell)

First amendment

Page 64, subclause (1), paragraph (b).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 65, subclause (2), paragraph (c).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 49 agreed to.

Clause 50 Amendment made. (Ms Lovell)

Page 65, subclause (2).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clauses 51 Amendment made (Ms Lovell)

Page 68, subclause (5).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clauses 52 to 53 agreed to

Ms Rattray in the Chair.

Clause 54 Amendments proposed (Ms Forrest)

First amendment

Page 69, subclause (1), paragraph (a).

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

Insert instead “and not by way of audio-visual link”

Second amendment

Page 69, subclause (1), paragraph (b).

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

Insert instead “and not by way of audio-visual link”

Question put, That the amendments be agreed to,

It passed in the Negative.

Ms *Forrest* in Chair.

Clause 54 as read agreed to.

Clause 55 agreed to.

Clause 56 Amendment made. (Ms *Lovell*)

Page 71, paragraph (c).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 57 Amendments made (Ms *Lovell*)

First amendment

Page 71, subclause (1).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 72, subclause (2).

Leave out “Commissioner”.

Insert instead “Commission”.

Third amendment

Page 72, subclause (3).

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Fourth amendment

Page 72, subclause (4).

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Fifth amendment

Page 72, subclause (5).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 58 Amendment made (Ms *Lovell*)

Page 73, paragraph (b).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended, agreed to.

Clause 59 agreed to.

Clause 60 Amendments made (Ms *Lovell*)

First amendment

Page 74, subclause (1).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 74, subclause (2).

Leave out “Commissioner” (wherever occurring).

Insert instead “Commission”.

Clause 60 Further amendment proposed. (Ms *Lovell*)

Page 74, subclause (2).

Leave out “, or a registered nurse,”.

8 SITTING SUSPENDED.— It being 1.00 o'clock p.m. the Sitting of the Council was suspended.

The Council resumed the Sitting at 2.30 o'clock p.m.

9 QUESTION TIME.— The President called for Questions without Notice. There were six Questions asked.

10 BILL NO. 30.— The Council resolved itself into a Committee on the End-of-Life Choices (Voluntary Assisted Dying) Bill 2020.

(In the Committee)

Ms *Forrest* in the Chair.

Clause 60 as amended, further considered.

Proposed amendment further considered. (Ms *Lovell*)

Page 74, subclause (2).

Leave out “, or a registered nurse,”.

Question put, That the Amendment be agreed,

Committee divided.

AYES 6

Ms *Forrest*
Ms *Howlett*
Ms *Lovell* (Teller)
Dr *Seidel*
Ms *Siejka*
Mr *Willie*

NOES 8

Ms *Armitage*
Mr *Dean*
Mr *Gaffney*
Mrs *Hiscutt*
Ms *Palmer* (Teller)
Ms *Rattray*
Mr *Valentine*
Ms *Webb*

So it passed in the Negative.

Clause 60 as amended, further amendment made (Ms *Lovell*)

Further considered.

Third amendment

Page 74, after subclause (2).

Insert the following subsection:

- (2A) A person may not be appointed under subsection (2) to become a person's AHP if the person is –
- (a) a member of the family of the person's PMP or CMP; or
 - (b) employed by, contracted directly or indirectly by, or working under the supervision of, the person's PMP or CMP; or
 - (c) the employer of, has a direct or indirect contract with, or is a supervisor of, the person's PMP or CMP.

Clause as amended agreed to.

Clause 61 Amendment made (Ms Lovell)

Page 74, subclause (1).

Leave out "Commissioner".

Insert instead "Commission".

Clause 61 as amended, further amendment made. (Ms Forrest)

Further considered.

Page 75, subclause (1), paragraph (b), subparagraph (iii).

Leave out "receive a financial benefit as a result of the death of the person".

Insert instead "directly or indirectly benefit from, or receive a financial benefit, directly or indirectly, as a result of, the death of the person, other than by receiving reasonable fees for the provision of services as the PMP, CMP or AHP of the person".

Clause as amended agreed to.

Clause 62 agreed to.

Clause 63 amendment made (Ms Lovell)

Page 76.

Leave out "Commissioner".

Insert instead "Commission".

Clause as amended agreed.

Clause 64 Amendment made (Ms Lovell)

Page 77, subclause (1).

Leave out "Commissioner".

Insert instead "Commission".

Clause as amended agreed to.

Clause 65 Amendments made. (Ms Lovell)

First amendment

Page 77, subclause (1).

Leave out "Commissioner" (twice occurring).

Insert instead "Commission".

Second amendment

Page 78, subclause (2).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 66 Amendments made. (Ms Lovell)

First amendment

Page 79, subclause (1).

Leave out “Commissioner” (first occurring).

Insert instead “Commission”.

