WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 96

SECOND SESSION OF THE THIRTY-SIXTH PARLIAMENT

TUESDAY, 18 NOVEMBER 2003

1. Meeting of Assembly

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

The Speaker took the Chair.

Prayers were read.

2. Distinguished Visitor

The Speaker noted the presence in the Speaker's Gallery of Mrs Julie Cunningham.

3. Death of Edward Joseph Cunningham - a former Opposition Whip of the Legislative Assembly

The Premier, without notice, moved,

> That the House records its sincere regret of the death of Edward Joseph Cunningham and tenders its deep sympathy to his family.

The motion having been supported by Mr C.J. Barnett, Mr M.W. Trenorden, Mr J.C. Kobelke, Mrs M.H. Roberts, Mr M.G. House, Mr A.D. Marshall, Mr J.B. D'Orazio, Mr R.A. Ainsworth, Ms K. Hodson-Thomas, Ms J.A. Radisich, Mr M. McGowan, Mr F.M. Logan, Ms A.J. MacTiernan, Mrs C.L. Edwardes, Mr N.R. Marlborough, Ms M.M. Quirk and the Speaker,

Question put and passed unanimously with members and officers of the Assembly standing in their places as a mark of respect.

Sitting suspended from 3.53 p.m. to 4.09 p.m.

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4. Brief Ministerial Statements

The following brief Ministerial Statements were made by -

The Minister for Tourism on the treatment of sick and injured quokkas on Rottnest Island.

The Minister for Energy on the opening of the Cockburn One Power Station.

The Minister for Planning and Infrastructure on the new residential planning policies adopted by the East Perth and Subiaco Redevelopment Authorities, providing 10 to 15 percent of dwellings created on new land releases for social and affordable housing.

The Minister for Education and Training on the launch of a range of education initiatives in Geraldton.

The Minister for Culture and the Arts on the State Arts Sponsorship Scheme Awards.

5. Questions

Questions without notice were taken.

Questions on notice Nos 2231 to 2268 were asked.

Questions on notice Nos 1730, 1739, 1753, 1756, 1771, 1772, 1800, 1807 to 1809, 1813, 1853, 1898, 1934, 1947, 2029, 2031, 2052, 2071, 2079, 2080, 2083, 2085, 2091 to 2094, 2096 to 2098, 2100, 2101, 2103, 2111 to 2113, 2134, 2141, 2146 to 2150, 2152 to 2154, 2159 to 2164, 2181, 2183 to 2185, 2187, 2195, 2196, 2201, 2203 and 2210 were answered.

Papers tabled by the Minister for the Environment –

Question on Notice No. 1771 – Grant funding in the 2002-2003 financial year – Grants made by the Department of Conservation and Land Management (1778).

Question on Notice No. 1771 – Grant funding in the 2002-2003 financial year – Grants made by the Water and Rivers Commission and the Department of Environmental Protection (1779).

Papers tabled by the Parliamentary Secretary to the Minister for Agriculture, Forestry and Fisheries –

Question on Notice No. 2091 – Wheatbelt Development Commission – Information relating to the percentage of the budget allocated to employees' wages and specific achievements for the 2002-2003, 2001-2002, 2000-2001 and 1999-2000 Budget Years (1780).

Question on Notice No. 2091 – Great Southern Development Commission – Information relating to the percentage of the budget allocated to employees' wages and specific achievements for the 2002-2003, 2001-2002, 2000-2001 and 1999-2000 Budget Years (1781).

Question on Notice No. 2091 – Mid West Development Commission – Information relating to the percentage of the budget allocated to employees' wages and specific achievements for the 2002-2003, 2001-2002, 2000-2001 and 1999-2000 Budget Years (1782).

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6. Speaker's Statement - Matter of Privilege: Mr J.R. Quigley and the Legal Practitioners Disciplinary Tribunal

The Speaker made the following statement -

" I refer members to the matter of Privilege raised in this House on 28 October 2003 by Mr J.R. Quigley and remind members that I forwarded letters to the Legal Practitioners Complaints Committee and the Legal Practitioners Disciplinary Tribunal seeking their responses. On Wednesday 29 October, I reported the response from the Legal Practitioners Complaints Committee in which they undertook to remove the concerning paragraph from their Reference to the Tribunal.

