

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS**No. 8****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT**

TUESDAY, 2 DECEMBER 2008**1. Meeting of Assembly**

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

The Speaker took the Chair.

Prayers were read.

2. Brief Ministerial Statement

The following Brief Ministerial Statement was made by –

The Treasurer on the COAG meeting in Canberra on Friday, 28 November 2008 which focused on progressing key reforms to health, education and Commonwealth-State financial arrangements.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 299 to 318 were asked.

Questions on Notice Nos 48, 51, 79, 82, 86 and 92 were answered.

Paper tabled by the Minister representing the Minister for Mines and Petroleum; Fisheries; Electoral Affairs –

Question on Notice No. 79 – The Minister for Mines and Petroleum, Fisheries; Electoral Affairs ministerial office staffing as at 30 October 2008 (462).

Paper tabled by the Minister representing the Minister for Transport; Disability Services –

Question on Notice No. 82 – The Minister for Transport; Disability Services ministerial office staffing as at 30 October 2008 (463).

Paper tabled by the Minister for Planning; Culture and the Arts –

Question on Notice No. 86 – The Minister for Planning; Culture and the Arts ministerial office staffing as at 30 October 2008 (464).

Paper tabled by the Minister for Agriculture and Food; Forestry; Minister Assisting the Minister for Education –

Question on Notice No. 92 – The Minister for Agriculture and Food; Forestry; Minister Assisting the Minister for Education ministerial office staffing as at 30 October 2008 (465).

4. Petitions

Kemerton Industrial Park Strategy Plan – Mr M.J. Cowper presented a petition from 5,971 persons requesting that the State Government and the Parliament of Western Australia reject the Strategy Plan and engage in full and open community consultation to completely reassess the use of all the land area at Kemerton (P. 24).

Cockburn Central Railway Station Car Parking Facilities – Mr F.M. Logan presented a petition from 313 persons requesting that the Government commit to the construction of adequate parking facilities at Cockburn Central to enable the public the use of a safe and world standard parking facility (P. 25).

Police and Citizens' Youth Club – Mr P. Papalia presented a petition from 42 persons requesting that the Legislative Assembly endorse the continued future of the Rockingham Police and Citizens Youth Club and ensure that sufficient resources and funding are allocated to enable that to occur (P. 26).

Bateman Bus Routes 187 and 794 – Mr C.C. Porter presented a petition from 103 persons requesting that the Bateman bus routes 187 and 794 be reinstated (P. 27).

Royal Perth Hospital – Dr K.D. Hames presented a petition from 2,228 persons requesting that Legislative Assembly oppose the closure of Royal Perth Hospital and to ensure the name Royal Perth Hospital is maintained (P. 28).

SmartRider Card Outlet at Miami Plaza Shopping Centre – Dr K.D. Hames presented a petition from 386 persons requesting that the Legislative Assembly urge the Government to appoint a SmartRider card outlet at the Miami News and Lotto/Falcon Post Office, in the Miami Plaza Shopping Centre (P. 29).

Police and Citizens' Youth Club – Mr A.J. Carpenter presented a petition from 450 persons requesting that the Legislative Assembly endorse the continued future of the Fremantle Police and Citizens Youth Club and ensure that sufficient resources and funding are allocated to enable that to occur (P. 30).

5. Papers

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

By the Clerk –

Australian Standard – AS 4024.1–1996, Safeguarding of Machinery, Part 1: General Principles (451).

Biosecurity Council of Western Australia – Annual Report 2007–2008 (452).

Community Protection (Offender Reporting) Act 2004 – Regulations (Community Protection (Offender Reporting) Amendment Regulations (No. 3) 2008 G.G. 25/11/2008) (453).

Employment Dispute Resolution Act 2008 – Regulations (Employment Dispute Resolution Regulations 2008 G.G. 28/11/2008) (454).

Genetically Modified Crops Free Areas Act 2003 – Orders (Genetically Modified Crops Free Areas Exemption Order (No. 3) 2008 G.G. 28/11/2008) (455).

Local Government Act 1995 – Local Laws (City of Geraldton-Greenough Parking and Parking Facilities Local Law 2008 G.G. 24/11/2008) (456).

Local Government Act 1995 – Local Laws (City of Geraldton-Greenough Removal of Refuse, Rubbish and Disused Materials Local Law 2008 G.G. 24/11/2008) (457).