Second amendment

Page 79, subclause (1), paragraph (a).

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Third amendment

Page 80, subclause (1), paragraph (b).

Leave out “Commissioner”.

Insert instead “Commission”.

Fourth amendment

Page 80, subclause (2).

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Clause as amended agreed to.

Clause 67 Amendments made. (Ms Lovell)

First amendment

Page 80, subclause (1).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 80, subclause (2).

Leave out “Commissioner’s”.

Insert instead “Commission’s”.

Clause as amended agreed to.

Clause 68 agreed to.

Clause 69 Amendment made (Ms Lovell)

Page 84, subclause (4), paragraph (b).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 70 Amendment made (Ms Lovell)

Page 85.

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Ms *Rattray* in Chair.

Clause 71 Amendment proposed. (Ms *Forrest*)

Page 87, subclause (2), paragraph (e).

Leave out the paragraph.

Insert instead the following paragraph:

- (e) the PMP has, under section 75(3), returned the substance to the pharmacist who supplied it to the PMP.

Question put, That the Amendment be agreed to,

Committee divided.

AYES 10

NOES 4

Ms *Armitage*
Ms *Forrest*
Ms *Howlett*
Ms *Lovell*
Ms *Palmer*
Ms *Rattray*
Dr *Seidel*
Ms *Siejka*
Mr *Valentine*
Mr *Willie* (Teller)

Mr *Dean* (Teller)
Mr *Gaffney*
Mrs *Hiscutt*
Ms *Webb*

It was resolved in the affirmative.

Clause as amended agreed to.

Clause 72 agreed to.

Clause 73 Amendment made (Ms *Forrest*)

Page 89, subclause (2), paragraph (e).

Leave out the paragraph.

Insert instead the following paragraph:

- (e) the AHP has, under section 74(3), returned the substance to the pharmacist who supplied it to the PMP.

Clause as amended, agreed to.

Clause 74 Amendment made. (Ms *Forrest*)

First amendment

Page 91, subclause (3), paragraph (a).

Leave out “person’s PMP or is destroyed”.

Insert instead “pharmacist who supplied the substance to the person’s PMP”.

Clause 74 as amended, further considered.

Further Amendment made. (Ms *Lovell*)

Second amendment

Page 91, subclause (3), paragraph (b).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause 74 as amended, further considered.

Further Amendments made (Ms *Forrest*)

Third amendment

Page 91, subclause (3), paragraph (b).

Leave out “person’s PMP or destroyed, as the case may be”.

Insert instead “pharmacist who supplied the substance to the person’s PMP”.

Fourth amendment

Page 91, after subclause (3).

Insert the following subclause:

- (4) A pharmacist to whom a VAD substance, supplied by the pharmacist, is returned under subsection (3) must destroy the substance as soon as practicable and record that the substance has been destroyed.

Clause as amended agreed to.

Clause 75 Amendments made. (Ms *Forrest*)

First amendment

Page 92, subclause (2), paragraph (c).

Leave out the paragraph.

Second amendment

Page 92, subclause (3), paragraph (a).

Leave out “is destroyed”.

Insert instead “is returned to the pharmacist who supplied the substance to the PMP”.

Clause 75 as amended, further considered.

Further Amendment made. (Ms *Lovell*)

Third amendment

Page 92, subclause (3), paragraph (b).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause 75 as amended, further considered.

Amendments made. (Ms *Forrest*)

Fourth amendment

Page 92, subclause (3), paragraph (b).

Leave out “the destruction of the VAD substance”.

Insert instead “the return of the VAD substance to the pharmacist who supplied the substance to the PMP”.

Fifth amendment

Page 92, after subclause (3).

Insert the following subclause:

- (4) A pharmacist to whom a VAD substance, supplied by the pharmacist, is returned under subsection (3) must destroy the substance as soon as practicable and record that the substance has been destroyed.

Clause as amended agreed to.

Clause 76 Amendment proposed. (Ms *Forrest*)

Page 93, after “final permission”.

Leave out all the words.

Insert instead “from the person –

- (a) must, if the AHP is not a registered nurse or is a registered practitioner, determine whether the person has decision-making capacity and is acting voluntarily; or
- (b) if the AHP is a registered nurse who is not a nurse practitioner –
- (i) must refer the person to an authorised medical practitioner for the medical practitioner to determine whether the person has decision-making capacity and is acting voluntarily; and
- (ii) must determine whether the person has decision-making capacity and is acting voluntarily; and
- (iii) may only determine under subparagraph (ii) that the person has decision-making capacity and is acting voluntarily if the medical practitioner is of the same opinion.

Question put, That the amendment be agreed to.

Committee divided.