By letter dated 31 October 2003, the Chairman of the Legal Practitioners Disciplinary Tribunal also responded, referring to his understanding of the Reference to the Tribunal and confirming his utmost respect for the integrity of the Parliament and the upholding of its privileges. He concludes -

> " In view of the proposed deletion of paragraph lb from the Reference, I assume that nothing more is required of me but I will be quite happy to discuss any concerns you may still have. ".

On 4 November, I replied to Mr Roland's letter, thanking him and noting that my view of privilege remains unchanged. My letter to him concluded as follows: -

> " Whether any further action is taken will be a matter for the House but it appears, for my part, that the matter has been satisfactorily and speedily dealt with by the Tribunal and the Committee at this point. ".

I now consider this matter satisfactorily resolved and I thank the Legal Practitioners Complaints Committee and the Legal Practitioners Disciplinary Tribunal for their timely and appropriate actions in response to the concerns raised. ".

Papers

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

By the Speaker -

Legal Practitioners Complaints Committee Western Australia, The - Letter dated 31 October 2003 from the Hon. B.W. Rowland QC, Chairman of the Legal Practitioners Disciplinary Tribunal (L.P.D.T.), to the Hon. F. Riebeling, Speaker of the Legislative Assembly, regarding the L.P.D.T.'s reference against Mr J.R. Quigley (1783).

Legal Practitioners Complaints Committee Western Australia, The - Letter dated 4 November 2003 from the Hon. F. Riebeling, Speaker of the Legislative Assembly, to the Hon. B.W. Rowland QC, Chairman of the Legal Practitioners Disciplinary Tribunal (L.P.D.T.), regarding the L.P.D.T.'s reference against Mr J.R. Quigley (1784).

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7. Petition

Busselton Senior High School - Mr B.K. Masters presented a petition from 20 persons requesting that the Local Area Education Planning process be completed and implemented to address overcrowding at the Busselton Senior High School (P. 285).

8. Papers

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

By the Speaker -

Parliamentary Commissioner for Administrative Investigations, Office of the - Annual Report 2002-2003 (1694).

Inspector of Custodial Services, Office of the - Report of an Announced Inspection of Acacia Prison, September 2002 (Received by the Clerk of the Legislative Assembly on 14 October 2003 and held for a period of 30 days as directed by section 109N(4) of the *Prisons Act 1981*) (1695).

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

Anti-Corruption Commission - Annual Report 2002-2003 (1696).

Anti-Corruption Commission - Annual Report 2002-2003 pursuant to the *Telecommunications (Interception) Act 1979* (1697).

Betting Control Act 1954 - Regulations (Betting Control Amendment Regulations (No. 4) 2003 G.G. 11/11/2003) (1698).

Betting Control Board of Western Australia - Annual Report 2002-2003 (1699).

Coal Industry Superannuation Board - Annual Report 2002-2003 (1700).

Commercial Tribunal of Western Australia - Annual Report 2002-2003 (1701).

Community Development, Department for - Annual Report 2002-2003 (1702).

Conservation and Land Management, Department of [CALM] - Lease No. 2071/97 part of State Forest No. 4, (Motor Sports Complex) between the Department of Conservation and Land Management, Motoring South West Incorporated and Wesfarmers Premier Coal Limited, 25 September 2003 (1703).

Construction Industry Long Service Leave Payments Board - Annual Report 2002-2003 (1704).

Consumer and Employment Protection, Department of - Annual Report 2002-2003 (1705).

Council of Official Visitors - Annual Report 2002-2003 (1706).

Criminal Code Act Compilation Act 1913 - Rules (Criminal Procedure Amendment Rules 2003 G.G. 31/10/2003) (1707).

Curriculum Council - Annual Report 2002-2003 (1708).

Environmental Protection Authority - Annual Report 2002-2003 (1709).

Environmental Protection, Department of - Annual Report 2002-2003 (1710).

Fish Resources Management Act 1994 - Management Plans (Cockburn Sound (Fish Net) Fishery Management Plan Amendment 2003 G.G. 28/10/2003) (1711).