Medical Practitioners Act 2008 – Regulations (Medical Practitioners Regulations 2008 G.G. 25/11/2008) (458).

Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment Regulations 2008 G.G. 28/11/2008) (459).

Prisons Act 1981 – Regulations (Prisons Amendment Regulations (No. 3) 2008 G.G. 28/11/2008) (460).

Terrorism (Preventative Detention) Act 2006 – Quarterly Report for the Period ended 30 September 2008 (461).

6. Notices of Motion

7. Surrogacy Bill 2008

The Minister for Health, pursuant to notice, moved,

That a bill for “An Act about arrangements for surrogate births and children born under those arrangements and for related purposes, and to make related amendments to —

- the *Births, Deaths and Marriages Registration Act 1998*; and
- the *Children and Community Services Act 2004*; and
- the *Family Court Act 1997*; and
- the *Guardianship and Administration Act 1990*; and
- the *Human Reproductive Technology Act 1991*; and
- the *Interpretation Act 1984*.” be introduced and read a first time.

Question put and passed.

The Minister for Health presented an explanatory memorandum and bill read a first time.

The Minister for Health moved, That the bill be now read a second time.

The Leader of the House moved, That the debate be adjourned until a later stage of the sitting.

Question put and passed.

8. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 5 and 4 be next considered.

9. Training Legislation Amendment and Repeal Bill 2008

The Treasurer, pursuant to notice, moved,

That a bill for “An Act —

- to amend the *Vocational Education and Training Act 1996*; and
 - to repeal the *Industrial Training Act 1975*,
- and, as a consequence, to amend various Acts, and for related purposes.” be introduced and read a first time.

Question put and passed.

The Treasurer presented an explanatory memorandum and bill read a first time.

The Treasurer moved, That the bill be now read a second time.

Debate ensued.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

The Treasurer moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

10. Mineral Sands (Eneabba) Agreement Amendment Bill 2008

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for State Development moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and passed.

11. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

12. Surrogacy Bill 2008

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 and 2 agreed to.

Clause 3.

Dr G.G. Jacobs moved,

Page 2, line 14 – To delete “a person or”.

Amendment put.

The Assembly divided.

Ayes (23)

Mr P. Abetz

Mr F.A. Alban

Mr C.J. Barnett

Mr I.C. Blayney

Mr I.M. Britza

Mr T.R. Buswell

Mr G.M. Castrilli

Mr V.A. Catania

Mr M.J. Cowper

Mr J.M. Francis

Mrs L.M. Harvey

Mr A.P. Jacob

Dr G.G. Jacobs

Mr A. Krsticevic

Mr W.R. Marmion

Mr P.T. Miles

Ms A.R. Mitchell

Dr M.D. Nahan

Ms M.M. Quirk

Mrs M.H. Roberts

Mr T.G. Stephens

Mr M.W. Sutherland

Mr R.F. Johnson (*Teller*)

Noes (33)

Ms L.L. Baker
 Mr J.J.M. Bowler
 Mr A.J. Carpenter
 Dr E. Constable
 Mr R.H. Cook
 Mr J.H.D. Day
 Ms J.M. Freeman
 Mr B.J. Grylls
 Dr K.D. Hames
 Mr J.N. Hyde
 Mr W.J. Johnston

Mr J.C. Kobelke
 Mr F.M. Logan
 Mr J.A. McGinty
 Mr M. McGowan
 Mr J.E. McGrath
 Mrs C.A. Martin
 Mr M.P. Murray
 Mr A.P. O’Gorman
 Mr P. Papalia
 Mr C.C. Porter
 Mr D.T. Redman

Mr E.S. Ripper
 Ms R. Saffioti
 Mr A.J. Simpson
 Mr C.J. Tallentire
 Mr A.J. Waddell
 Mr T.K. Waldron
 Mr P.B. Watson
 Mr M.P. Whitely
 Dr J.M. Woollard
 Mr B.S. Wyatt
 Mr D.A. Templeman (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 4 to 13 agreed to.

Clause 14.

Hon. G.G. Jacobs moved,

Page 6, lines 21 to 26 – To delete the lines and substitute –

“

arranged parents of a child means the persons who, according to the definition of *surrogacy arrangement* in section 3, are the arranged parents;

”.

Amendment put.

The Assembly divided.