AYES 4

Ms *Armitage*
Ms *Forrest*
Mrs *Hiscutt* (*teller*)
Ms *Howlett*

NOES 10

Mr *Dean*
Mr *Gaffney* (*Teller*)
Ms *Lovell*
Ms *Palmer*
Ms *Ratray*
Dr *Seidel*
Ms *Siejka*
Mr *Valentine*
Ms *Webb*
Mr *Willie*

So it passed in the Negative.

Clause as read agreed to.

Clause 77 agreed to.

Clause 78 Amendment made (Ms Lovell)

Page 94, paragraph (b).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clauses 79 to 81 agreed to.

Clause 82 Amendment made (Ms Forrest)

Page 99, subclause (1), paragraph (b).

Leave out the paragraph.

Clause as amended, further considered.

Further Amendment made. (Ms Lovell)

Page 100, subclause (4), paragraph (c).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 83 disagreed to.

Clause 84 Amendment made. (Ms Lovell)

Page 102, subclause (4), paragraph (b).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 85 Amendments made. (Ms Forrest)

First amendment

Page 103, subclause (2), before paragraph (a).

Insert the following paragraph:

- (aa) the AHP has issued to the person under subsection (5) an AHP administration certificate in relation to the person; and

Second amendment

Page 104, after subclause (3).

Insert the following subclauses:

- (4) A person may apply to the person’s AHP for the issue of an AHP administration certificate in relation to the person.

- (5) A person's AHP may issue an AHP administration certificate in relation to the person if the AHP is satisfied that it is inappropriate for the person to self-administer a VAD substance, having regard to any of the following:
- (a) the ability of the patient to self-administer the VAD substance or to digest the VAD substance;
 - (b) the patient's concern about self-administering the VAD substance;
 - (c) the method of administering the VAD substance that is suitable for the patient.

Clause as amended, agreed to.

Ms *Forrest* in the Chair.

Amendments agreed to.

Clause 85 as amended agreed to.

Clauses 86 to 90 agreed to.

Clause 91 Amendment made. (Mr *Gaffney*)

Page 109, subclause (2), at the end.

Insert "and, if the person has not died at the person's usual place of residence, must, as soon as practicable, notify the police as to the location of the person's body."

Clause as amended agreed to.

Clause 92 Amendment made. (Ms *Lovell*)

Page 110, subclause (1), paragraph (b).

Leave out "Commissioner".

Insert instead "Commission".

Clause 92 as amended, further considered.

Further Amendment made (Mr *Gaffney*)

Page 111, subclause (2)(a), after "required".

Insert "unless directed to do so by the Attorney-General or Chief Magistrate in accordance with section 24(1)(g) or (h) of that Act".

Clause as amended agreed to.

Clause 93 Amendment made. (Ms *Lovell*)

Page 112, definition of *eligible applicant*, paragraph (c).

Leave out "Commissioner".

Insert instead "Commission".

Clause as amended agreed to.

Clause 94 Amendments made. (Ms *Lovell*)

First amendment

Page 113, subclause (1).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 113, subclause (3).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clauses 95 and 96 agreed to.

Clause 97 Amendments made. (Ms Lovell)

First amendment

Page 114, subclause (1).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 115, subclause (2).

Leave out “Commissioner”.

Insert instead “Commission”.

Third amendment

Page 115, subclause (4).

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Clause as amended agreed to.

Clause 98 Amendments made. (Ms Lovell)

First amendment

Page 115, subclause (1), paragraph (a).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 116, subclause (1), paragraph (b).

Leave out “Commissioner”.

Insert instead “Commission”.

Third amendment

Page 116, subclause (1), paragraph (c).

Leave out “Commissioner”.

Insert instead “Commission”.

Fourth amendment

Page 116, subclause (2).

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Clause as amended agreed to.

Clause 99 Amendments made (Ms Lovell)

First amendment

Page 116, subclause (1).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 116, subclause (2).

Leave out “Commissioner”.

Insert instead “Commission”.

Third amendment

Page 116, subclause (3).

Leave out “Commissioner” (first occurring).

Insert instead “Commission”.

Fourth amendment

Page 116, subclause (3), paragraph (a).

Leave out “Commissioner”.

Insert instead “Commission”.

Fifth amendment

Page 117, subclause (3), paragraph (b).

Leave out “himself or herself on any matter in the way that the Commissioner”.

Insert instead “itself on any matter in the way that the Commission”.

Sixth amendment

Page 117, subclause (4).

Leave out “Commissioner”.

Insert instead “Commission”.

Seventh amendment

Page 117, subclause (6).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 100 Amendments made. (Ms Lovell)

First amendment

Page 117, subclause (1).

Leave out “Commissioner” (wherever occurring).

Insert instead “Commission”.

Second amendment

Page 118, subclause (3).