Fish Resources Management Act 1994 - Management Plans (Cockburn Sound (Line and Pot) Fishery Management Plan Amendment 2003 G.G. 28/10/2003) (1712).

Fish Resources Management Act 1994 - Management Plans (Warnbro Sound (Crab) Fishery Management Plan Amendment 2003 G.G. 28/10/2003) (1713).

Fish Resources Management Act 1994 - Management Plans (West Coast Rock Lobster Fishery Management Plan Amendment (No. 2) 2003 G.G. 28/10/2003) (1714).

Fish Resources Management Act 1994 - Management Plans (Windy Harbour-Augusta Rock Lobster Fishery Management Plan Amendment 2003 G.G. 28/10/2003) (1715).

Fish Resources Management Act 1994 - Management Plans (West Coast Estuarine Fishery (Interim) Management Plan 2003 G.G. 31/10/2003) (1716).

Fish Resources Management Act 1994 - Orders (Prohibition on Fishing ("Gudrun" Wreck Site) Amendment Order 2003 G.G. 07/11/2003) (1717).

Fish Resources Management Act 1994 - Orders (Prohibition on Fishing ("Sanko Harvest" Wreck Site) Amendment Order 2003 G.G. 07/11/2003) (1718).

Fish Resources Management Act 1994 - Orders (Prohibition on Fishing ("HMAS Perth" Wreck Site) Amendment Order 2003 G.G. 07/11/2003) (1719).

Fish Resources Management Act 1994 - Orders (Prohibition on Fishing ("HMAS Swan" Wreck Site) Amendment Order 2003 G.G. 07/11/2003) (1720).

Fish Resources Management Act 1994 - Orders (Prohibition on Fishing ("Kunmunya" and "Samson II" Wrecks Site) Amendment Order 2003 G.G. 07/11/2003) (1721).

Fish Resources Management Act 1994 - Management Plans (West Coast Purse Seine Fishery Management Plan Amendment 2003 G.G. 04/11/2003) (1722).

Fish Resources Management Act 1994 - Management Plans (Pilbara Trap Fishery Management Plan Amendment 2003 G.G. 07/11/2003) (1723).

Fish Resources Management Act 1994 - Management Plans (Pilbara Fish Trawl Fishery (Interim) Management Plan Amendment 2003 G.G. 07/11/2003) (1724).

Fish Resources Management Act 1994 - Management Plans (West Coast Rock Lobster Fishery Management Plan Amendment (No. 4) 2003 G.G. 07/11/2003) (1725).

Fish Resources Management Act 1994 - Orders (Surface Trawl Net Fishery (South Coast) Amendment Order 2003 G.G. 28/10/2003) (1726).

Fish Resources Management Act 1994 - Orders (Trawling for Scallops (South Coast) Amendment Order 2003 G.G. 28/10/2003) (1727).

Fish Resources Management Act 1994 - Orders (Trawling Prohibition (Whole of State) Amendment Order 2003 G.G. 28/10/2003) (1728).

Fish Resources Management Act 1994 - Orders (Prohibition on Taking Rock Lobster (Abrolhos Islands) Amendment Order 2003 G.G. 28/10/2003) (1729).

Fish Resources Management Act 1994 - Orders (Prohibition on Taking Rock Lobster (Seasonal Closures) Amendment Order 2003 G.G. 28/10/2003) (1730).

Fish Resources Management Act 1994 - Orders (Fish Trap Restrictions Amendment Order 2003 G.G. 28/10/2003) (1731).

Fish Resources Management Act 1994 - Orders (West Coast Rock Lobster (Recreational Fishing) Amendment Order 2003 G.G. 28/10/2003) (1732).

Fish Resources Management Act 1994 - Orders (Prohibition on Commercial Fishing Activity (Netting in Rivers, Estuaries, Inlets and Lakes South of 23 degrees South Latitude) Amendment Order 2003 G.G. 31/10/2003) (1733).

Fish Resources Management Act 1994 - Orders (Swan/Canning and Mandurah Estuarine Fishing Prohibitions Revocation Order 2003 G.G. 31/10/2003) (1734).