Ayes (23)

Mr P. Abetz
 Mr F.A. Alban
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Mr V.A. Catania
 Mr M.J. Cowper

Mr J.M. Francis
 Mrs L.M. Harvey
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr A. Krsticevic
 Ms A.J.G. MacTiernan
 Mr W.R. Marmion
 Mr P.T. Miles

Ms A.R. Mitchell
 Dr M.D. Nahan
 Ms M.M. Quirk
 Mrs M.H. Roberts
 Mr T.G. Stephens
 Mr M.W. Sutherland
 Mr R.F. Johnson (*Teller*)

Noes (34)

Ms L.L. Baker
 Mr C.J. Barnett
 Mr J.J.M. Bowler
 Mr A.J. Carpenter
 Dr E. Constable
 Mr R.H. Cook
 Mr J.H.D. Day
 Ms J.M. Freeman
 Mr B.J. Grylls
 Dr K.D. Hames
 Mr J.N. Hyde
 Mr W.J. Johnston

Mr J.C. Kobelke
 Mr F.M. Logan
 Mr J.A. McGinty
 Mr M. McGowan
 Mr J.E. McGrath
 Mrs C.A. Martin
 Mr M.P. Murray
 Mr A.P. O’Gorman
 Mr P. Papalia
 Mr C.C. Porter
 Mr D.T. Redman
 Mr E.S. Ripper

Ms R. Saffioti
 Mr A.J. Simpson
 Mr C.J. Tallentire
 Mr A.J. Waddell
 Mr T.K. Waldron
 Mr P.B. Watson
 Mr M.P. Whitely
 Dr J.M. Woollard
 Mr B.S. Wyatt
 Mr D.A. Templeman (*Teller*)

Amendment thus negatived.

Hon. G.G. Jacobs moved,
Page 7, after line 9 – To insert –

“

genetic parent of a child means a person from whose egg or sperm the child is conceived.

”.

Amendment put.

The Assembly divided.

Ayes (21)

Mr P. Abetz
Mr F.A. Alban
Mr I.C. Blayney
Mr I.M. Britza
Mr T.R. Buswell
Mr G.M. Castrilli
Mr V.A. Catania

Mr M.J. Cowper
Mr J.M. Francis
Mrs L.M. Harvey
Mr A.P. Jacob
Mr W.J. Johnston
Mr A. Krsticevic
Ms A.J.G. MacTiernan

Mr P.T. Miles
Dr M.D. Nahan
Ms M.M. Quirk
Mrs M.H. Roberts
Mr T.G. Stephens
Mr M.W. Sutherland
Dr G.G. Jacobs (*Teller*)

Noes (36)

Ms L.L. Baker
Mr C.J. Barnett
Mr J.J.M. Bowler
Mr A.J. Carpenter
Dr E. Constable
Mr R.H. Cook
Mr J.H.D. Day
Ms J.M. Freeman
Mr B.J. Grylls
Dr K.D. Hames
Mr J.N. Hyde
Mr R.F. Johnson

Mr J.C. Kobelke
Mr F.M. Logan
Mr J.A. McGinty
Mr M. McGowan
Mr J.E. McGrath
Mr W.R. Marmion
Mrs C.A. Martin
Ms A.R. Mitchell
Mr M.P. Murray
Mr A.P. O’Gorman
Mr P. Papalia
Mr C.C. Porter

Mr D.T. Redman
Mr E.S. Ripper
Ms R. Saffioti
Mr A.J. Simpson
Mr C.J. Tallentire
Mr A.J. Waddell
Mr T.K. Waldron
Mr P.B. Watson
Mr M.P. Whitely
Dr J.M. Woollard
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 15 and 16 agreed to.

Clause 17.

Mr I.M. Britza moved,

Page 8, line 8 – To insert after “ child; ” –

“

and

(iii) is not the child’s genetic parent;

and

(iv) unless the Council is satisfied that there are exceptional circumstances because of which it should dispense with this requirement, is a relative of one of the arranged parents or has been a close acquaintance of one of the arranged parents for more than five years;

”.

Amendment put.

Amendment withdrawn by leave.

Mr W.J. Johnston moved,

Page 8, after line 9 – To insert –

“

- (iii) unless the Council is satisfied that there are exceptional circumstances, is not the genetic parent; or
- (iv) is a relative of one of the arranged parents;

”.

Amendment put and negatived.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

13. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 11.07 p.m. until Wednesday, 3 December 2008 at 12 noon.

Members present during any part of the day's proceedings - All the members were present.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly