

WESTERN AUSTRALIA

**LEGISLATIVE ASSEMBLY**

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**VOTES AND PROCEEDINGS****No. 139****FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT**

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**THURSDAY, 10 MAY 2007****1. Meeting of Assembly**

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Deputy Speaker took the Chair.

Prayers were read.

**2. Deputy Speaker's Statement - Budget Day 2007**

The Deputy Speaker reminded members that the Speaker had agreed to a request by the Leader of the House to alter arrangements to enable the budget to be presented at 2.00 p.m. today. Private Members' Statements would be taken at 12.20 p.m. and would be immediately followed by Questions Without Notice at 12.30 p.m.

She also advised that the Speaker had given permission for the media to photograph the Treasurer delivering the budget speech.

**3. Petitions**

Daylight Saving - Dr G.G. Jacobs presented a petition from 450 persons requesting that the Legislative Assembly amend the *Daylight Saving Act 2006* to provide for a referendum within one month of this year's finishing date of 25 March 2007 and not proceed with the following two years' trial unless the proposed referendum result supports its continuation (P. 216).

Type A Crosswalk Guard - Dr J.M. Woollard presented a petition from 1 person requesting that the Police Minister reinstate the Type A Crossing Guard at the corner of Canning Highway and Ardross Street in Applecross (P. 217).

**4. Papers**

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

By the Clerk -

Consumer Credit (Western Australia) Act 1996 - Draft Consumer Credit (Western Australia) Code Amendment Order 2007 (2686).

Land Administration Act 1997 - Proposal No. 14/2006 under section 42(4) of the Act to amend Class 'A' Reserve 9997 in the City of Bunbury by the excision of part of adjoining Lot 33 and the inclusion of part of Lot 33 into adjoining Reserve 9997 by way of exchange, dated 9 May 2007 (2687).

## 5. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Premier on the Government's response to the recommendations in the Procedure and Privileges Committee's Report into the Review of the *Members of Parliament (Financial Interests) Act 1992*.

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### *Paper*

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

By the Premier -

Procedure and Privileges Committee - Government Response to recommendations in the Procedure and Privileges Committee's *Members of Parliament (Financial Interests) Act 1992*, Report No. 5 (2688).

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The Minister for Community Safety on his travel to the Netherlands, United Kingdom and Sweden between 1 and 12 March 2007 to evaluate road safety strategies and programs.

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### *Paper*

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

By the Minister for Community Safety -

Official Travel - Official travel to Amsterdam, London, Stockholm and Gothenburg by the Minister for Community Safety, 1 to 12 March 2007 (2689).

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The Minister for the Environment on progress with the creation of marine parks and reserves in Western Australia since 2001.

The Minister for Consumer Protection on the proclamation of the *Retail Shops and Fair Trading Legislation Amendment Act 2006* on Friday, 11 May 2007.

The Minister for Small Business on the appointment of Ms Patria Jafferries as the new Chairperson for the Small Business Development Corporation.

The Minister for the Environment on the progress towards the phasing out of highly water-soluble phosphorus fertilisers along the Swan Coastal Catchment of Western Australia.

## 6. Notice of Motion after the Time Prescribed

The Leader of the House was granted leave to present a late notice of motion.

## 7. Grievances

The Deputy Speaker called for grievances which were then made.

## **8. Community Development and Justice Standing Committee**

Mr A.P. O’Gorman, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Community Development and Justice Standing Committee - Inquiry into Western Australia’s Natural Disaster Relief Arrangements, Report No. 4, 2007 (2690).

Community Development and Justice Standing Committee - Inquiry into Western Australia’s Natural Disaster Relief Arrangements, Submissions (2691).

Mr A.P. O’Gorman, Ms K. Hodson-Thomas, Mrs J. Hughes and Dr G.G. Jacobs spoke on the report.

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

Ordered, That Bills Notices of Motion Nos 1 and 2 be postponed to a later stage of the sitting.

## **10. Taxi Amendment Bill 2007**

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

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Dr J.M. Woollard had moved,

That the scope of the *Taxi Amendment Bill 2007* be extended to allow amendments to be moved requiring all new taxis to be run on LPG or renewable fuels or to be hybrid vehicles, thereby reducing greenhouse gas emissions.

Debate ensued.

Question put and negatived.

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### *CONSIDERATION IN DETAIL*

Clauses 1 to 11 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Planning and Infrastructure moved,

That the *Taxi Amendment Bill 2007* be reconsidered in detail for the purpose of reconsidering Clause 4.

Question put and passed.

### *RECONSIDERATION IN DETAIL*

Clause 4.

The Minister for Planning and Infrastructure moved,

Page 2, after line 23 - To insert -

“

(2) Section 3(1) is amended in the definition of “taxi plates” by inserting after

“section 18” -

“ or 30I(2)(b) ”.

Debate ensued.

Amendment put and passed.

Clause 4, as amended, agreed to.

Reconsideration in detail concluded.

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

# **11. Local Government (Miscellaneous Provisions) Amendment Bill 2005**

Message No. 150 dated 9 May 2007 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Local Government (Miscellaneous Provisions) Amendment 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 Local Government (Miscellaneous Provisions) Amendment Bill 2005*

## **No. 1**

Clause 7, page 9, line 28 — To delete “a committee; and” and insert instead —  
“ the committee; ”.

## **No. 2**

Clause 7, page 9, after line 28 — To insert —

“

- (e) provide for applications to be made to the State Administrative Tribunal for the review of decisions of the committee; and

”.

Ordered, That consideration in detail of Legislative Council message No. 150 be made an Order of the Day for the next sitting of the Assembly.

# **12. Surrogacy Bill 2007**

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 P. Papalia speaking) and adjourned until a later stage of the sitting.

# **13. Members' Statements**

The Speaker called for members' statements which were then made.

# **14. Questions**

Questions without Notice were taken.

Questions on Notice Nos 2315 to 2318 were asked.

Questions on Notice Nos 1839, 1891, 1923, 1972, 2000, 2022, 2031, 2037, 2040, 2121, 2124, 2142 and 2143 were answered.

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Papers tabled by the Minister for Tourism -

Question on Notice No. 1972 - Direct Spend and ROI Calculations and the visitor estimates from the 2005 ICF Canoe Marathon World Championships and the Executive Summary of the Developing an Icon Event for Western Australia Final Report (2692).

Question on Notice No. 2040 - Department of Planning and Infrastructure - Act of Grace Payments Register - Calender Year 2006 (2693).

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

Ordered, That Bills Notices of Motion Nos 1 and 2 be next considered.

**16. Appropriation (Consolidated Account) Bill (No. 1) 2007**

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to grant supply and to appropriate and apply out of the Consolidated Account certain sums for the recurrent services and purposes of the year ending 30 June 2008.” 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.

*Papers*

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

By the Treasurer -

Budget 2007-2008 - Budget Paper No. 1: Budget Speech, 10 May 2007 (2694).

Budget 2007-2008 - Budget Paper No. 2: Budget Statements, Volume 1 (2695).

Budget 2007-2008 - Budget Paper No. 2: Budget Statements, Volume 2 (2696).

Budget 2007-2008 - Budget Paper No. 2: Budget Statements, Volume 3 (2697).

Budget 2007-2008 - Budget Paper No. 3: Economic and Fiscal Outlook (2698).

Mr P.D. Omodei moved, That the debate be adjourned.

Question put and passed.

**17. Appropriation (Consolidated Account) Bill (No. 2) 2007**

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to grant supply and to appropriate and apply out of the Consolidated Account certain sums for the capital purposes of the year ending 30 June 2008.” 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.

Mr R.F. Johnson moved, That the debate be adjourned.

Question put and passed.

**18. Variation to the Order of Business**

Ordered, That Government Business Order of the Day No. 10 be next considered.

## **19. Owner-Drivers (Contracts and Disputes) Bill 2006**

The Order of the Day for the consideration in detail of Legislative Council message No. 145 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Owner-Drivers (Contracts and Disputes) Bill 2006* 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 Owner-Drivers (Contracts and Disputes) Bill 2006*

### **No. 1**

Clause 18, page 9, lines 19 to 20 — To delete the lines and insert instead —

“

- (d) any other person or body from which the Minister considers it appropriate to seek nominations and will specifically seek nominations from persons able to represent the interests of regional Western Australia.

”.

### **No. 2**

Clause 27, page 13, line 14 — To delete “may” and insert instead —

“ are to ”.

### *CONSIDERATION IN DETAIL*

The Minister for Planning and Infrastructure moved, That amendments Nos 1 and 2 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

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

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

## **21. Surrogacy Bill 2007**

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

Debate resumed.

On the question, That the bill be read a second time,

Question put.

The Assembly divided.

## Ayes (35)

Mr P.W. Andrews  
 Mr C.J. Barnett  
 Mr A.J. Carpenter  
 Dr E. Constable  
 Mr J.H.D. Day  
 Mr B.J. Grylls  
 Mrs D.J. Guise  
 Mrs J. Hughes  
 Mr J.N. Hyde  
 Mr J.C. Kobelke  
 Mr R.C. Kucera  
 Mr J.A. McGinty

Mr M. McGowan  
 Ms S.M. McHale  
 Mr A.D. McRae  
 Mrs C.A. Martin  
 Mr M.P. Murray  
 Mr A.P. O’Gorman  
 Mr P. Papalia  
 Mr J.R. Quigley  
 Ms M.M. Quirk  
 Ms J.A. Radisich  
 Mr D.T. Redman  
 Mr E.S. Ripper

Mr A.J. Simpson  
 Mr T.R. Sprigg  
 Mr D.A. Templeman  
 Mr M.W. Trenorden  
 Mr T.K. Waldron  
 Mr P.B. Watson  
 Mr M.P. Whitely  
 Mr G.A. Woodhams  
 Dr J.M. Woollard  
 Mr B.S. Wyatt  
 Mr S.R. Hill (*Teller*)

## Noes (12)

Mr D.F. Barron-Sullivan  
 Mr M.J. Birney  
 Mr T.R. Buswell  
 Mr M.J. Cowper

Mr J.B. D’Orazio  
 Ms K. Hodson-Thomas  
 Dr G.G. Jacobs  
 Mr J.E. McGrath

Mr P.D. Omodei  
 Mr T.G. Stephens  
 Ms S.E. Walker  
 Mr R.F. Johnson (*Teller*)

Question thus passed.

Bill read a second time.

*CONSIDERATION IN DETAIL*

Clause 1.

Dr G.G. Jacobs moved,

That the House refers the Surrogacy Bill 2007 to the Education and Health Standing Committee.

Debate ensued.

The Minister for Health moved, That the debate be adjourned.

Question put and passed.

**22. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 4.54 p.m. until Tuesday, 15 May 2007 at 2.00 p.m.

*Members present during any part of the day's proceedings* - All the members except Mr G.M. Castrilli, Dr J.M. Edwards, Dr K.D. Hames and Mr F.M. Logan.

**PETER J. McHUGH**  
 Clerk of the Legislative Assembly

**HON. FRED RIEBELING**  
 Speaker of the Legislative Assembly