

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

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### VOTES AND PROCEEDINGS

No. 103

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

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TUESDAY, 19 SEPTEMBER 2006

#### 1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

**Brief Ministerial Statements** The following Brief Ministerial Statements were made by -

The Deputy Premier on the Federal Court decision recognising that, except for extinguishment, native title exists in the Perth Metropolitan Area, and that native title is held by the Noongar Society.

The Minister for Consumer Protection on the draft Co-operatives Bill 2006.

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#### *Papers*

The following papers were presented and ordered to lie upon the Table of the House -

By the Minister for Consumer Protection -

Co-operatives Bill 2006 - Draft Bill tabled for public comment (1856).

Co-operatives Bill 2006 - Explanatory Memorandum (1857).

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The Minister for Science and Innovation on the conversion of a commercial tanker into a naval oiler, the HMAS Sirius, by contractor Tenix Defence at the Australian Marine Complex.

The Minister for Resources and Assisting the Minister for State Development on the continued growth of the Western Australian resource sector and the granting of 16 new petroleum exploration permits to sustain this growth.

The Minister Assisting the Minister for Planning and Infrastructure on the widening of the corridor for the Dampier to Bunbury Natural Gas Pipeline.

The Minister for Community Development on the advisory committee which will assist in reviewing the Department for Community Development.

The Minister for Science and Innovation on the Science Teachers Association of Western Australia's annual talent search awards won by Ryan Walker, Arie Wilsher and Anatol Pitt.

### 3. Questions

Questions without notice were taken.

Question on notice No. 1494 was asked.

Questions on notice Nos 1291 to 1293, 1316, 1321, 1344, 1353, 1363, 1408, 1416, 1432, 1445, 1451, 1462 and 1465 were answered.

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Paper tabled by the Minister for the Environment -

Question on Notice No. 1291 - Tour Operator Licences Batch ML 02/06 - Wildlife Interaction Tours from Monkey Mia in Shark Bay Marine Park (1853).

Papers tabled by Minister for Tourism -

Question on Notice No. 1292 - Table 1 - Expenditure by Visitors to Western Australia and Australia 1999-2005 (\$millions), and Table 2 - International Visitors and the Market Share to Each State and Territory and Australia (1999-2005) (1854).

Question on Notice No. 1293 - Average Visitors Per Annum 2000 to 2005 (1855).

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### 4. Additional Information under Standing Order No. 82A

In accordance with Standing Order No. 82A, the Treasurer provided additional information relating to a Question without Notice No. 1350 from Ms K. Hodson-Thomas.

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*Paper*

The following paper was presented and ordered to lie upon the Table of the House -

By the Treasurer -

Question on Notice No. 1350 - Employment Within the Public Sector (1858).

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### 5. Papers

The following papers were presented and ordered to lie upon the Table of the House -

By the Clerk -

Armadale Redevelopment Act 2001 - Ministerial approval in accordance with section 17(4) of the Act, to enter into agreement with J.J. McDonald and Sons Engineering Pty Ltd to undertake Stage 2 civil works at Champion Lakes Regional Recreation Park with value greater than \$1 million. (1848).

Armadale Redevelopment Act 2001 - Ministerial approval in accordance with section 17(4) of the Act, to enter into agreement with DME Contractors to undertake landscaping and irrigation works at Champion Lakes Regional Recreation Park with value greater than \$1 million. (1849).

Criminal Procedure Act 2004 - Rules (Criminal Procedure Amendment Rules 2006 G.G. 15/09/2006) (1850).

Environmental Protection Authority [EPA] - Annual Report 2005-2006 (1851).

Weapons Act 1999 - Regulations (Weapons Amendment Regulations (No. 2) 2006 G.G. 12/09/2006) (1852).

## **6. Notices of Motion**

### **7. Notice of Motion Lapsed - Removal from Notice Paper**

The Speaker advised that in accordance with Standing Order No. 74, Private Members' Notice of Motion No. 1, notice of which was given on 11 October 2005 and renewed for a further 30 sitting days on 4 May 2006, would be removed and would not appear on the next Notice Paper.

### **8. Matter of Public Interest - South West Yarragadee Water Supply**

The Speaker informed the Assembly that he was in receipt of a notice from Mr D.T. Redman that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr D.T. Redman moved,

That this House calls upon the State Government to abandon its plans to pump 45 gegalitres of water from the South West Yarragadee to boost the Integrated Water Supply Scheme.