Leave out “Commissioner” (wherever occurring).

Insert instead “Commission”.

Third amendment

Page 118, subclause (4).

Leave out “Commissioner” (first occurring).

Insert instead “Commission”.

Fourth amendment

Page 118, subclause (4), paragraph (c).

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Fifth amendment

Page 118, subclause (5).

Leave out “Commissioner” (wherever occurring).

Insert instead “Commission”.

Sixth amendment

Page 118, subclause (6).

Leave out “Commissioner”.

Insert instead “Commission”.

Seventh amendment

Page 118, subclause (7).

Leave out “Commissioner”.

Insert instead “Commission”.

Eighth amendment

Page 119, subclause (8).

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Clause as amended, agreed to.

Clause 101 agreed to.

Clause 102 Amendments made. (Ms Lovell)

First amendment

Page 119, subclause (1).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 120, subclause (2).

Leave out “Commissioner”.

Insert instead “Commission”.

Third amendment

Page 120, subclause (3).

Leave out “Commissioner”.

Insert instead “Commission”.

Fourth amendment

Page 121, subclause (5).

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Fifth amendment

Page 121, subclause (6).

Leave out “Commissioner”.

Insert instead “Commission”.

Sixth amendment

Page 121, subclause (6), paragraph (a).

Leave out “Commissioner’s”.

Insert instead “Commission’s”.

Seventh amendment

Page 121, subclause (6), paragraph (b).

Leave out “Commissioner’s”.

Insert instead “Commission’s”.

Clause as amended agreed to.

Clause 103 Amendments made(Ms Lovell)

First amendment

Page 121, subclause (1).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 122, subclause (2).

Leave out “Commissioner”.

Insert instead “Commission”.

Third amendment

Page 122, subclause (2).

Leave out “Commissioner’s”.

Insert instead “Commission’s”.

Clause as amended agreed to.

Clause 104 Amendments made. (Ms Lovell)

First amendment

Page 122, subclause (1).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 122, subclause (2).

Leave out “Commissioner”.

Insert instead “Commission”.

Third amendment

Page 122, subclause (4), paragraph (a).

Leave out “Commissioner”.

Insert instead “Commission”.

Fourth amendment

Page 123, subclause (4), paragraph (b).

Leave out “Commissioner”.

Insert instead “Commission”.

Fifth amendment

Page 123, subclause (4), paragraph (c).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 105 Amendments made. (Ms Lovell)

First amendment

Page 124, subclause (1), after paragraph (c).

Insert the following paragraph:

- (x) the person’s CMP is, or becomes –
 - (i) a member of the family of the relevant person; or
 - (ii) employed by, contracted directly or indirectly by, or works under the supervision of, the relevant person; or
 - (iii) a person who is the employer of, has a direct or indirect contract with, or is a supervisor of, the relevant person; or

Second amendment

Page 124, subclause (1), paragraph (d).

Leave out “Commissioner”.

Insert instead “Commission”.

Third amendment

Page 125, subclause (2), paragraph (c).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 106 Amendments made. (Ms Lovell)

First amendment

Page 126, subclause (2).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 126, subclause (3).

Leave out “Commissioner”.

Insert instead “Commission”.

Third amendment

Page 127, subclause (4).

Leave out “Commissioner” (first occurring).

Insert instead “Commission”.

Fourth amendment

Page 127, subclause (4), paragraph (c).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 107 Amendments made (Ms Lovell)

First amendment

Page 128, subclause (1), after paragraph (c).

Insert the following paragraph:

- | | |
|-------|--|
| (x) | the person’s PMP is, or becomes – |
| (i) | a member of the family of the relevant person; or |
| (ii) | employed by, contracted directly or indirectly by, or a person working under the supervision of, the relevant person; or |
| (iii) | a person who is the employer of, has a direct or indirect contract with, or is a supervisor of, the relevant person; or |

Second amendment

Page 128, subclause (1), paragraph (d).

Leave out “Commissioner”.

Insert instead “Commission”.

Third amendment

Page 128, subclause (2), paragraph (b).

Leave out “Commissioner”.

Insert instead “Commission”.

Fourth amendment

Page 130, subclause (6).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 108 Amendment made. (Ms Lovell)

First amendment

Page 130, after paragraph (c).

Insert the following paragraph:

- | | |
|-------|---|
| (x) | the relevant person is, or becomes – |
| (i) | a member of the family of the person’s PMP or CMP; or |
| (ii) | employed by, contracted directly or indirectly by, or works under the supervision of, the person’s PMP or CMP; or |
| (iii) | a person who is the employer of, has a direct or indirect contract with, or is a supervisor of, the person’s PMP or CMP; or |

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 that she was directed to move that the Committee may have leave to sit again.