Fish Resources Management Act 1994 - Regulations (Fish Resources Management Amendment Regulations (No. 9) 2003 G.G. 31/10/2003) (1735).

Fish Resources Management Act 1994 - Regulations (Fish Resources Management Amendment Regulations (No. 15) 2003 G.G. 31/10/2003) (1736).

Government Employees Superannuation Board - Annual Report 2002-2003 (1737).

Great Southern Development Commission - Annual Report 2002-2003 (1738).

Health Act 1911 - Local Laws (City of Armadale Health Amendment Local Laws 2003 G.G. 04/11/2003) (1739).

Health Act 1911 - Local Laws (Shire of Nannup Health Local Laws 2003 G.G. 07/11/2003) (1740).

Health Act 1911 - Regulations (Health (Meat Hygiene) Amendment Regulations (No. 2) 2003 G.G. 04/11/2003) (1741).

Health Act 1911 - Regulations (Health (Smoking in Enclosed Public Places) Regulations 2003 G.G. 14/11/2003) (1742).

Health, Department of - Annual Report 2002-2003 (1743).

Health Promotion Foundation [Healthway], Western Australian – Annual Report 2002-2003 (1744).

Industry and Technology, Department of - Annual Report 2002-2003 (1745).

Land Administration, Department of - Annual Report 2002-2003 (1746).

Land Administration, Department of [DOLA] - Submission No. 14/2003 “A” Class Reserve 6613 in the Town of Cottesloe for Kindergarten Site (1747).

Land Administration, Department of [DOLA] - Submission No. 18/2003 “A” Class Reserve 23000 in the Shire of Capel for the purpose of “Travellers Stopping Place and Caravan Park” (1748).

Land Administration, Department of [DOLA] - Submission No. 19/2003 “A” Class Reserve 27529 in the City of Geraldton for proposed a Marine Education and Research Centre (1749).

Law Reform Commission of Western Australia, The - Annual Report 2002-2003 (1750).

Liquor Licensing Act 1988 - Regulations (Liquor Licensing Amendment Regulations (No. 6) 2003 G.G. 28/10/2003) (1751).

Local Government Act 1995 - Local Laws (City of Armadale Environment, Animals and Nuisance Amendment Local Laws 2003 G.G. 04/11/2003) (1752).

Local Government Act 1995 - Local Laws (City of Perth - Repeal of Local Law Relating to King and Murray Streets Egress G.G. 31/10/2003) (1753).

Local Government Act 1995 - Local Laws (City of Perth - Standing Orders Amendment Local Law 2003 G.G. 31/10/2003) (1754).

Members of Parliament Interstate and Overseas Travel - Report on Travel undertaken by Members of Parliament for the three months ended 31 March 2003 (1755).

National Road Transport Commission - Annual Report 2002-2003 (1756).

Occupational Therapists' Registration Board - Annual Report 2002-2003 (1757).

Planning and Infrastructure, Department for - Annual Report 2002-2003 (1758).

Plant Diseases Act 1914 - Regulations (Plant Diseases Amendment Regulations (No. 3) 2003 G.G. 31/10/2003) (1759).

Premier and Cabinet, Department of - Annual Report 2002-2003 (1760).

Racing Penalties Appeal Tribunal of Western Australia - Annual Report 2002-2003 (1761).

Road Traffic Act 1974 - Regulations (Road Traffic (Licensing) Amendment Regulations (No. 4) 2003 G.G. 31/10/2003) (1762).

Road Traffic Act 1974 - Regulations (Road Traffic (Vehicle Standards) Amendment Regulations (No. 3) 2003 G.G. 31/10/2003) (1763).

Road Traffic Act 1974 - Regulations (Road Traffic (Written-off Vehicle Register) Regulations 2003 G.G. 31/10/2003) (1764).

Sport and Recreation, Department of - Annual Report 2002-2003 (1765).

State Trading Concerns Act 1916 - Regulations (State Trading Concerns (Authorisation) Amendment Regulations 2003 G.G. 28/10/2003) (1766).

Treasury Corporation, Western Australian - Quarterly Report for period ended 30 September 2003 (1767).

Treasury and Finance, Department of - Annual Report 2002-2003 (1768).

Western Australian Land Authority Act 1992 - Ministerial approval under Section 17A of the Act for the Authority to enter into a contract to sell Lot 205 Excellence Drive, Wangara to EHI Australia Pty Ltd (1769).

Western Australian Land Authority Act 1992 - Ministerial approval under Section 17A of the Act for the Authority to enter into a contract to sell Lots 37, 38, 40, 41, 42 and 43 and Stage 2 land Abernethy Road, Forrestfield to the Australian Railroad Group (1770).

Western Australian Land Authority Act 1992 - Ministerial approval under Section 17A of the Act for the Authority to enter into a contract to purchase Lot 42 Wellesley Road, Kemerton from John & Pamela Goyder (1771).

Western Australian Land Authority Act 1992 - Ministerial approval under Section 17A of the Act for the Authority to offer the option and first rights of refusal to Western Power Corporation for sites located at Donaldson Road, Kwinana, Mandurah Road, East Rockingham and corner of Treasure and Wellesley Roads, Kemerton Heavy Industrial Estates (1772).

Western Australian Land Authority Act 1992 - Ministerial approval under Section 17A of the Act for the Authority to enter into a contract for sale of Lot 259 Inspiration Drive, Wangara to Moore Bros Pty Ltd (1773).

Western Australian Land Authority Act 1992 - Ministerial approval under Section 17A of the Act for the Authority to enter into a contract for sale of Lot 258 Excellence Drive, Wangara to Logistic Construction (1774).

Western Australian Land Authority Act 1992 - Ministerial approval under Section 17A of the Act for the Authority to enter into a contract for sale of Lot 9 Abernethy Road, Forrestfield to Lombardie Nominees Pty Ltd (1775).

Western Australian Land Authority Act 1992 - Ministerial approval under Section 17A of the Act for the Authority to enter into a option to sell up to 46 hectares of land situated within the Kemerton Heavy Industrial Estate to Western Power Corporation (1776).

WorkSafe Western Australia - Annual Report 2002-2003 (1777).

9. Notices of Motion

10. Notice of Motion Lapsed

The Acting Speaker advised that Private Members' Notice of Motion No. 17 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

11. Matter of Public Interest - Projects and Services in Regional Western Australia

The Acting Speaker informed the Assembly that he was in receipt of a notice from Mr C.J. Barnett that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr C.J. Barnett moved,

> That this House condemns the Gallop Labor Government for abandoning projects and services in regional Western Australia, and in particular, its decision to axe the new Moora Hospital.

Debate ensued.

Question put.

The Assembly divided.

Ayes (18)

Mr R.A. Ainsworth	Mr J.P.D. Edwards	Mr B.K. Masters
Mr C.J. Barnett	Mr B.J. Grylls	Mr P.G. Pendal
Mr D.F. Barron-Sullivan	Ms K. Hodson-Thomas	Mr R.N. Sweetman
Mr M.J. Birney	Mr M.G. House	Mr M.W. Trenorden
Dr E. Constable	Mr R.F. Johnson	Mr T.K. Waldron
Mrs C.L. Edwardes	Mr W.J. McNee	Mr J.L. Bradshaw *(Teller)*

Noes (25)

Mr J.J.M. Bowler	Mr F.M. Logan	Mr J.R. Quigley
Mr C.M. Brown	Ms A.J. MacTiernan	Ms J.A. Radisich
Mr A.J. Carpenter	Mr J.A. McGinty	Mr E.S. Ripper
Mr A.J. Dean	Mr M. McGowan	Mrs M.H. Roberts
Mrs D.J. Guise	Ms S.M. McHale	Mr P.B. Watson
Mr S.R. Hill	Mr N.R. Marlborough	Mr M.P. Whitely
Mr J.N. Hyde	Mrs C.A. Martin	Ms M.M. Quirk *(Teller)*
Mr J.C. Kobelke	Mr M.P. Murray	
Mr R.C. Kucera	Mr A.P. O'Gorman	

Question thus negatived.

12. Messages from the Governor

Messages from His Excellency the Governor were reported assenting to the following Bills -

No. 117 - 30 October 2003

Civil Liability Amendment Bill 2003, Act No. 58 of 2003.

