

# LEGISLATIVE ASSEMBLY

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## NOTICES AND ORDERS OF THE DAY

No. 114

TUESDAY, 31 OCTOBER 2006, 2.00 p.m.

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Prayers *	
Petitions	
Papers	
Giving Notices of Motion	
Brief Ministerial Statements *	
Questions Without Notice *	- approximately 2.00 p.m. each day
Matter of Public Interest	- one per week on any day
Private Members' Business	- 4.00 p.m. to 7.00 p.m. Wednesdays
Grievances	- approximately 9.00 a.m. Thursdays
Private Members' Statements	- 12.50 p.m. Thursdays

*\*Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

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*Memorandum: An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au).*

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### BILL - NOTICES OF MOTION

**1. Owner-Drivers (Contracts and Disputes) Bill 2006** (Notice given - 26/10/06)

The Minister for Planning and Infrastructure: To move -

That a Bill for "An Act —

- to promote a safe and sustainable road freight transport industry by regulating the relationship between persons who enter into contracts to transport goods in heavy vehicles and persons who hire them to do so; and
- to establish the Road Freight Transport Industry Tribunal and the Road Freight Transport Industry Council,

and for related purposes." be introduced and read a first time.

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## GOVERNMENT BUSINESS - NOTICES OF MOTION

### 1. **Daylight Saving Bill (No.2) 2006** (Notice given - 26/10/06)

The Leader of the House: To move -

That so much of the Standing Orders be suspended as is necessary to allow the *Daylight Saving Bill (No.2) 2006* to –

- (a) be dealt with when Government Business has precedence;
- (b) proceed through the second reading debate at any time after the second reading has been moved; and
- (c) proceed through all stages without delay between the stages.

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## GOVERNMENT BUSINESS - ORDERS OF THE DAY

### 1. **Curriculum Council (Fees and Charges) Bill 2006** (Minister representing the Minister for Education and Training) (No. 169, 2r. - 18/10/06)

Second reading. Adjourned debate (Dr G.G. Jacobs).

### 2. **\*Criminal Law and Evidence Amendment Bill 2006** (Attorney General) (No. 145, 2r. - 22/6/06)

Second reading. Adjourned debate (Leader of the House).

### 3. **Fish Resources Management Amendment Bill 2006** (Minister representing the Minister for Fisheries) (No. 148, 2r. - 21/6/06)

Second reading. Adjourned debate (Mr J.E. McGrath).

### 4. **\*Biosecurity and Agriculture Management Bill 2006** (Parliamentary Secretary to the Minister for Agriculture and Food) (No. 118, 2r. - 31/8/06)

Further consideration in detail - Clause 51.

### 5. **Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006** (Parliamentary Secretary to the Minister for Agriculture and Food) (No. 117, 2r. - 31/8/06)

Consideration in detail.

### 6. **Biosecurity and Agriculture Management Rates and Charges Bill 2006** (Parliamentary Secretary to the Minister for Agriculture and Food) (No. 119, 2r. - 31/8/06)

Consideration in Detail.

### 7. **Fines Legislation Amendment Bill 2006** (Attorney General) (No. 161, 2r. - 13/9/06)

Second reading. Adjourned debate (Mr T.R. Sprigg).

### 8. **Premier's Statement**

Adjourned debate (Mr J.R. Quigley - continuation of remarks) on the motion, That the statement be noted.

### 9. **\*Acts Amendment (Advance Health Care Planning) Bill 2006** (Minister for Health) (No. 149, 2r. - 21/6/06)

Further consideration in detail - Clause 11, as amended, on the amendment moved by Mr M.P. Whitely.

### 10. **Road Traffic Amendment (Drugs) Bill 2006** (Minister for Community Safety) (No. 171, 2r. - 18/10/06)

Second reading. Adjourned debate (Dr G.G. Jacobs).

- 11. Racing and Wagering Western Australia Tax Amendment Bill 2006** (Minister for Racing and Gaming) (No. 168, 2r. - 18/10/06)

Second reading. Adjourned debate (Dr G.G. Jacobs).

- 12. Racing and Wagering Legislation Amendment Bill 2006** (Minister for Racing and Gaming) (No. 167, 2r. - 18/10/06)

Second reading. Adjourned debate (Dr G.G. Jacobs).

- 13. \*Criminal and Found Property Disposal Bill 2005** (Attorney General) (No. 114, 2r. - 23/11/05)

Consideration in detail of Legislative Council message No. 117.

- 14. Stamp Amendment Bill 2006** (Treasurer) (No. 172, 2r. - 25/10/06)

Second reading. Adjourned debate (Mr T.R. Sprigg).

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### PRIVATE MEMBERS' BUSINESS - NOTICES OF MOTION

- 1. Perimeter Road, Margaret River and Bridgetown Bypass** (Notice given - 8/3/06, renewed 29/6/06)

Mr P.D. Omodei: To move -

That this House calls on the Government to give priority to the immediate construction of the Perimeter Road in Margaret River and the Bridgetown Bypass.

- 2. Manjimup Police Station** (Notice given - 8/3/06, renewed 29/6/06)

Mr P.D. Omodei: To move -

That this House calls on the Government to -

- (a) place the Manjimup Police Station on the 'urgent construction program' or implement a Private/Public Partnership;
- (b) bring forward the redevelopment of the Margaret River Police Station; and
- (c) bring forward the redevelopment of the Bridgetown Police Station.

