

WESTERN AUSTRALIAN LAND AUTHORITY AMENDMENT BILL 2003

Returned

Bill returned from the Council with amendments.

Consideration in Detail - Motion

On motion by Ms A.J. MacTiernan (Minister for Planning and Infrastructure), resolved -

That the Council's amendments be considered in detail forthwith.

Council's Amendments - Consideration in Detail

The amendments made by the Council were as follows -

No 1

Clause 4, page 3, lines 14 to 19 - To delete the lines.

No 2

Clause 5, page 4, lines 8 and 9 - To delete the lines.

No 3

Clause 6, page 4, after line 13 - To insert -

(1) Section 4 is amended by inserting before "In this Act" the subsection designation "(1)".

No 4

Clause 6, page 4, line 30 to page 5, line 3 - To delete the lines.

No 5

Clause 6, page 5, line 18 - To delete "that would" and insert instead -
determined to

No 6

Clause 6, page 5, lines 19 to 22 - To delete "within the meaning of the Corporations Act if the Authority were a body corporate to which the Corporations Act applies; and" and insert instead -
under subsection (2); or

No 7

Clause 6, page 6, after line 14 - To insert -

(5) At the end of section 4 the following subsection is inserted -

"(2) Part 1.2 Division 6 of the Corporations Act applies for the purpose of determining whether a body is a subsidiary of the Authority."

No 8

Clause 12, page 9, line 10 - To insert after the word "Minister's" -
written

No 9

Clause 15, page 16, lines 19 to 27 - To delete the lines.

No 10

Clause 15, page 17, lines 2 to 10 - To delete the lines.

No 11

Clause 17, page 18, line 6 - To delete "in" and insert instead -
by deleting

No 12

Clause 17, page 18, line 6 - To delete "by deleting "develop, alter and"".

No 13

Clause 17, page 18, line 8 - To delete the line and insert instead -

“

(b) undertake, plan, provide for, promote or coordinate the subdivision, amalgamation, improvement, development, alteration or management of land, whether or not the Authority holds the land in question;

(ba) extract minerals from land;

”.

No 14

Clause 19, page 22, line 14 - To insert before “16” -
and related functions under section

No 15

Clause 19, page 22, lines 14 to 16 - To delete -
and inserting instead -

“ 16(1)(g) ”.

No 16

Clause 20, page 22, lines 18 and 19 - To delete the lines.

No 17

Clause 25, page 28, line 15 - To insert after “17A” - “applies”.

No 18

Clause 45, page 67, line 17 - To delete “16” and insert instead - “16A”.

On motion by Ms A.J. MacTiernan, the Council’s amendments Nos 1 to 5 agreed to.

Ms A.J. MacTIERNAN: I move -

That amendment No 6 made by the Council be agreed to.

Mr J.P.D. EDWARDS: As I indicated behind the Chair, I do not have many questions about this Bill. I refer to clause 6 of the Bill, which is headed “Section 4 amended”. I understand that this amendment is necessary, just as Legislative Council amendment No 7 to clause 6 is also necessary. Will the minister explain that Council amendment for me? I am a little in the dark about it.

Ms A.J. MacTiernan: Does the member mean amendment No 6?

Mr J.P.D. EDWARDS: No. I am speaking to clause 6. Council amendment No 3 states -

Clause 6, page 4, after line 13 - To insert -

(1) Section 4 is amended by inserting before “In this Act” the subsection designation “(1)”.

This amendment is necessary because of Council amendment No 7 to clause 6, which I think was on the Council’s supplementary notice paper. It will provide for an additional subsection. I am asking a question about Council amendment No 7 to clause 6. Mr Acting Speaker, you will understand that I was not the opposition speaker on this matter at the time. I am seeking some direction about what Council amendment No 7 to clause 6 will do. Am I asking too difficult a question?

Ms A.J. MacTIERNAN: I understand that these are technical amendments. I am happy to provide further information to the member. We are simply advised that these amendments were provided on the advice of parliamentary counsel; I agree that is not a terribly adequate explanation. The amendment refers to the definition of this organisation as a body corporate. Members opposite may or may not be prepared to accept that. If they want me to deal with these amendments about which they have some doubts, I am happy to do that. I do not think the explanation I have provided is adequate either. I am happy to come back later to deal with it.

Mr J.P.D. EDWARDS: I will accept that explanation from the minister and I would be happy to have those further details explained.

Question put and passed; the Council’s amendment agreed to.

On motion by Ms A.J. MacTiernan, the Council’s amendments Nos 7 to 18 agreed to.

The Council acquainted accordingly.