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

11 SITTING SUSPENDED.— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Mrs *Hiscutt*)

The Sitting was suspended at 6.26 o'clock p.m. and resumed at 7.31 o'clock p.m.

12 BILL NO. 30.— The Council again resolved itself into a Committee on the End-of-Life Choices (Voluntary Assisted Dying) Bill 2020.

(In the Committee)

Ms *Forrest* in the Chair.

Clause 108 as amended further considered.

Further Amendment made (Ms *Lovell*).

Second amendment

Page 130, paragraph (d).

Leave out “receive a financial benefit as a result of the death of the person”.

Insert instead “benefit from, or receive a financial benefit, directly or indirectly, as a result of, the death of the person, other than by receiving reasonable fees for the provision of services as the AHP of the person”.

Clause as amended agreed to.

Heading Part 17 Amendment made (Ms Lovell)

Page 132.

Leave out the heading to the Part.

Insert instead the following heading to the Part:

PART 17 – VOLUNTARY ASSISTED DYING COMMISSION

Heading as amended agreed to.

Clause 109 disagreed to.

Clause 110 disagreed to.

Clause 111 Amendment made. (Ms Lovell)

Page 133, subclause (1).

Leave out “Commissioner in the performance of his or her functions”.

Insert instead “Commission in the performance of its functions”.

Clause as amended agreed to.

Clause 112 Amendments made. (Ms Lovell)

First amendment

Page 133, subclause (1).

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Second amendment

Page 134, subclause (2).

Leave out “Commissioner” (first occurring).

Insert instead “Commission”.

Third amendment

Page 135, subclause (2), paragraph (b).

Leave out “Commissioner”.

Insert instead “Commission”.

Fourth amendment

Page 135, subclause (2), paragraph (c).

Leave out “Commissioner”.

Insert instead “Commission”.

Fifth amendment

Page 135, subclause (3).

Leave out “Commissioner”.

Insert instead “Commission”.

Sixth amendment

Page 135, subclause (4).

Leave out “Commissioner”.

Insert instead “Commission”.

Seventh amendment

Page 135, subclause (4).

Leave out “his or her”.

Insert instead “the Commission’s”.

Clause as amended, further considered.

Further amendment made. (Ms Lovell)

Eighth amendment

Page 135, after subclause (4).

Insert the following subclauses:

- (5) Except as otherwise provided for under this Act, a member of the Commission and any officer appointed under section 111 are not subject to the control and direction of the Minister in the performance or exercise of a function or power of the Commission under this Act.
- (6) A member of the Commission, and any officer appointed under section 111, must not perform or exercise a power or function under this Act in relation to a person if the member, or officer, respectively –
 - (a) is a member of the family of the person; or
 - (b) has a financial or other interest that may be affected, directly or indirectly, by the performance or exercise of the function or power.

Clause as amended agreed to.

Clause 113 Amendment made. (Ms Lovell)

Page 135,

Leave out “Commissioner may delegate any of his or her functions”.

Insert instead “Commission may delegate any of its functions”.

Clause as amended agreed to.

Clause 114 Amendment made. (Ms Lovell)

Page 135, subclause (1).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended further considered.

Further Amendment made. (Ms Valentine)

Page 136, subclause (1).

Leave out “is likely to”.

Insert instead “is expected to”.

Clause as amended agreed to.

Clause 115 Amendments made (Ms Lovell)

First amendment

Page 136, subclause (1).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 137, subclause (3).

Leave out “Commissioner”.

Insert instead “Commission”.

Third amendment

Page 137, subclause (3).

Leave out “he or she”.

Insert instead “the Commission”.

Clause as amended agreed to.

Clause 116 Amendment made. (Ms Lovell)

Page 138, subclause (2).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended, agreed to.

Clause 117 Amendments made. (Ms Lovell)

First amendment

Page 138, subclause (1).

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Second amendment

Page 138, subclause (2).

Leave out “Commissioner”.

Insert instead “Commission”.

Third amendment

Page 139, subclause (2), paragraph (a).

Leave out “Commissioner”.

Insert instead “Commission”.

Fourth amendment

Page 139, subclause (2), paragraph (c).

Leave out “Commissioner”.

Insert instead “Commission”.

Fifth amendment

Page 139, subclause (3).

Leave out “Commissioner”.

Insert instead “Commission”.

Sixth amendment

Page 139, subclause (4).

Leave out “Commissioner”.

Insert instead “Commission”.

Seventh amendment

Page 139, subclause (5).

Leave out “Commissioner” (wherever occurring).

Insert instead “Commission”.

Eighth amendment

Page 139, subclause (6).

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Clause as amended agreed to.

Clause 118 Amendment made. (Ms Lovell)

Page 139, subclause (1).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 119 Amendments made (Ms Lovell)

First amendment

Page 140, subclause (1).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 140, subclause (2).