- 3. Improved Access to the Parliamentary Process** (Notice given - 31/5/06, renewed 19/10/06)

Mr A.J. Simpson: To move -

That in an effort to improve access to the Parliamentary process, especially for people in regional Western Australia who will soon have much less direct access to their local Member of Parliament as a result of Labor's One Vote One Value Legislation, the Legislative Assembly requires the Procedure and Privileges Committee to -

- (a) investigate the feasibility of using electronic devices or systems (including but not limited to Short Message Services (SMS), email and telephone recordings) as acceptable forms of presenting petitions to the Western Australian Legislative Assembly;
- (b) review the use of E-Petitions by other Parliaments both within Australia and overseas;
- (c) make recommendation for changes to the procedures and the Standing Orders of the Legislative Assembly; and
- (d) report to the Legislative Assembly on or before 1 November 2006.

**4. Support to Build Educational Campuses in Kununurra and the Kimberley** (Notice given - 28/6/06)

Mr G.A. Woodhams: To move -

That this House supports –

- (a) the building of a campus of the WA College of Agriculture at Kununurra; and
- (b) the creation and development of a Christian Aboriginal Parent directed school in the Kimberley.

**5. The Auditor-General's Funding Requests** (Notice given - 28/6/06)

Mr M.W. Trenorden: To move -

That this House –

- (a) recognises the value of the work of the Auditor-General, despite Cabinet's refusal to provide increased funding in 2006-2007 (for early reporting and labour market factors) and therefore putting the accounting process at risk;
- (b) calls on the State Government to table the Auditor-General's funding requests for the last three years; and
- (c) refers this matter to the Public Accounts Committee and requests that the Committee interview the Auditor-General's office as to the requirements of these unfunded submissions.

**6. Sunset Site Class A Reserve No. 1667** (Notice given - 15/8/06)

Ms S.E. Walker: To move -

That the Government moves immediately to amend the *Botanic Gardens and Parks Authority Act 1998* to ensure that the Authority takes immediate control of the Sunset Site Class A Reserve No. 1667 to prevent its further deterioration and waste of taxpayers' funds and restore it to the recreational amenity envisioned by the State's first Premier, Sir John Forrest.

**7. Regional Investment Fund** (Notice given - 22/8/06)

Mr B.J. Grylls: To move -

That this House calls on the Labor Government to establish a Regional Infrastructure Fund with the equivalent of 25 percent of all mining and petroleum royalties paid to the State Government quarantined in the Fund for expenditure on regional infrastructure projects, and in particular, to acknowledge –

- (a) regional Western Australia is largely recognised as the engine room of the State's economy. Combined, the State's resources, fishing and agricultural industries currently produce over \$45 billion of product, account for over 90 percent of all State exports and almost 25 percent of Gross State Product;
- (b) if the State wishes to enjoy continued economic prosperity, we must be prepared to invest more heavily in regional infrastructure;
- (c) that the funds to be quarantined for investment in regional infrastructure should be over and above current capital and recurrent expenditure in regional Western Australia;
- (d) the funds would be held in an accumulating investment fund, but not exceeding a total unallocated core balance of \$1 billion;
- (e) the quarantining of the equivalent of 25 percent of royalty payments for investment in the regions should not impact on the level of royalty payments negotiated between resource companies and the State,

and calls on the State Government to establish this fund for commencement in the 2007/08 Budget.

**8. Royal Commission into the Department for Community Development** (Notice given - 29/8/06)

Mr P.D. Omodei: To move -

- (1) That a Royal Commission be appointed to inquire into and report on the Department for Community Development from 1 January 2000 in its administration of its empowering legislation in discharging its duty to protect the children of Western Australia from actual or perceived risk to their welfare.
- (2) The Royal Commission is to –
  - (a) examine and report on the –
    - (i) policies;
    - (ii) procedures; and
    - (iii) actions

of the Department or any other persons or relevant agency that have been or should have been formulated and implemented to provide for the protection and welfare of children at risk in Western Australia;
  - (b) inquire into and report on whether there has been any –
    - (i) corrupt;
    - (ii) criminal;
    - (iii) negligent; or
    - (iv) improper conduct

by any officer of the Department or any other person in the administration of the legislation, policies and/or the procedures of the Department;
  - (c) inquire into and report on the effectiveness of existing legislation, policies and procedures that are intended to provide for the protection of children at actual or perceived risk. This shall include, but not be limited to, inter-department and agency co-operation, and shall include the legislation, policies and procedures of other departments and agencies as considered appropriate; and
  - (d) inquire into and report on whether changes to the laws of the State, the policies and procedures of the Department and any other departments or agencies are desirable to provide for the more effectual protection of children at actual or perceived risk.
- (3) In carrying out the Terms of Reference, the Royal Commission is to do all things and exercise all powers that a Royal Commission may do and exercise under the *Royal Commissions Act 1968*.
- (4) Section 18 of the *Royal Commission Act 1968* shall apply.
- (5) The Royal Commission is to report by 31 December 2007 and make any recommendations it considers appropriate.