Debate ensued.

Mr J.H.D. Day moved, To delete all words after 'State Government to' and substitute –

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ensure that, prior to any water being extracted from the South West Yarragadee aquifer to boost the Integrated Water Supply Scheme,

(a) local water supply needs are met first; and

(b) all necessary environmental assessments are completed and, if appropriate, approvals granted.

”.

Debate ensued.

Amendment put and passed.

On the question, That the motion, as amended, be agreed to,

Question put and passed.

## **9. Electoral Legislation Amendment Bill 2006**

The Order of the Day for the consideration in detail of the bill was read.

### *CONSIDERATION IN DETAIL*

Clauses 1 to 16 agreed to.

Clause 17.

Mr T.R. Buswell moved,

Page 8, line 4 to page 11, line 2 – To delete the lines.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 18 to 21 agreed to.

Clause 22.

Question put.

The Assembly divided.

Ayes (36)

Mr C.J. Barnett	Mr R.C. Kucera	Mr D.T. Redman
Mr T.R. Buswell	Mr F.M. Logan	Mr E.S. Ripper
Mr G.M. Castrilli	Mr J.A. McGinty	Mrs M.H. Roberts
Dr E. Constable	Mr M. McGowan	Mr G. Snook
Mr M.J. Cowper	Mr J.E. McGrath	Mr T.G. Stephens
Mr J.H.D. Day	Mr A.D. McRae	Mr D.A. Templeman
Dr J.M. Edwards	Mr N.R. Marlborough	Dr S.C. Thomas
Mrs D.J. Guise	Mrs C.A. Martin	Mr T.K. Waldron
Dr K.D. Hames	Mr M.P. Murray	Mr P.B. Watson
Ms K. Hodson-Thomas	Mr A.P. O’Gorman	Mr M.P. Whitely
Dr G.G. Jacobs	Ms M.M. Quirk	Mr G.A. Woodhams
Mr J.C. Kobelke	Ms J.A. Radisich	Mr S.R. Hill ( <i>Teller</i> )

Noes (1)

Dr J.M. Woollard (*Teller*)

Clause thus passed.

Clauses 23 to 56 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Electoral Affairs moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

# **10. Acts Amendment (Advance Health Care Planning) Bill 2006**

The Order of the Day for the further consideration in detail of the bill was read.

## *CONSIDERATION IN DETAIL*

On the Question, that Clause 11, as amended. be agreed to,

The Minister for Health moved –

Page 16, after line 14 – To insert –

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- (4) In determining whether or not subsection (3) applies in relation to a treatment decision that is in an advance health directive made more than 10 years before the time at which the treatment decision would otherwise operate, the matters that must be taken into account include the following –
  - (a) the maker’s age at the time of the directive was made and at the time the treatment decision would otherwise operate;
  - (b) the period that has elapsed between those times;
  - (c) whether the maker reviewed the treatment decision at any time during that period and, if so, the period that has elapsed between the time of the last such review and the time at which the treatment decision would otherwise operate;

- (d) the nature of the condition for which the maker needs treatment, the nature of that treatment and the consequences of providing and not providing that treatment.
- (5) Subsection (4) does not prevent a matter referred to subsection (4)(a) to (d) being taken into account in determining whether or not subsection (3) applies in relation to any other treatment decision if it is relevant to do so.

”.

Ms K. Hodson-Thomas moved, To delete from line 2 of the amendment moved by the Minister for Health

“10 years” in and substitute –

“ 5 years ”.

On the question, That the words be deleted,

Question put and negatived.

On the question, That the words proposed by the Minister for Health to be inserted,

Question put and passed.

Mr M.P. Whitely 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 moved, That the debate be adjourned.

Question put and passed.

## 11. Speaker's Statement - Revised Notice of Motion

The Acting Speaker advised members that as the notice of motion presented by Mr Hyde today contained argument, he would rule that parts 1(b) to (s) of the notice of motion be struck out and the remainder of the notice of motion be put on the Notice Paper for the next day's sitting.

**12. Adjournment**

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly, at 10.07 p.m. until Wednesday, 20 September 2006 at 12.00 p.m.

*Members present during any part of the day's proceedings* - All the members except Mr B.J. Grylls and Ms S.M. McHale.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. FRED RIEBELING**

Speaker of the Legislative Assembly