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Third amendment

Page 141, subclause (2), paragraph (c).

Leave out “he or she”.

Insert instead “the Commission”.

Clause as amended agreed to.

Clause 120 Amendments made. (Ms Lovell)

First amendment

Page 141, subclause (1).

Leave out “Commissioner” (wherever occurring).

Insert instead “Commission”.

Second amendment

Page 141, subclause (2).

Leave out “Commissioner” (wherever occurring).

Insert instead “Commission”.

Clause as amended agreed to.

Clause 121 Amendments made. (Ms Lovell)

First amendment

Page 142,

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Second amendment

Page 142, paragraph (b).

Leave out “he or she”.

Insert instead “the Commission”.

Clause as amended be agreed to.

Clauses 122 to 127 agreed to.

Clause 128 Amendment made (Ms Lovell)

Page 145,

Leave out “Commissioner” (twice occurring).

Insert instead “Commission”.

Clause as amended be agreed to.

Clauses 129 to 138 agreed to.

Clause 139 Amendment proposed (Mr Valentine)

First amendment

Page 153,

Leave out “in writing may”.

Insert instead “in writing must”.

The proposed Amendment was, by leave, withdrawn. (Mr Valentine)

Clause as read further considered.

Further Amendment proposed (Mr *Valentine*)

Second amendment

Page 153, paragraph (a), after “in writing”.

Insert “, signed by the person,”.

Question put, That the Amendment be agreed to,

It passed in the Negative.

Clause as read further considered.

Further Amendment proposed (Mr *Valentine*)

Third amendment

Page 153, paragraph (b).

Leave out the paragraph.

Insert instead the following paragraph:

(b) with the approval of the other person, an electronic scan of, or electronic photograph of, a paper document containing the notice, in writing signed by the person, which scan or photograph is sent to the person electronically.

Question put, That the Amendment be agreed to,

It passed in the Negative.

Clause as read agreed to.

Clause 140 agreed to.

Clause 141 Amendments made. (Ms *Lovell*)

First amendment

Page 154, subclause (1).

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 154, subclause (2).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Ms *Rattray* in Chair.

Clause 142 Amendment made. (Ms *Forrest*)

First amendment

Page 154, subclause (1).

Leave out all words after “conduct a review”.

Insert instead “of the operation and scope of this Act.”.

Clause as amended further considered.

Further Amendment proposed. (Ms *Forrest*)

Second amendment

Page 154, subclause (3).

Leave out the subclause.

Question put, That the Amendment be agreed to,

Committee divided.

AYES 11

Ms *Armitage*
Mr *Dean*
Ms *Forrest* (Teller)
Mrs *Hiscutt*
Ms *Howlett*
Ms *Lovell*
Ms *Palmer*
Ms *Rattray*
Dr *Seidel*
Ms *Siejka*
Mr *Willie*

NOES 3

Mr *Gaffney* (Teller)
Mr *Valentine*
Ms *Webb*

It was resolved in the Affirmative.

Clause as amended further considered.

Further Amendment made (Ms *Forrest*).

Third amendment

Page 155, subclause (4).

Leave out the subclause.

Clause as amended further considered.

Further Amendments proposed. (Mr *Gaffney*)

First amendment

Page 155, subclause (5), after “as to whether”.

Insert “appropriate pain management and support services are available for”.

Second amendment

Page 155, subclause (5), after “death of the person”.

Insert “within 6 months, or if the disease is neurodegenerative, within 12 months,”.

Third amendment

Page 155, subclause (5).

Leave out “ought”.

Insert instead “and who, but for the fact that the person is not expected to die within whichever of the above periods is applicable to the person, may seek”.

Question put, That the Amendments be agreed to,
Committee divided.

AYES 3

Mr *Gaffney* (Teller)
Mr *Valentine*
Ms *Webb*

NOES 11

Ms *Armitage*
Mr *Dean*
Ms *Forrest*
Mrs *Hiscutt* (Teller)
Ms *Howlett*
Ms *Lovell*
Ms *Palmer*
Ms *Ratray*
Dr *Seidel*
Ms *Siejka*
Mr *Willie*

So it passed in the Negative.

Clause as amended further considered.

Further Amendments made. (Ms *Forrest*)

Fourth amendment

Page 155, subclause (5).

Leave out the subclause.

Fifth amendment

Page 155, subclause (6).

Leave out the subclause.

Sixth amendment

Page 155, subclause (7).

Leave out the subclause.

Insert instead the following subclause:

- (7) The Governor is –
- (a) after the end of the 8-year period beginning on the day on which this section commences, to appoint a panel of persons, nominated by the Minister, to conduct a review of the operation of this Act in relation to that period; and
 - (b) at the end of each subsequent 5-year period after the end of the 8-year period, to appoint a panel of persons, nominated by the Minister, to conduct a review of the operation of this Act in relation to that 5-year period.

