

WESTERN AUSTRALIA



LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 88
Issue No. 2

THURSDAY, 27 JUNE 2019

***HUMAN REPRODUCTIVE TECHNOLOGY AND SURROGACY
LEGISLATION AMENDMENT BILL 2018 [88-1]***

When in committee on the *Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018*:

Clause 2

Hon Nick Goiran: To move —

1/2 Page 2, lines 7 to 9 — To delete the lines and insert:

- (a) Part 1 — on the day on which this Act receives the Royal Assent (*assent day*);
- (b) sections 3 and 17 — on the day after assent day;
- (c) the rest of the Act — on a day fixed by proclamation.

Clause 4

Committee Recommendation 5: To move —

8/4 Page 3, lines 8 to 13 — To delete the lines and insert:

- (a) delete “persons who are unable to conceive children naturally due to medical reasons or” and insert:

certain persons (being persons who are likely to be unable to conceive or give birth to children naturally due to medical reasons, or

Committee Recommendation 5: To move —

9/4 Page 3, lines 16 to 18 — To delete the lines and insert:

or who are parties to a lawful surrogacy arrangement for which there are medical or social reasons under the *Surrogacy Act 2008*)

Clause 5**Committee Recommendation 1:** To move —

6/5 Page 3, after line 22 — To insert:

lawful surrogacy arrangement means a surrogacy arrangement other than a surrogacy arrangement that is for reward;

Committee Recommendation 1: To move —

7/5 Page 3, after line 24 — To insert:

surrogacy arrangement that is for reward has the meaning given in the *Surrogacy Act 2008* section 6;

Clause 11**Committee Recommendation 7:** To move —

10/11 Page 5, lines 21 and 22 — To delete “a surrogacy arrangement that is lawful and” and insert:

an existing lawful surrogacy arrangement

Committee Recommendation 10: To move —

11/11 Page 6, line 1 — To delete the line and insert:

(2) Delete section 23(2) and insert:

- (2) Nothing in subsection (1) prevents the carrying out of a procedure referred to in paragraph (a) of the definition of *in vitro fertilisation procedure* under subsection (1)(a)(i), (ii) or (iii) in circumstances where —
- (a) any human egg undergoing fertilisation, or human embryo, derived from the procedure may later be used for the purposes of a lawful surrogacy arrangement; but
 - (b) a lawful surrogacy arrangement does not yet exist.
- (3) A procedure referred to in paragraph (b) of the definition of *in vitro fertilisation procedure* cannot be carried out for the purposes of a surrogacy arrangement unless subsection (1)(iv) applies, whether or not subsection (1)(a)(i), (ii) or (iii) also applies.

New Clause 14A**Committee Recommendation 11:** To move —

12/NC14A Page 6, after line 26 — To insert:

14A. Section 54 amended

After section 54(6) insert:

- (6A) Before exercising a power under subsection (1)(a), an authorised officer must record in writing each reasonable cause that forms the basis of the authorised officer's belief for the purposes of subsection (1)(a).
- (6B) A record made under subsection (6A) must —
- (a) be signed by the authorised officer in the presence of a witness; and
 - (b) be signed by the witness; and
 - (c) include the date and time that the record was signed by the authorised officer; and
 - (d) be placed, as soon as practicable, by the authorised officer on the register referred to in subsection (6).

New Clause 15A**Hon Nick Goiran:** To move —

2/NC15A Page 7, after line 20 — To insert:

15A. Section 61 replaced

Delete section 61 and insert:

61. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 4th anniversary of the day on which the *Human Reproductive Technology and Surrogacy Legislation Amendment Act 2018* section 3 comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 4th anniversary.

New Clause 17A**Hon Nick Goiran:** To move —**3/NC17A** Page 9, after line 3 — To insert:**17A. Section 7A inserted**

At the beginning of Part 2 Division 2 insert:

7A. Territorial application of this Division

- (1) This Division applies to and in respect of an act done outside the State by a person who is ordinarily resident in the State.
- (2) Subsection (1) is in addition to, and does not limit, *The Criminal Code* section 12.

New Clause 17B**Hon Nick Goiran:** To move —**4/NC17B** Page 9, after line 3 — To insert:**17B. Section 17 amended**

- (1) At the beginning of section 17 insert:
 - (1) In this section —

assessment notice has the meaning given in the *Working with Children (Criminal Record Checking) Act 2004* section 4.
- (2) In section 17:
 - (a) delete “The Council may” and insert:
 - (2) The Council may
 - (b) after paragraph (c) insert:
 - (ca) the Council is satisfied that each of the arranged parents and the birth mother has a current assessment notice under the *Working with Children (Criminal Record Checking) Act 2004* section 12(1); and
- (3) At the end of section 17 insert:
 - (3) An arranged parent or a birth mother is taken to be a person who carries on, or proposes to carry on, a child-related business for the purposes of the *Working with Children (Criminal Record Checking) Act 2004* Part 2 Divisions 1 and 2.

Clause 18**Committee Recommendation 12:** To move —**13/18** Page 9, line 9 — To delete “into.” And insert:

into or after that time but before the application is made.

Committee Recommendation 13: To move —**14/18** Page 9, line 23 — To delete the line and insert:

- (ii) 2 women, 1 of whom is an eligible woman; or

New Clause 19**Hon Nick Goiran:** To move —**5/NC19** Page 10, after line 17 — To insert:**19. Section 45 replaced**

Delete section 45 and insert:

45. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 4th anniversary of the day on which the *Human Reproductive Technology and Surrogacy Legislation Amendment Act 2018* section 17 comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 4th anniversary.