**9. South West Yarragadee Aquifer** (Notice given - 29/8/06)

Mr D.T. Redman: To move -

That this House –

- (a) recognises the social and environmental value, and regional use, of the South West Yarragadee aquifer;
- (b) acknowledges the vehement opposition by shire councils and residents in the State's south to the Water Corporation's plan to draw 45 gigalitres for piping to the metropolitan area; and
- (c) calls on the Water Corporation to abandon its plans to draw 45 gigalitres of water to supply Perth's water needs.

**10. Review of the Western Australian Tourism Commission (Tourism WA)** (Notice given - 29/8/06)

Ms K. Hodson-Thomas: To move -

That this House –

- (a) condemns the Minister for Tourism for –
  - (i) failure to recognise the crisis in the WA tourism industry;
  - (ii) neglecting and mismanaging the WA tourism industry;
  - (iii) failure to exercise any direction or leadership of her department; and
  - (iv) the continued underperformance of her department; and
- (b) calls on the Government to establish an independent review of the Western Australian Tourism Commission (Tourism WA) and the governing Act, including –
  - (i) the performance and productivity of Tourism WA;
  - (ii) the situation surrounding the damaging closure of offices across Asia, the extent of the damage, and who, if anyone, was held accountable for this decision;
  - (iii) the true extent of the current tourism slump;
  - (iv) how many tourism operations have gone out of business under the Labor Government;
  - (v) why the major Labor tourism marketing strategy, Pathways Forward: Strategic Plan 2003-2008 has so far been a shocking failure;
  - (vi) accountability of Tourism WA and the ineffectiveness of existing KPI's;
  - (vii) the function of Tourism WA; and
  - (viii) the continued loss of national tourism market share.

**11. Plight of the Sri Lankan Tamil Community** (Notice given - 13/9/06)

Mr T.R. Sprigg: To move -

That this House –

- (a) recognises the plight of the Sri Lankan Tamil community living in the north and east of the country;
- (b) condemns the Sri Lankan Government for the killing of innocent civilians in an attempt to suppress the Tamil ethnic minority; and
- (c) supports the Norwegian Government's peace efforts so that the Tamil people can live with dignity and in peace.

**12. Contamination of Off-site Properties by the South Cardup Landfill Operation** (Notice given - 13/9/06)

Mr A.J. Simpson: To move -

That this House calls on the Government to immediately investigate and report on repeated allegations that the south Cardup landfill operation is contaminating off-site properties.

**13. Launch of the State of the World Population Report** (Notice given - 19/9/06)

Mr J.N. Hyde: To move -

That this House -

- (a) recognises that -
  - (i) a report from the United Nations Population fund (UNFPA) State of the World Population 2006 - A Passage to Hope: Women and International Migration - was released on 6 September 2006; and

- (b) encourages -
  - (i) governments and multilateral institutions to establish, implement and enforce policies and measures that will protect migrant women from exploitation and abuse; and
  - (ii) all efforts that help reduce poverty, bring about gender equality and enhance development, thereby reducing the 'push' factors that compel many migrants, particularly women, to leave their own countries, and at the same time helping achieve a more orderly migration program.

## **PRIVATE MEMBERS' BUSINESS - ORDERS OF THE DAY**

### **1. Staffing and Funding Levels in Public Hospitals** (Moved - 19/10/05)

Adjourned debate (Dr J.M. Woollard - continuation of remarks) on the motion moved by Dr K.D. Hames -

That this House calls on the Government to give urgent consideration to the crisis in staffing and funding levels in public hospitals across the State which is having a severe impact on the quality of patient care being provided.

### **2. Law and Order Issues** (Moved - 23/11/05)

Adjourned debate (Minister for Police and Emergency Services - continuation of remarks) on the motion moved by Ms S.E. Walker -

That this House has lost confidence in the ability of the Gallop Government to properly manage and resource law and order issues in the State of Western Australia.

### **3. Inland Rural Communities Funding** (Moved - 29/3/06)

Adjourned debate (Minister for Planning and Infrastructure - continuation of remarks) on the motion moved by Mr T.K. Waldron -

That the Premier immediately boost State Government funding to inland rural communities experiencing an upsurge in land and housing inquiry and to immediately provide increased funding for -

- (a) the small towns sewerage and infill sewerage;
- (b) regional headworks;
- (c) safety upgrades on dangerous country roads;
- (d) upgrade of community and recreational amenities;
- (e) implementation of inland town desalination projects; and
- (f) rural towns promotional campaigns.

### **4. Electricity Corporations Amendment Bill 2006** (Mr M.W. Trenorden) (No. 132, 2r. - 10/5/06)

Second reading. Adjourned debate (Mr M.P. Whitely).

### **5. Budget Allocation for Infrastructure in Regional Western Australia** (Moved - 31/5/06)

Adjourned debate (Mr G.A. Woodhams - continuation of remarks) on the motion moved by Mr B.J. Grylls -

That this House condemns the Labor Government for its failure to recognise the infrastructure needs of Regional Western Australia in the 2006/07 Budget, given -

- (a) the majority of the State Government's record \$2 billion surplus has been generated courtesy of the booming regional-based resources sector - but there is evidence that the regional economies have not benefited from this activity; and

- (b) the Government has set aside \$1.3 billion (65 per cent) of the \$2 billion budget surplus to pay off the Perth to Mandurah rail project at the expense of much needed investment in Regional Western Australia,

and calls on the State Government to provide a significant funding boost to regional development in this State to fundamentally re-adjust the prospects for long-term sustainable growth in our regions.