Clause as amended agreed to.

Ms *Forrest* in the Chair.

Clause 143 Amendment made. (Ms *Lovell*)

Page 157, subclause (4).

Leave out “Commissioner”.

Insert instead “Commission”.

Clause as amended agreed to.

Clause 144 agreed to.

Postponed Clause 4 as read further considered.

Amendments made. (Ms *Lovell*)

First amendment

Page 11, definition of *approved*.

Leave out “Commissioner”.

Insert instead “Commission”.

Second amendment

Page 11, definition of *approved voluntary assisted dying training*.

Leave out “Commissioner”.

Insert instead “Commission”.

Third amendment

Page 12, definition of *Commissioner*.

Leave out the definition.

Insert instead the following definition.

"Commission" means the Voluntary Assisted Dying Commission established by section B(1);

Fourth amendment

Page 12, after the definition of *decision-making capacity*.

Insert the following definition:

"Deputy Executive Commissioner" means the Deputy Executive Commissioner appointed under section B(2)(b);

Further Amendment made. (Mr *Valentine*)

Fifth amendment

Page 12, definition of *driver licence*.

Leave out “another person”.

Insert instead “a person”.

Clause 4 as amended further considered.

Further Amendment made. (Ms *Lovell*)

Sixth amendment

Page 12, after the definition of *eligible to access voluntary assisted dying*.

Insert the following definition:

"Executive Commissioner" means the person appointed to be the Executive Commissioner under section B(2)(a) and includes the Deputy Executive Commissioner, when acting as the Executive Commissioner;

Seventh amendment

Page 13, after the definition of *first request*.

Insert the following definition:

"health service" has the same meaning as in the *Tasmanian Health Services Act 2018*;

Ms *Ratray* in the Chair.

Clause 4 as amended further considered.

Further amendment proposed. (Ms *Forrest*)

Page 13, definition of *medical practitioner*.

Leave out the definition.

Insert instead the following definition:

"medical practitioner" means a person –

- (a) who is registered under the Health Practitioner Regulation National Law (Tasmania) in the medical profession (other than a student); and
- (b) who is registered under that Law for clinical practice in that profession –
 - (i) without conditions; or
 - (ii) on conditions that the Commissioner has determined under subsection (2) to not be material conditions.

The proposed Amendment was, by leave, withdrawn. (Ms *Forrest*)

Clause 4 as amended further considered.

Further amendment made. (Ms *Lovell*)

Eighth amendment

Page 13, after the definition of *medical practitioner*.

Insert the following definition:

"member of the Commission" means a person appointed to the Commission under section B, including the Executive Commissioner and the Deputy Executive Commissioner;

Clause 4 as amended further considered.

Further Amendment made (Ms *Forrest*)

Ninth amendment

Page 13, after definition of *member of the family*.

Insert the following definition:

"nurse practitioner" means a person who is registered under the Health Practitioner Regulation National Law (Tasmania) in the nursing profession and who is

endorsed by the Nursing and Midwifery Board of Australia to practise as a nurse practitioner;

Clause 4 as amended further considered.

Further amendments made. (Ms Lovell)

Tenth amendment

Page 14, after the definition of *private self-administration request*.

Insert the following definition:

"professional care service" means any of the following services provided to another person under a contract of employment or contract for services:

- (a) assistance or support, including the following:
 - (i) assistance with bathing, showering, personal hygiene, toileting, dressing, undressing or preparing or eating meals;
 - (ii) assistance for persons with mobility problems;
 - (iii) assistance for persons who are mobile but required some form of assistance or supervision;
 - (iv) assistance or supervision in administering medicine;
 - (v) the provision of substantial emotional support;
- (b) a specialist disability service, within the meaning of the *Disability Services Act 2011*;

Eleventh amendment

Page 16, definition of *VAD substance*.

Leave out "Commissioner".

Insert instead "Commission".

Twelfth amendment

Page 18, definition of *voluntary assisted dying process*, paragraph (m).

Leave out "Commissioner".

Insert instead "Commission".

Thirteenth amendment

Page 18, definition of *voluntary assisted dying process*, paragraph (n).

Leave out "Commissioner".

Insert instead "Commission".

Clause as amended agreed to.

Postponed Clause 5 as amended further considered.

Further Amendment made. (Ms Forrest)

Second amendment

Page 20, after subclause (2).