No. 118 - 7 November 2003

Contaminated Sites Bill 2002, Act No. 60 of 2003.

Messages from His Excellency the Governor were reported recommending that appropriations be made for the following Bills -

Electricity Industry Bill 2003 (Message No. 119).

Electricity Corporations Bill 2003 (Message No. 120).

Electricity Legislation (Amendments and Transitional Provisions) Bill 2003 (Message No. 121).

Water Resources Management (Administration) Bill 2003 (Message No. 122).

Local Government (Miscellaneous Provisions) Amendment Bill 2003 (Message No. 123).

Machinery of Government (Water Resources) Amendment Bill 2003 (Message No. 124).

13. Business Tax Review (Assessment) Bill (No. 2) 2003
Business Tax Review (Taxing) Bill (No. 2) 2003

Message No. 104 dated 11 November 2003 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that the Bills contained in Legislative Council Message Nos 101 and 102 were transmitted before they had completed their passage in the Legislative Council.

The Legislative Assembly is therefore requested to return the Bills to the Legislative Council in order that they may pass through their remaining stages.

Ordered, by leave, That Legislative Council message No. 104 be considered forthwith.

The Leader of the House moved,

That the *Business Tax Review (Assessment) Bill (No. 2) 2003* and the *Business Tax Review (Taxing) Bill (No. 2) 2003*, which were forwarded by Messages Nos 101 and 102 from the Legislative Council before they had completed their passage in that House, be returned to the Legislative Council so they can pass through the remaining stages.

Debate ensued.

Question put and passed.

Ordered, That the Legislative Council be acquainted accordingly.

14. Economic Regulation Authority Bill 2002

Message No. 100 dated 11 November 2003 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Economic Regulation Authority Bill 2002* 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 Economic Regulation Authority Bill 2002

No. 1

Clause 7, page 4, lines 25 and 26 - To delete “involving one or more of the fields of” and insert instead -

“ in ”.

No. 2

Clause 7, page 4, line 26 - To delete " and" and insert instead -

" , ".

No. 3

Clause 7, page 4, line 27 - To insert after "administration" -

" or consumer advocacy ".

No. 4

Clause 7, page 5, lines 1 and 2 - To delete the lines.

No. 5

Clause 8, page 5, lines 10 and 11 - To delete "not less than 3 years and".

No. 6

Clause 26, page 15, after line 18 - To insert -

"

(a) the need to promote regulatory outcomes that are in the public interest;

".

No. 7

Clause 26, page 16, lines 1 and 2 - To delete the lines.

No. 8

Clause 42, page 23, line 6 - To delete "may, but is not required to, make copies" and insert instead -

" must cause a copy ".

No. 9

Clause 42, page 23, line 8 - To delete "(3)) publicly available" and insert instead -

"

(3) to be laid before each House of Parliament within 28 days after the Minister receives the report

".

No. 10

Clause 64, page 34, line 26 - To delete "The Minister" and insert instead -

"

A Joint Standing Committee of both Houses of Parliament appointed for the purposes of this section

".

No. 11

Clause 64, page 34, line 28 - To delete "5" and insert instead -

" 2 ".

No. 12

Clause 64, page 34, line 28 - To insert after "section" -

" and thereafter at 5 yearly intervals ".

No. 13

Clause 64, page 34, line 29 - To delete “Minister” and insert instead -

“ Joint Standing Committee ”.

No. 14

Clause 64, page 35, line 3 - To delete “Minister” and insert instead -

“ Joint Standing Committee ”.

No. 15

Clause 64, page 35, line 5 - To delete “Minister” and insert instead -

“ Joint Standing Committee ”.

No. 16

Schedule 1, page 36, line 19 - To delete “The” and insert instead -

“ A ”.

No. 17

Schedule 1, page 36, line 19 - To insert after “is”-

“

—

(a)

”

No. 18

Schedule 1, page 36, line 19 - To insert after “members” -

“

if the governing body consists of 2 members; or

(b) otherwise, at least one half of the number of members in office.

”.

No. 19

Schedule 2, page 38, line 20 - To delete “53(1)” and insert instead -

“ 53 ”.

No. 20

Schedule 2, page 53, lines 23 to 30 - To delete the lines and insert instead -

“

Section 12(1) is amended as follows:

(a) by deleting paragraph (e);

(b) in paragraph (g) by deleting “2” and inserting instead —

“ 3 ”.

”.

No. 21

Schedule 2, page 59, after line 24 - To insert -

“

(g) public health considerations in relation to the provision of a safe drinking water supply;

”.

Ordered, That consideration in detail of Legislative Council message No. 100 be made an Order of the Day for the next sitting of the Assembly.

15. Acts Amendment and Repeal (Competition Policy) Bill 2002

Message No. 105 dated 14 November 2003 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Acts Amendment and Repeal (Competition Policy) Bill 2002* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendment made by the Legislative Council in the Acts Amendment and Repeal (Competition Policy) Bill 2002

No. 1

Clause 43, page 24, line 6 - To delete the line and insert instead -

"

(1) Section 11A(1) is repealed and the following subsection is inserted instead —

"

(1) The Authority may, by notices erected in such places in the public market and in such other manner as the Authority may determine, indicate —

(a) the periods during which the public market is open for business and the produce that may be traded during those periods; and

(b) the periods (other than the periods referred to in paragraph (a)) during which, and the purposes in relation to which, a specified class of person is, or specified classes of persons are, permitted to enter, or prohibited from entering, the public market.

".

(2) Section 11A(2) is repealed.

(3) Section 11A(3) is amended by deleting ", without the permission of the Authority,".

(4) Section 11A(4) is repealed.

(5) Section 11A(5) is amended by deleting the passage from and including paragraph (a) to the end of the subsection and inserting instead —

"

(a) the public market was open for trading in the produce specified in the certificate; or

(b) the public market was not open for business and the purpose in relation to which the person specified in the certificate was permitted to enter, or prohibited from entering, the public market,

is evidence of those facts.

".

".

Ordered, That consideration in detail of Legislative Council message No. 105 be made an Order of the Day for the next sitting of the Assembly.

16. Barrow Island Bill 2003

Message No. 106 dated 14 November 2003 from the Legislative Council was reported agreeing to the Bill without amendment.

17. Electricity Industry Bill 2003

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

Urgent Bills

The Minister for Energy moved,

That the *Electricity Industry Bill 2003*, *Electricity Corporations Bill 2003* and *Electricity Legislation (Amendments and Transitional Provisions) Bill 2003* be considered urgent Bills.

Debate ensued.

Question put.

The Assembly divided.

Ayes (26)

Mr P.W. Andrews	Mr R.C. Kucera	Mr A.P. O'Gorman
Mr J.J.M. Bowler	Mr F.M. Logan	Mr J.R. Quigley
Mr C.M. Brown	Ms A.J. MacTiernan	Ms J.A. Radisich
Mr A.J. Carpenter	Mr J.A. McGinty	Mr E.S. Ripper
Mr A.J. Dean	Mr M. McGowan	Mrs M.H. Roberts
Mrs D.J. Guise	Ms S.M. McHale	Mr P.B. Watson
Mr S.R. Hill	Mr N.R. Marlborough	Mr M.P. Whitely
Mr J.N. Hyde	Mrs C.A. Martin	Ms M.M. Quirk *(Teller)*
Mr J.C. Kobelke	Mr M.P. Murray	

Noes (17)

Mr R.A. Ainsworth	Mr J.P.D. Edwards	Mr P.G. Pendal
Mr C.J. Barnett	Mr B.J. Grylls	Mr R.N. Sweetman
Mr D.F. Barron-Sullivan	Mr M.G. House	Mr M.W. Trenorden
Mr M.J. Birney	Mr R.F. Johnson	Mr T.K. Waldron
Dr E. Constable	Mr W.J. McNee	Mr J.L. Bradshaw *(Teller)*
Mrs C.L. Edwardes	Mr B.K. Masters	

Question thus passed.

Debate resumed.

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

Question put and passed.

18. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 12.53 a.m. on Wednesday, 19 November 2003 until 12 noon on the same day.

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

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. FRED RIEBELING
Speaker of the Legislative Assembly