**6. \*Road Traffic (Smoking in Motor Vehicles) Amendment Bill 2006** (Dr K.D. Hames) (No. 151, 1r. - 22/6/06)

To be read a second time.

**7. Development of Biofuels Industry in Western Australia** (Moved - 28/6/06)

Adjourned debate (Mr G. Snook - continuation of remarks) on the motion moved by Mr D.T. Redman -

That this House calls on the State Government to –

- (a) register its disappointment with the Federal Government regarding the passage of the Fuel Tax Bill 2006 through Federal Parliament, given the legislation's treatment of biofuels producers in particular;
- (b) acknowledge the need to provide certainty to the Western Australian biofuels industry to encourage its development; and
- (c) consider the introduction of other incentives for local biofuels producers to encourage regional biofuels production in Western Australia.

**8. \*Botanic Gardens and Parks Authority Amendment Bill 2006** (Ms S.E. Walker) (No. 157, 2r. - 23/8/06)

Second reading. Adjourned debate (Deputy Premier).

**9. Review of the Road Safety System** (Moved - 16/8/06)

Adjourned debate (Mr M.J. Cowper - continuation of remarks) on the amendment moved by the Minister for Police and Emergency Services, To delete all words after "House" and substitute the following –

“ acknowledges the public interest in and concern about the road toll. ”.

in the motion moved by Mr J.E. McGrath -

That this House –

- (a) acknowledges the public interest in and concern about the road toll;
- (b) notes that there has been a plethora of suggestions about how road safety concerns might be addressed, including –
- (i) better road design;
- (ii) more use of in-vehicle technologies to improve safety;
- (iii) more and better driver education programmes;
- (iv) severe curfew conditions on young drivers;
- (v) 30km/h speed limits not just on local roads but, to quote the head of the Government's Office of Road Safety, "any road where there was a chance a car could hit a pedestrian";
- (vi) 90km/h speed limits on most of the State's country roads, and a maximum limit on all the State's highways of 100km/h; and
- (vii) generally higher fines and penalties,
- and notes that while some of these ideas have merit, others are impractical and ineffective and represent a level of desperation and lack of new ideas from the existing authorities;



- (c) notes community concerns about the funding arrangements for the Office of Road Safety, and particularly the obvious contradiction that funding from the Office comes from traffic fines and it must therefore emphasise this area in order to sustain its operations, notwithstanding that non-revenue options such as education, road and vehicle design have as much a role to play in the road safety arena as penalty provisions;
- (d) notes that the current road safety strategy for Western Australia, *Arriving Safely: Road Safety Strategy for Western Australia 2003-2007*, has almost run its course and a new strategy is needed;
- (e) calls on the Government to undertake a thorough and comprehensive review of the road safety system, to develop an integrated and evidence-based approach to road safety;
- (f) notes that the Opposition offers its full co-operation in terms of bipartisan involvement in this review and support for any worthwhile initiatives that arise from the review;
- (g) enables membership of the review committee to include the following: a chairperson, being a member of the community with some knowledge of road safety; a member of Government; a member of the Opposition; a representative of the Office of Road Safety; and a fifth member to be decided by the Minister; and
- (h) that the inquiry report to the Minister for Police and Emergency Services by 31 December 2007, and that the Minister present the report to the Legislative Assembly within three months of receiving the report, together with a report on what action, if any, is proposed to be taken by the Government with respect to the recommendations of the inquiry.

**10. Uranium Mining Ban (Moved - 23/8/06)**

Adjourned debate (Mrs J. Hughes - continuation of remarks) on the motion moved by Mr C.J. Barnett -

That this House calls on all Labor Members to support their federal leader, Hon. Kim Beazley MP, in his new approach to uranium mining in which he is quoted –

- (a) “I will seek a change to Labor Party’s platform to replace the no new mines policy with a new approach based on the world’s strongest export safeguards.” (Australian Labor Party Media Statement, 24 July 2006)
- (b) “The real issue is what we do with the uranium we mine, not how many places we mine it.” (*Sydney Morning Herald*, 25 July 2006)
- (c) “Banning new uranium mines would not limit the export of Australian uranium to the world, it would simply favour incumbent producers.” (*Sydney Morning Herald*, 25 July 2006)

**11. \*Children and Community Services (Mandatory Reporting) Amendment Bill 2006 (Mr P.D. Omodei) (No. 162, 1r. - 31/8/06)**

To be read a second time.

**12. Development of Infrastructure to Allow Power Generation Out of Albany (Moved - 13/9/06)**

Adjourned debate (Dr G.G. Jacobs - continuation of remarks) on the motion moved by Dr G.G. Jacobs -

That this Government develop infrastructure to allow power generation out of Albany to ‘power proof’ the Great Southern Region.

**13. State's Witness Protection Program** (Moved - 18/10/06)

Adjourned debate (Ms S.E. Walker - continuation of remarks) on the motion moved by Ms S.E. Walker -

That this House calls on the State government to -

- (a) apologise to the parents of Andrew Petrelis in light of the gross failure to provide him with proper protection under the Western Australia Police Witness Protection Program as outlined in the Len Roberts-Smith, QC Report of June 2000 and the recent Queensland Coroner's Report; and
- (b) provide an explanation to this House on the safety provided to protected witnesses if they go into the State's Witness Protection Program in light of the above reports.