Insert the following subclauses:

- (3) The Commission, on the application of a person, may determine that the person is exempted from the requirement of paragraph (c) of the definition of *relevant medical condition*.
- (4) The Commission may only determine that a person is exempted from the requirement of paragraph (c) of the definition of *relevant medical condition* if the Commission is satisfied that the prognosis of the person's relevant medical condition is such that the paragraph should not apply in relation to the person.
- (5) The Commission may, so as to assist the Commission to decide whether or not to make a determination under subsection (2) in relation to the person –
 - (a) 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; and
 - (b) request a medical practitioner to provide to the Commission medical records, in the possession of the medical practitioner, in relation to the person.

Clause 5 as amended agreed to.

New Clause A [Objectives and principles] brought up (Mr *Gaffney*) and read the First time as follows:—

A. Objectives and principles

- (1) The objectives of this Act are –
 - (a) to provide, to persons who are eligible to access voluntary assisted dying, an efficient and effective process to enable them to exercise their choice to reduce their suffering by ending their lives legally; and
 - (b) to ensure that the process provided for the exercise of that choice protects and prevents persons from having their lives ended unwittingly or unwillingly; and
 - (c) to provide legal protection for registered health practitioners who choose to assist, or who choose not to assist, such persons to exercise their choice to end their lives in accordance with that process.
- (2) A person exercising a power or performing a function under this Act must have regard to the following principles:
 - (a) every human life has equal value;
 - (b) a person's autonomy, including autonomy in respect of end of life choices, should be respected;
 - (c) a person has the right to be supported in making informed decisions about the person's medical treatment, and should be given, in a manner the person understands, information about medical treatment options, including comfort and palliative care and treatment;
 - (d) a person approaching the end of life should be provided with high quality care and treatment, including palliative care

- and treatment, to minimise the person's suffering and maximise the person's quality of life;
- (e) a therapeutic relationship between a person and the person's registered health practitioner should, wherever possible, be supported and maintained;
 - (f) a person should be encouraged to openly discuss death and dying, and the person's preferences and values regarding their care, treatment and end of life should be encouraged and promoted;
 - (g) a person should be supported in conversations with the person's registered health practitioner, family and carers and community about treatment and care preferences;
 - (h) a person is entitled to genuine choices about the person's care, treatment and end of life, irrespective of where the person lives in Tasmania and having regard to the person's culture and language;
 - (i) a person who is a regional resident is entitled to the same level of access to voluntary assisted dying as a person who lives in a metropolitan region;
 - (j) there is a need to protect persons who may be subject to abuse or coercion;
 - (k) all persons, including registered health practitioners, have the right to be shown respect for their culture, religion, beliefs, values and personal characteristics.

Read the Second time and made part of the Bill (to follow Clause 2).

New Clause B [Certain persons not to initiate discussions about voluntary assisted dying]
brought up (Ms Lovell) and read the First time as follows:—

Certain persons not to initiate discussions about voluntary assisted dying

- (3) In this section –
 - "health care worker" means –
 - (a) a registered health practitioner; and
 - (b) any other person who provides a health service or a professional care service.
- (4) A health care worker who provides health services or professional care services to a person must not, in the course of providing the services to the person –
 - (a) initiate discussion with the person that is in substance about the voluntary assisted dying process; or
 - (b) in substance, suggest to the person that the person may wish to participate in the voluntary assisted dying process.
- (5) Nothing in subsection (2) prevents a medical practitioner from taking an action referred to in subsection (2) if, at the time of taking the action, the medical practitioner also informs the person about –
 - (a) the treatment options available to the person and the likely outcomes of that treatment; and
 - (b) the palliative care and treatment options available to the person and the likely outcomes of that care and treatment.

- (6) Nothing in subsection (2) prevents a person from providing to a person, at the person's request, information about the voluntary assisted dying process.
- (7) A contravention of subsection (2) by a registered health practitioner is unprofessional conduct for the purposes of the Health Practitioner Regulation National Law (Tasmania).

Question put, That new Clause B be now read the Second time

Committee divided.

AYES 10

Ms Armitage
Mr Dean
Ms Forrest
Mrs Hiscutt
Ms Howlett (Teller)
Ms Lovell
Ms Palmer
Dr Seidel
Ms Siejka
Mr Willie

NOES 4

Mr Gaffney (Teller)
Ms Rattray
Mr Valentine
Ms Webb

It was resolved in the Affirmative.

New Clause B was read the Second Time.

Amendment made (*Mr Gaffney*)

Page 39 of the proposed amendments, proposed subclause (5), after "health practitioner is".

Insert "capable of constituting".

New Clause B as amended made part of the Bill (to follow Clause 15 in Part 4).

And the Council having continued to sit after 12.00 o'clock midnight.

WEDNESDAY, 28 OCTOBER 2020

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 that she was directed to move that the Committee may have leave to sit again.

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

13 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 Wednesday, 28 October 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 12.08 o'clock a.m.

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