

WESTERN AUSTRALIA

**LEGISLATIVE ASSEMBLY**

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**VOTES AND PROCEEDINGS****No. 9****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT**

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**WEDNESDAY, 3 DECEMBER 2008****1. Meeting of Assembly**

The Assembly met at 12 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

**2. Petitions**

Yannarie Solar Salt Project – Mr V.A. Catania presented a petition from 2,130 persons requesting that the Legislative Assembly do all within its powers to ensure that Straits Resources Ltd's proposals for the eastern Exmouth Gulf region are refused Government permissions to proceed (P. 31).

Barking Dogs – Ms M.M. Quirk presented a petition from 144 persons requesting that the Legislative Assembly facilitate and expedite amendments to legislation to give local authorities broader enforcement powers to control persistently barking dogs (P. 32).

Cockburn Central Railway Station Car Parking Facilities – Mr F.M. Logan presented a petition from 310 persons requesting that the Legislative Assembly during the term of this Government, commit to the construction of adequate parking facilities at Cockburn Central to enable the public use of a safe and world standard parking facility (P. 33).

Police and Citizens' Youth Club – Mr P. Papalia presented a petition from 30 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. 34).

**3. Papers**

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

By the Speaker –

Public Sector Standards Commissioner, Office of the [OPSSC] – Parliamentary Series Report Three: Failure to Follow Proper Process (466).

Auditor General, Office of the [OAG] – Second Public Sector Performance Report, Report No. 8, December 2008 (467).

#### 4. Notice of Motion

#### 5. Brief Ministerial Statements

The following Brief Ministerial Statements were made by –

The Minister for Regional Development on an additional \$29.9 million for the Royal Flying Doctor Service.

The Minister for Health on the involvement of a senior Western Australian public health official Dr Tarun Weeramanthri in the national emergency response to the terrorist attacks which took place in Mumbai last week.

The Premier on the Government's plan to remove 9,000 tonnes of lead carbonate stranded at the Esperance Port.

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#### *Papers*

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

By the Premier –

Esperance Port – Ministerial Direction under the *Port Authorities Act 1999* (473).

Esperance Port – Letter to the former Minister for Planning and Infrastructure regarding Nickel Exports through the Port of Esperance (474).

Esperance Port – ODAC Technical Steering Group Workshop on Engineering Options  
Esperance Port Authority Metal Concentrate Infrastructure Upgrade Summary Report (475).

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#### 6. Suspension of Standing Orders – Precedence of Private Members' Business

The Leader of the House, pursuant to notice, moved,

That so much of Standing Orders be suspended as is necessary to enable Private Members' Business to take precedence on Wednesday, 3 December 2008 from 4.00 p.m. to 6.00 p.m.

Debate ensued.

Question put and passed.

#### 7. Speaker's Statement – Dinner Break

The Speaker advised members that a dinner break would be taken this evening between 6.00 pm and 7.00 pm.

#### 8. Parliamentary Superannuation Board Members

The Leader of the House, pursuant to notice, moved,

That the Member for Riverton and the Member for Pilbara be confirmed as members of the Parliamentary Superannuation Board in accordance with section 6(3)(b) of the *Parliamentary Superannuation Act 1970*.

Question put and passed.

#### 9. Fines, Penalties and Infringement Notices Enforcement Amendment (Compensation) Bill 2008

The Attorney General, pursuant to notice, moved,

That a bill for "An Act to amend the *Fines, Penalties and Infringement Notices Enforcement Act 1994*." be introduced and read a first time.

Question put and passed.

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

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

Ms M.M. Quirk moved, That the debate be adjourned.

Question put and passed.

#### **10. Interpretation and Reprints Amendment Bill 2008**

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

The Premier moved, That the bill be now read a secondtime.

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

Question put and passed.

#### **11. Sentencing Legislation (Transitional Provisions) 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.

Debate interrupted by the Chair (Mr J.R. Quigley speaking) and adjourned until a later stage of the sitting.

#### **12. Questions**

Questions without Notice were taken.

Questions on Notice Nos 319 to 360 were asked.

Questions on Notice Nos 80, 85, 100, 103, 105, 108 to 110, 115, 142, 183, 188, 192, 200, 203, 209, 215, 217 and 223 were answered.

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Papers tabled by the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development; Minister Assisting the Minister for Transport –

Question on Notice No. 80 – Minister for Regional Development; Lands; Minister Assisting the Minister for State Development; Minister Assisting the Minister for Transport, Ministerial Office Staffing as at 30 October 2008 (468).

Question on Notice No. 203 – Details of mobile phones and credit cards held by the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development; Minister Assisting the Minister for Transport Ministerial Office Staff (477).

Papers tabled by the Premier; Minister for State Development –

Question on Notice No. 100 – Premier; Minister for State Development Ministerial Office Staffing as at 30 October 2008 (469).