**14. Daylight Saving Bill 2006** (Mr J.B. D'Orazio) (No. 174, 2r. - 25/10/06)

Second reading. Adjourned debate (Mr T.R. Sprigg).

**15. Daylight Saving Bill (No. 2) 2006** (Mr M.J. Birney) (No. 175, 2r. - 25/10/06)

Second reading. Adjourned debate (Treasurer).

**16. Childcare Services in Regional Western Australia** (Moved - 25/10/06)

Adjourned debate (Mr G. Snook - continuation of remarks) on the motion moved by Mr T.K. Waldron -

That this House calls on the State Government to take immediate steps to address the appalling state of childcare services in regional Western Australia, particularly in relation to -

- (a) the shortage of suitable childcare services in regional areas of Western Australia;
- (b) the problems caused by the introduction of unworkable regulations governing the operation of childcare centres in country areas; and
- (c) the need for a more flexible model for childcare arrangements in regional Western Australia, while still providing for the safety and well-being of all children in care.

**AWAITING GOVERNOR'S MESSAGE****1. Scrutiny of Government Publicity Bill 2005** (Mr M.J. Birney) (No. 64, 2r. - 29/6/05)

Second reading.

**2. Police (Compensation for Injured Officers) Amendment Bill 2006** (Mr M.J. Cowper) (No. 159, 2r. - 23/8/06)

Second reading.

**COMMITTEES TO REPORT**

Procedure and Privileges Committee – Review of the <i>Members of Parliament (Financial Interests) Act 1992</i>	–	30 November 2006
Procedure and Privileges Committee – Review of Legislative Assembly's Committee System	–	29 March 2007
Procedure and Privileges Committee – E-Petitions and E-Parliament Feasibility Study	–	28 June 2007

Economics and Industry Standing Committee –  
 Inquiry into the Role of the State Government in  
 Developing and Promoting the Local Information  
 Communications Technology (ICT) Industry

Joint Standing Committee on the Corruption and Crime Commission –  
 Inquiry into the Future Operation of Witness Protection  
 Programmes in Western Australia

Education and Health Standing Committee –  
 Inquiry into Successful Initiatives in Remote Aboriginal  
 Communities

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## GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Minister to Respond</i>	<i>Date Due</i>
Procedure and Privileges Committee – Minor Adjustments to the Standing Orders	Leader of the House	14 December 2006
Public Accounts Committee - Local Government Accountability in Western Australia	Minister for Local Government and Regional Development	28 December 2006
Community Development and Justice Standing Committee – Inquiry into Fire and Emergency Services Legislation in Western Australia	Minister for Police and Emergency Services	19 January 2007
Joint Standing Committee on the Corruption and Crime Commission - Joint Standing Committee on the Corruption and Crime Commission to Continue After Dissolution of Parliament	Attorney General	26 January 2007

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## REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Community Development and Justice Standing Committee	Natural Disaster Relief Assistance	10 May 2007
Community Development and Justice Standing Committee	Prosecution of Assaults and Sexual Offences	30 June 2007

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- \* Denotes amendments appear in the Notices and Amendments section of the Notice Paper.  
 † Denotes time allocated for Bill appears in the Notices and Amendments section of the Notice Paper.  
 ‡ Denotes second reading debate on the Bill was undertaken cognately with a principal Bill, and no further second reading debate will occur.

## NOTICES AND AMENDMENTS

### *Acts Amendment (Advance Health Care Planning) Bill 2006 (No. 149—1)*

Clause 11.

Mr M.P. Whitely has moved,

Page 17, after line 5 - To insert –

“

#### **110UA. Non-disclosure of unregistered advance health directive**

- (1) In this section –  
     “**unregistered advance health directive**” means an advance health directive that is not registered in accordance with Section 110RA.
- (2) Subject to subsection (3), any person who does not disclose the existence of an unregistered advance health directive cannot be charged with any criminal offence resulting from that failure to disclose.
- (3) Subsection (2) does not apply to any health professional within the meaning of the *Civil Liability Act 2002* section 5PA, who is involved in providing treatment or other professional services to the patient.

”.

The Minister for Health: To move -

Page 18, after lines 14 and 15 – To delete "section 110S(3) or (4)." and substitute -

“ section 110S(4). ”.

The Minister for Health: To move -

Page 20, lines 4 to 16 – To delete the lines and substitute -

“

- (a) the patient's spouse or de facto partner if that person –
  - (i) has reached 18 years of age; and
  - (ii) is living with the patient;
- (b) the patient's nearest relative who maintains a close personal relationship with the patient;
- (c) the person who –
  - (i) has reached 18 years of age; and
  - (ii) is the primary provider of care and support (including emotional support) to the patient, but is not remunerated for providing that care and support;
- (d) any other person who -
  - (i) has reached 18 years of age; and
  - (ii) maintains a close personal relationship with the patient.

”.

Ms K. Hodson-Thomas: To move –  
Page 20, line 16 – To delete the line.

The Minister for Health: To move -  
Page 20, lines 17 to 23 – To delete the lines and substitute -  
“

- (4) For subsection (3)(b), the patient’s nearest relative is the first in order of priority of the following relatives of the patient who has reached 18 years of age –
  - (a) the spouse or de facto partner;
  - (b) a child;
  - (c) a parent;
  - (d) a sibling.
- (5) For subsection (3)(b) and (d)(ii), a person maintains a close personal relationship with the patient only if the person –
  - (a) has frequent contact of a personal (as opposed to a business or professional) nature with the patient; and
  - (b) takes a genuine interest in the patient’s welfare.
- (6) For subsection (3)(c)(ii), a person is not remunerated for providing care and support to the patient although the person receives a carer payment or other benefit from the Commonwealth or a State or Territory for providing home care for the patient.

”.

Ms K. Hodson-Thomas: To move –  
Page 22, lines 9 and 10 – To delete the lines and substitute –  
“

“**medical practitioner**” means –

- (a) a person not being a body corporate who is registered under the *Medical Act 1894*; or
- (b) a body corporate which is registered under the *Medical Act 1894*.

”.

Ms K. Hodson-Thomas: To move –  
Page 22, line 26 – To delete “health professional” and substitute –  
“ medical practitioner ”.

Ms K. Hodson-Thomas: To move –  
Page 23, line 1 – To delete “health professional” and substitute –  
“ medical practitioner ”.

Ms K. Hodson-Thomas: To move –  
Page 23, line 6 – To delete “health professional” and substitute –  
“ medical practitioner ”.

The Minister for Health: To move -  
Page 23, after line 8 – To insert –  
“

**110ZIA. Urgent treatment after attempted suicide**

- (1) Subsection (2) applies if –
  - (a) a patient needs urgent treatment; and
  - (b) the patient is unable to make reasonable judgments in respect of the treatment; and
  - (c) the health professional who proposes to provide the treatment reasonably suspects that the patient has attempted to commit suicide and needs the treatment as a consequence.
- (2) The health professional may provide the treatment to the patient despite –
  - (a) that the patient has made an advance health directive containing a treatment decision that is inconsistent with providing the treatment; or
  - (b) that the patient's guardian or enduring guardian or the person responsible for the patient under section 110ZD has made such a treatment decision in relation to the patient.

”.

Ms K. Hodson-Thomas: To move –  
Page 24, line 15 – To delete “**health professional**” and substitute –  
“ **medical practitioner** ”.

Ms K. Hodson-Thomas: To move –  
Page 24, line 23 – To delete “health professional” and substitute –  
“ medical practitioner ”.

Ms K. Hodson-Thomas: To move –  
Page 25, line 5 to page 26, line 23 – To delete the lines and substitute –  
“

- (3) No medical practitioner, hospital, health institution or other institution or service is under a duty, whether by contract or by statutory or other legal requirement, to make a treatment decision or treatment action that they hold a conscientious objection to, provided the absence of the treatment or treatment action is in the best interests of the patient.

”.

Ms K. Hodson-Thomas: To move –  
Page 26, line 24 – To delete “**certain**” and substitute –  
“ **any** ”.

Ms K. Hodson-Thomas: To move –

Page 26, line 25 to page 27, line 7 – To delete the lines and substitute –

“

- (1) If a medical practitioner commences or continues physical pain treatment in relation to a patient in accordance with a treatment decision that is –
  - (a) in an advanced health advisory declaration made by the patient; or
  - (b) made by the patient’s guardian or enduring guardian or the person responsible, for the patient under section 110ZD; and
  - (c) is in the best interests of the patient,

the medical practitioner is taken for all purposes to have done so in accordance with a valid treatment decision, even if a secondary or incidental effect of doing so is to hasten the death of the patient, provided there was no other effective therapy available that would not hasten the patient’s death.

- (2) All treatment decision and treatment action made in an advanced health advisory declaration, by an enduring guardian, a guardian, person responsible, or medical practitioner under this Act can only be valid if it is made in the patient’s best interests.

”.

Clause 13.

Ms K. Hodson-Thomas: To move –

Page 29, lines 1 to 4 – To oppose the clause with a view to inserting –

“

### **Part 3 – Review of the *Guardianship and Administration Act 1990***

13. The Minister administering the *Guardianship and Administration Act 1990* is to carry out a review of the operation and effectiveness of the provisions of the *Guardianship and Administration Act 1990* and the relevant sections of the *Criminal Code* as soon as practicable after the expiration of 3 years from the commencement of this Act.
14. The Minister is to prepare a report based on the review made under section 13 and cause the report to be laid before each House of Parliament within 4 years after the commencement of this Act.

”.

Clause 14.

Ms K. Hodson-Thomas:

Page 29, lines 5 to 14 – To oppose the clause.

Clause 16.

Ms K. Hodson-Thomas: To move –

Page 30, after line 13 – To insert –

“

- (b) by deleting “A person” and substituting –  
“Subject to subsection (3), a person”;

”.

Ms K. Hodson-Thomas: To move –

Page 30, line 18 – To insert before “A person” –

“ Subject to subsection (3), ”.

Ms K. Hodson-Thomas: To move –

Page 30, after line 24 – To insert –

“

- (3) A person is criminally responsible for any decision made on behalf of a patient that is not in the patient’s best interests.

”.

Mr T.G. Stephens: To move –

Page 30, after line 24 – To insert –

“

- (3) A person is criminally responsible for any decision made on behalf of a patient that is not in the patient’s best interests.
- (4) In subsection (3) “**best interests**” has the meaning it has in Section 3 of the *Guardianship and Administrative Tribunal Act 1990*.

”.

Postponed Clause 1.

The Minister for Health has moved,

Page 2, line 3 – To delete “*Advance Health Care Planning*” and insert instead –

“ *Respecting Patients’ Choices* ”.

Mr P.W. Andrews has moved, as an alternative for the Minister’s proposed insertion, “*Respecting Patients’ Choices*”, the following –

“ *Patients’ Advance Choice of Medical Treatment* ”.

Dr G.G. Jacobs has moved, as an alternative for the Minister’s proposed insertion, “*Respecting Patients’ Choices*”, the following –

“ *Guidelines for Patients’ Decision Making in End of Life Care* ”.

Ms K. Hodson-Thomas moved, as an alternative for the Minister’s proposed insertion, “*Respecting Patients’ Choices*”, the following –

“ *Consent to Medical Treatment and Palliative Care* ”.



Upon reconsideration in detail of Clause 5.

Ms J.A. Radisich: To move –

Page 4, after line 21 – To insert –

“

“**medical practitioner**” means a legally qualified medical practitioner duly registered under the *Medical Act 1894*;

”.

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***Biosecurity and Agriculture Management Bill 2006 (No. 118—1)***

Clause 65.

The Parliamentary Secretary to the Minister for Agriculture and Food: To move –

Page 52, line 16 – To insert after “a place” –

“ , including a dwelling, ”.

Clause 95.

The Parliamentary Secretary to the Minister for Agriculture and Food: To move –

Page 74, lines 18 to 21 – To delete the lines.

Mr G. Snook: To move –

Page 74, lines 18 to 21 – To delete the lines and substitute –

“

- (5) The land shall not be transferred by the Registrar of Titles before the charge amount is paid and the memorial of the charge under section 101(3) has been lifted by the Director General.

”.

Clause 97.

The Parliamentary Secretary to the Minister for Agriculture and Food: To move –

Page 75, lines 11 to 15 – To delete the lines and substitute –

“

- (1) A memorial lodged under section 95(2) —
- (a) is to provide that, after it is registered, the Registrar of Titles is not to register any instrument to transfer the land; and
- (b) may provide that, after it is registered, the Registrar of Titles is not to register any other dealing with the land,
- without the consent of the Director General, unless the Director General has lodged a notice of release from the charge and the notice has been registered.

”.

Mr G. Snook: To move –

Page 75, line 11 – To delete “may” and substitute –

“ shall ”.

The Parliamentary Secretary to the Minister for Agriculture and Food: To move –

Page 75, line 23 – To delete “If a memorial of a charge prohibits dealing with land then,”.

Clause 101.

Mr G. Snook: To move –

Page 77, after line 21 – To insert –

“

- (4) When a memorial or notice is lodged under this Act, the Registrar of Titles must register it in the Shared Land Information Platform System under the control of the Department of Land Information.

”.

Clause 131.

Mr G. Snook: To move –

Page 94, after line 13 – To insert –

“

- (2) The Minister must receive the consent of the Biosecurity Council before the imposition of any rate.

”.

Clause 138.

Mr G. Snook: To move –

Page 98, lines 24 to 26 – To delete the lines and substitute –

“

- (a) to carry out measures to control declared pests that are of an exotic description on and in relation to prescribed land where an extreme circumstance of such an outbreak threatens the health and safety of people or the economic security of the agricultural industry;

”.

Clause 145.

The Parliamentary Secretary to the Minister for Agriculture and Food: To move –

Page 102, lines 10 to 19 – To delete the lines and substitute –

“

- (i) the payment of compensation to any person who has suffered loss, or incurred costs or expenses, of a prescribed kind as a result of an animal, agricultural product or other thing being infected or infested with a declared pest specified by the regulations establishing the account or as a result of actions or measures taken under this Act to control that declared pest;

”.

The Parliamentary Secretary to the Minister for Agriculture and Food: To move –

Page 102, lines 21 and 22 – To delete “referred to in subparagraph (i)” and substitute –

“

under this Act because they are infected or infested with a declared pest specified by the regulations establishing the account or as a result of other actions or measures taken under this Act to control that declared pest

”.

The Parliamentary Secretary to the Minister for Agriculture and Food: To move –

Page 103, line 8 – To delete “to (iii) except to an owner” and substitute –

“ or (ii) except to a person ”.

The Parliamentary Secretary to the Minister for Agriculture and Food: To move –

Page 103, line 12 – To delete “to (iii)” and substitute –

“ and (ii) ”.

The Parliamentary Secretary to the Minister for Agriculture and Food: To move –

Page 103, line 15 – To delete “(1) (a)(iv)” and substitute –

“ (1)(a)(iii) ”.

Clause 185.

Mr G. Snook: To move –

Page 127, after line 16 – To insert –

“

- (9) The Director General shall ensure that memorials and notices affecting land under the Act are registered on the Shared Land Information Platform System in accordance with section 101(4).

”.

Clause 192.

The Parliamentary Secretary to the Minister for Agriculture and Food: To move –

Page 131, line 23 — To delete “bodies and other” and substitute —  
“ community and producer organisations and other bodies and ”.

Mr G. Snook: To move –

Page 131, line 23 – To insert after “bodies” –  
“ , producer organisations ”.

---

***Botanic Gardens and Parks Amendment Bill 2006 (No. 157—1)***

Clause 4.

Ms S.E. Walker: To move –

Page 2, line 16 – To delete “1720” and substitute –  
“ 1667 ”.

---

***Children and Community Services (Mandatory Reporting) Amendment Bill 2006 (No. 162—1)***

Clause 4.

Mr P.D. Omodei: To move –

Page 4, line 31 – To insert after the word “suspicion” the following –  
“ to ”.

Mr P.D. Omodei: To move –

Page 5, line 2 – To delete the word “Officer” where it occurs a second time.

Mr P.D. Omodei: To move –

Page 8, line 12 – To delete “30(B)(2)” and substitute -  
“ 30B(2) ”.

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***Criminal and Found Property Disposal Bill 2005 (No. 114—2)***

Message No. 117.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Criminal and Found Property Disposal Bill 2005* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

*Schedule indicating the amendments made by the Legislative Council in the Criminal and Found Property Disposal Bill 2005*

**No. 1**

Clause 9, page 8, lines 13 and 14 — To delete “one month has” and insert instead —

“ 2 months have ”.

**No. 2**

Clause 10, page 8, line 21 — To delete “\$5 000” and insert instead —

“ \$12 000 and imprisonment for 12 months ”.

**No. 3**

Clause 14, page 12, lines 2 to 8 — To delete the clause and insert instead —

“

**14. Receipt of property**

A person who gives possession of any found property to a prescribed agency must be given a receipt for the property from the chief officer of the agency if and as soon as is reasonably practicable.

”.

**No. 4**

Clause 18, page 15, line 25 — To delete “must” the second time it appears and insert instead —

“ may ”.

**No. 5**

Clause 19, page 17, line 27 — To delete “must” the second time it appears and insert instead —

“ may ”.

**No. 6**

New Clause 30, page 26, after line 1 — To insert —

“

**30. Court’s powers as to property in possession of prescribed agency**

- (1) The chief officer of a prescribed agency who is in possession of any property by virtue of section 5 may at any time apply to the appropriate court for an order under this section in relation to the property.
- (2) An application made under subsection (1) may be in respect of more than one item of property or in respect of items that have no connection with one another or in respect of items that have come into the possession of the chief officer at different times.
- (3) The application must be made in accordance with rules of court.

- (4) On an application made under this section, the court may order the applicant to do anything the court considers is necessary or convenient for the purposes of deciding whether to make an order under subsection (5) or what order to make under subsection (5), including but not limited to ordering the applicant to do any or all of the following —
- (a) to serve a copy of the application on a person specified by the court, being a person who has or may have an interest in the property;
  - (b) to give public notice of the application or any aspect of it;
  - (c) to make inquiries in respect of the property, as specified by the court;
  - (d) to provide the court with information about the property, as specified by the court;
  - (e) to make a separate application under this section in respect of one or more items of property specified by the court.
- (5) On an application made under this section, the court may make any order that is just in the circumstances including but not limited to —
- (a) an order as to any matter related to the continued possession and preservation of the property by the applicant including but not limited to an order as to where and how the property is to be stored;
  - (b) an order that the property be forfeited to the State;
  - (c) an order as to the disposal of the property including but not limited to an order as to the sale, holding expenses or net proceeds of a sale of the property;
  - (d) an order that the property be destroyed;
  - (e) an order that the property be treated or altered or damaged in a way specified by the court.
- (6) On an application made under this section in respect of more than one item of property, the court may make different orders in respect of different items.

”.

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***Criminal Law and Evidence Amendment Bill 2006 (No. 145—1)***

Clause 27.

The Attorney General: To move —

Page 16, lines 6 and 7 – To delete “any evidence has been adduced in a trial, the court must not continue” and substitute —

“ the day on which the accused’s trial is listed to start, the court must not start ”.

Clause 36.

The Attorney General: To move —

Page 20, lines 7 and 8 – To delete “any evidence is adduced in the accused’s trial.” and substitute —

“ the day on which the accused’s trial is listed to start. ”.

The Attorney General: To move –

Page 20, lines 9 and 10 – To delete “after any evidence is adduced in the accused’s trial,” and substitute –

“ on or after the day on which the accused’s trial is listed to start, ”.

New clause 37.

The Attorney General: To move –

Page 20, after line 11 – To insert –

“

**37. Section 31 amended**

Section 31(2) is repealed.

”.

New clause 40.

The Attorney General: To move –

Page 21, after line 10 – To insert –

“

**40. Section 41 amended**

Section 41(4) is repealed and the following subsection is inserted instead —

“

- (4) The appeal court deciding an appeal that does or may require it to impose a sentence, or to vary a sentence imposed, on a person for an offence (whether the appeal was commenced by the person or by the prosecutor) —
  - (a) may take into account any matter relevant to the sentence that has occurred between when the lower court dealt with the person and when the appeal is heard; but
  - (b) despite paragraph (a), must not take into account the fact that the court’s decision may mean that the person is again sentenced for the offence.

”.

”.

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***Road Traffic (Smoking in Motor Vehicles) Amendment Bill 2006 (No. 151—1)***

Clause 3.

Dr K.D. Hames: To move –

Page 3, line 3 –To delete “1994” and substitute –

“ 1974 ”.

Long title.

Dr K.D. Hames: To move –

Page 1, line 7 – To delete “**1994**” and substitute –

“ **1974** ”.

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**PETER J. MCHUGH**

Clerk of the Legislative Assembly