Question on Notice No. 200 – Details of mobile phones and credit cards held by the Premier's Ministerial Office Staff (472).

Paper tabled by the Minister representing the Minister for Energy; Training –

Question on Notice No. 110 – Minister for Energy; Training Ministerial Office Staffing as at 30 October 2008 (470).

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

Question on Notice No. 115 – Minister for Agriculture and Food; Forestry; Minister Assisting the Minister for Education Ministerial Office Staffing as at 30 October 2008 (471).

Question on Notice No. 215 – Details of mobile phones and credit cards held by the Minister for Agriculture and Food; Forestry; Minister Assisting the Minister for Education (479).

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

Question on Notice No. 209 – Details of mobile phones and credit cards held by the Minister for Planning; Culture and the Arts (478).

### **13. Variation to the Order of Business**

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

### **14. Sentencing Legislation (Transitional Provisions) 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.

### *CONSIDERATION IN DETAIL*

Clauses 1 to 3 agreed to.

Clause 4.

*Sitting suspended from 3.49 p.m. to 3.58 p.m.*

Debate interrupted by the Chair (Mr J.A. McGinty speaking) and adjourned until a later stage of the sitting.

### **15. Variation to the Order of Business**

Ordered, That consideration of Private Members' Business Order of the Day No. 2 and Private Members' Business Notice of Motion No. 2 be next considered.

### **16. Weapons (Supply to Minors and Enhanced Police Powers) Amendment Bill 2008**

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

Ms M.M. Quirk moved that the Bill be read a second time.

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

Question put and passed.

### **17. Implementation of Government's Hundred Day Plan**

Mr M. McGowan, pursuant to notice, moved,

That the House condemns the Barnett Government for its failure to implement the election promises contained within its first 100 day plan document.

Debate ensued.

Debate interrupted by the Chair (Mr J.M. Francis speaking) and adjourned until a later stage of the sitting.

### **18. Education and Health Standing Committee – Terms of Reference**

The Speaker advised members that he had received a letter dated 3 December 2008 from Dr J.M. Woollard, MLA, Chairman of the Education and Health Standing Committee, advising that the Committee had determined for itself terms of reference in relation to an inquiry into the Tobacco Products Control Amendment Bill 2008.

The letter read as follows –

“

Dear Mr Speaker,

The Education and Health Standing Committee today resolved to initiate a new Inquiry into the Tobacco Products Control Amendment Bill 2008. The terms of reference for the Inquiry are:

1. To consider the adequacy of the proposed actions in the Bill to protect children and adults from the harmful consequences of passive smoking.
2. To consider the adequacy of the proposed actions in the Bill to protect children and adults from tobacco promotion.
3. The Committee will report to the House by 19 March 2009.

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### **19. Education and Health Standing Committee – Terms of Reference**

The Speaker advised members that he had received a letter dated 3 December 2008 from Dr J.M. Woollard, MLA, Chairman of the Education and Health Standing Committee, advising that the Committee had determined for itself terms of reference in relation to an inquiry into Western Australia’s Current and Future Hospital and Community Health Care Services.

The letter read as follows –

“

Dear Mr Speaker,

The Education and Health Standing Committee today resolved to initiate a new Inquiry. The terms of reference for the Inquiry are that the Education and Health Standing Committee review Western Australia’s current and future hospital and community health care services to determine whether population needs are taken into account when assessing, planning, implementing and evaluating those services, with particular reference to:

- (a) monitoring the compliance with, and any departure from, the Reid Report and the 2005-2015 Health Clinical Services Framework;
- (b) identifying any outstanding needs and gaps in health care services; and
- (c) considering the ramifications of the Royal Perth Hospital Protection Bill 2008.

The Committee will report to the House by 19 November 2009.

”.

### **20. Variation to the Order of Business**

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

### **21. Sentencing Legislation (Transitional Provisions) Amendment Bill 2008**

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

*CONSIDERATION IN DETAIL*

Clause 4.

Mr J.A. McGinty moved,

Page 3, after line 9 – To insert –

“

- (4) A court sentencing an offender to a fixed term can impose a penalty up to the statutory penalty for the offence.

”.

Amendment put.

The Assembly divided.

**Ayes (24)**

Ms L.L. Baker  
Mr A.J. Carpenter  
Mr V.A. Catania  
Mr R.H. Cook  
Ms J.M. Freeman  
Mr W.J. Johnston  
Mr F.M. Logan  
Ms A.J.G. MacTiernan

Mr J.A. McGinty  
Mr M. McGowan  
Mrs C.A. Martin  
Mr M.P. Murray  
Mr P. Papalia  
Mr J.R. Quigley  
Ms M.M. Quirk  
Mr E.S. Ripper

Mrs M.H. Roberts  
Mr T.G. Stephens  
Mr C.J. Tallentire  
Mr A.J. Waddell  
Mr P.B. Watson  
Mr M.P. Whitely  
Mr B.S. Wyatt  
Ms R. Saffioti (*Teller*)

**Noes (29)**

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  
Dr E. Constable  
Mr M.J. Cowper  
Mr J.H.D. Day

Mr J.M. Francis  
Mr B.J. Grylls  
Dr K.D. Hames  
Mrs L.M. Harvey  
Mr A.P. Jacob  
Dr G.G. Jacobs  
Mr R.F. Johnson  
Mr A. Krsticevic  
Mr W.R. Marmion  
Mr P.T. Miles

Ms A.R. Mitchell  
Dr M.D. Nahan  
Mr C.C. Porter  
Mr D.T. Redman  
Mr A.J. Simpson  
Mr M.W. Sutherland  
Mr T.K. Waldron  
Dr J.M. Woollard  
Mr J.E. McGrath (*Teller*)

Amendment thus negatived.

Clause 4 agreed to.

Clause 5 agreed to.

Title agreed to.

Consideration in detail concluded.

The Attorney General moved, That the bill be read a third time.

Bill read a third time and passed.

## **22. Surrogacy Bill 2008**

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

## CONSIDERATION IN DETAIL

Clause 17.

Ms A.J.G. MacTiernan moved,

Page 8, after line 9 – To insert –

“

- (b) unless the Council is satisfied that there are exceptional circumstances because of which it should dispense with this requirement including where it is possible for a commissioning parent to provide genetic material; that one of the arranged parents is contributing genetic material;

and

”.

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*Paper*

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

By the Minister for Health –

Victorian Law Reform Commission – Outcomes for Children Born of Assisted Reproductive Technology in a Diverse Range of Families (476).

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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 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  
Mr M.P. Whitely  
Dr G.G. Jacobs (*Teller*)

Noes (31)

Ms L.L. Baker  
Mr C.J. Barnett  
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 R.F. Johnson  
Mr W.J. Johnston

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 P. Papalia  
Mr C.C. Porter  
Mr D.T. Redman

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

Amendment thus negatived.

Mr A. Krsticevic moved,

Page 9, line 8 – To delete the full stop and substitute –

“

; and

- (f) the surrogacy arrangement provides that the arranged parents shall provide ongoing medical insurance for the birth mother in the event that the pregnancy results or is likely to result in the surrogate mother needing ongoing medical treatment as a consequence of the pregnancy or birth.

”.

Amendment withdrawn by leave.

Clause 17 agreed to.

Clause 18 agreed to.

Clauses 19 to 69 agreed to.

Title agreed to.

Consideration in detail concluded.

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

Debate ensued.

Question put.

The Assembly divided.

#### Ayes (36)

Ms L.L. Baker  
Mr C.J. Barnett  
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 R.F. Johnson  
Mr W.J. Johnston  
Mr J.C. Kobelke

Mr F.M. Logan  
Ms A.J.G. MacTiernan  
Mr J.A. McGinty  
Mr M. McGowan  
Mr J.E. McGrath  
Mr W.R. Marmion  
Mrs C.A. Martin  
Mr P.T. Miles  
Ms A.R. Mitchell  
Mr M.P. Murray  
Mr P. Papalia  
Mr C.C. Porter

Mr D.T. Redman  
Mr E.S. Ripper  
Mr A.J. Simpson  
Mr M.W. Sutherland  
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  
Ms R. Saffioti (*Teller*)

#### Noes (16)

Mr P. Abetz  
Mr F.A. Alban  
Mr I.C. Blayney  
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

Dr M.D. Nahan  
Ms M.M. Quirk  
Mr T.G. Stephens  
Mr I.M. Britza (*Teller*)

Question thus passed.

Bill read a third time and passed.



**23. Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2008**

Message No. 8 dated 3 December 2008 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend the *Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Act 2002*.”

Ordered, That the first reading of the bill be made an Order of the Day for the next sitting of the Assembly.

**24. Message from the Legislative Council**

Message No. 9 dated 3 December from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution —

That this House direct that Ms Mia Davies on becoming the holder of an office or place at the material time shall be disregarded for the purposes of section 38 of the *Constitution Acts Amendment Act 1899* and that the Legislative Assembly be invited to pass a similar resolution.

and now presents the same to the Legislative Assembly for its concurrence.

Ordered, That consideration of Legislative Council Message No. 9 be made an Order of the Day for the next sitting of the Assembly.

**25. Police (Medical and Other Expenses for Former Officers) Bill 2008**

Message No. 10 dated 3 December 2008 from the Legislative Council was reported agreeing to the bill without amendment.

**26. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 10.29 p.m. until Thursday, 4 December at 9.00 a.m.

*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