

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 149

SECOND SESSION OF THE THIRTY-SIXTH PARLIAMENT

THURSDAY, 23 SEPTEMBER 2004

1. Meeting of Assembly

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

The Speaker took the Chair.

Prayers were read.

2. Petition

Bunbury Region Scheme - Mr J.P.D. Edwards presented a petition from 1750 persons requesting that opposition to the proposed Regional Open Space zone under the Greater Bunbury Region Scheme be noted (P. 408).

3. Papers

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

Criminal Injuries Compensation, Office of - Chief Assessor's Annual Report 2002 (2812).

Criminal Injuries Compensation, Office of - Chief Assessor's Annual Report 2003 (2813).

Public Education Endowment Trust - Annual Report 2003-2004 (2814).

4. Brief Ministerial Statements

The following brief Ministerial Statements were made by -

The Minister for Energy on the electricity network improvement program.

The Minister for Tourism on the Tourism benefits to Western Australia of the Valuair flights from Singapore to Perth.

The Minister for Planning and Infrastructure on the Scarborough beach precinct survey.

5. Grievances

The Speaker called for grievances which were then made.

6. Economics and Industry Standing Committee

Mr A.D. McRae, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Economics and Industry Standing Committee - Annual Report 2003-2004 (2815) .

Mr A.D. McRae spoke on the report.

7. Variation to the Order of Business

Ordered, That Bills Notice of Motion No. 1 be postponed to a later stage of the sitting.

8. Acts Amendment (Sentencing) Bill 2004

The Minister for Justice, pursuant to notice, moved,

That a Bill for "An Act to amend —

- the *Sentence Administration Act 2003*;
- the *Sentencing Act 1995*; and
- the *Sentencing Legislation Amendment and Repeal Act 2003*." be introduced and read a first time.

Question put and passed.

The Minister for Justice presented an explanatory memorandum and Bill read a first time.

The Minister for Justice moved, That the Bill be now read a second time.

Mr M.J. Birney moved, That the debate be adjourned.

Question put and passed.

9. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be next considered.

10. Electricity Legislation (Amendments and Transitional Provisions) Bill 2003

The Order of the Day for the consideration in detail of Legislative Council message No. 154 was read.

The message was as follows -

Message No. 154.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Electricity Legislation (Amendments and Transitional Provisions) Bill 2003* 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 Electricity Legislation (Amendments and Transitional Provisions) Bill 2003

No. 1

Clause 1, page 2, line 4 - To delete “(Amendments and Transitional Provisions)” and insert instead - “ *Amendment* ”.

No. 2

Clause 2, page 2, lines 6 and 7 - To delete the lines.

No. 3

Clause 2, page 2, line 8 - To insert after “of” -
“ this Act ”.

No. 4

Clause 2, page 2, lines 9 to 13 - To delete the lines.

No. 5

Clause 2, page 2, line 16 - To delete “but”.

No. 6

Clause 2, page 2, lines 17 to 22 - To delete the lines.

No. 7

Clause 3, page 3, lines 2 to 7 - To delete the clause.

No. 8

Clause 4, page 3, lines 8 to 15 - To delete the clause.

No. 9

Clause 5, page 3, lines 16 to 19 - To delete the clause.

No. 10

Clause 6, page 3, line 20 to page 4, line 20 - To delete the clause.

No. 11

Clause 7, page 4, lines 21 and 22 - To delete the clause.

No. 12

Clause 8, page 4, lines 23 to 29 - To delete the clause.

No. 13

Clause 9, page 5, line 1 to page 6, line 17 - To delete the clause.

No. 14

Clause 10, page 6, lines 18 and 19 - To delete the clause.

No. 15

Clause 11, page 6, line 20 to page 7, line 3 - To delete the clause.

No. 16

Clause 12, page 7, lines 4 to 7 - To delete the clause.

No. 17

Clause 13, page 7, lines 8 to 16 - To delete the clause.

No. 18

Clause 14, page 7, lines 17 and 18 - To delete the clause.

No. 19

Clause 15, page 7, line 19 to page 12, line 14 - To delete the clause.

No. 20

Clause 16, page 12, line 15 to page 16, line 10 - To delete the clause.

No. 21

Clause 17, page 16, lines 11 to 26 - To delete the clause.

No. 22

Clause 18, page 17, lines 4 to 11 - To delete the lines.

No. 23

Clause 19, page 17, line 12 to page 19, line 6 - To delete the clause.

No. 24

Clause 20, page 19, lines 7 to 22 - To delete the clause.

No. 25

Clause 21, page 19, line 24 to page 20, line 18 - To delete the clause.

No. 26

Clause 22, page 20, line 19 to page 21, line 4 - To delete the clause.

No. 27

Clause 23, page 21, lines 5 to 11 - To delete the clause.

No. 28

Clause 24, page 21, line 15 to page 22, line 28 - To delete the clause.

No. 29

Clause 25, page 23, lines 1 to 12 - To delete the clause.

No. 30

Clause 26, page 23, lines 13 to 19 - To delete the clause.

No. 31

Clause 27, page 23, line 20 to page 24, line 2 - To delete the clause.

No. 32

Clause 28, page 24, lines 3 to 17 - To delete the clause.

No. 33

Clause 29, page 24, line 18 to page 25, line 5 - To delete the clause.

No. 34

Clause 30, page 25, lines 6 to 25 - To delete the clause.

No. 35

Clause 31, page 25, line 27 to page 27, line 13 - To delete the clause.

No. 36

Clause 32, page 27, line 14 to page 28, line 4 - To delete the clause.

No. 37

Clause 33, page 28, line 5 to page 29, line 28 - To delete the clause.

No. 38

Clause 34, page 30, lines 1 to 19 - To delete the clause.

No. 39

Clause 35, page 30, line 20 to page 31, line 4 - To delete the clause.

No. 40

Clause 36, page 31, lines 5 to 14 - To delete the clause.

No. 41

Clause 37, page 31, line 16 to page 32, line 15 - To delete the clause.

No. 42

Clause 38, page 32, line 16 to page 33, line 27 - To delete the clause.

No. 43

Clause 39, page 34, lines 1 to 9 - To delete the clause.

No. 44

Clause 40, page 34, line 12 to page 35, line 2 - To delete the clause.

No. 45

Clause 41, page 35, line 3 to page 36, line 9 - To delete the clause.

No. 46

Clause 42, page 36, lines 10 to 14 - To delete the clause.

No. 47

Clause 43, page 36, lines 16 to 28 - To delete the clause.

No. 48

Clause 44, page 37, lines 1 to 14 - To delete the clause.

No. 49

Clause 45, page 37, lines 15 to 21 - To delete the clause.

No. 50

Clause 46, page 37, line 24 to page 38, line 22 - To delete the clause.

No. 51

Clause 47, page 38, line 23 to page 39, line 25 - To delete the clause.

No. 52

Clause 48, page 39, line 26 to page 40, line 15 - To delete the clause.

No. 53

Clause 49, page 40, lines 16 to 22 - To delete the clause.

No. 54

Clause 50, page 40, line 25 to page 42, line 4 - To delete the clause.

No. 55

Clause 51, page 42, lines 5 to 18 - To delete the clause.

No. 56

Clause 52, page 42, lines 19 to 31 - To delete the clause.

No. 57

Clause 53, page 43, lines 1 to 23 - To delete the clause.

No. 58

Clause 54, page 43, line 24 to page 44, line 19 - To delete the clause.

No. 59

Clause 55, page 44, line 20 to page 45, line 17 - To delete the clause.

No. 60

Clause 56, page 45, line 19 to page 46, line 6 - To delete the clause.

No. 61

Clause 57, page 46, lines 7 to 14 - To delete the clause.

No. 62

Clause 58, page 46, line 16 to page 47, line 9 - To delete the clause.

No. 63

Clause 59, page 47, lines 11 to 27 - To delete the clause.

No. 64

Clause 60, page 47, line 28 to page 48, line 5 - To delete the clause.

No. 65

Clause 61, page 48, lines 6 to 15 - To delete the clause.

No. 66

Clause 62, page 48, lines 16 to 21 - To delete the clause.

No. 67

Clause 63, page 48, line 22 to page 49, line 12 - To delete the clause.

No. 68

Clause 64, page 49, line 13 to page 50, line 10 - To delete the clause.

No. 69

Clause 65, page 50, line 12 to page 51, line 2 - To delete the clause.

No. 70

Clause 66, page 51, lines 3 to 16 - To delete the clause.

No. 71

Clause 67, page 51, lines 17 to 28 - To delete the clause.

No. 72

Clause 68, page 52, lines 2 to 24 - To delete the clause.

No. 73

Clause 69, page 53, lines 3 to 7 - To delete the clause.

No. 74

Clause 70, page 53, lines 8 to 14 - To delete the clause.

No. 75

Clause 71, page 53, line 15 to page 54, line 28 - To delete the clause.

No. 76

Clause 72, page 55, lines 1 to 11 - To delete the clause.

No. 77

Clause 73, page 55, lines 12 to 17 - To delete the clause.

No. 78

Clause 74, page 55, line 18 to page 56, line 14 - To delete the clause.

No. 79

Clause 75, page 56, line 16 to page 57, line 10 - To delete the clause.

No. 80

Clause 76, page 57, lines 11 to 15 - To delete the clause.

No. 81

Clause 77, page 57, line 16 to page 58, line 8 - To delete the clause.

No. 82

Clause 78, page 58, lines 9 to 25 - To delete the clause.

No. 83

Clause 79, page 59, lines 1 to 16 - To delete the clause.

No. 84

Clause 80, page 59, line 17 to page 60, line 27 - To delete the clause.

No. 85

Clause 81, page 61, lines 1 to 19 - To delete the clause.

No. 86

Clause 82, page 61, lines 20 to 29 - To delete the clause.

No. 87

Clause 83, page 62, lines 1 to 18 - To delete the clause.

No. 88

Clause 84, page 62, line 19 to page 63, line 13 - To delete the clause.

No. 89

Clause 85, page 63, lines 14 to 27 - To delete the clause.

No. 90

Clause 86, page 64, lines 1 to 18 - To delete the clause.

No. 91

Clause 89, page 65, line 14 - To delete “deleting” and insert instead -
“ inserting after ”.

No. 92

Clause 89, page 65, line 15 - To delete “and inserting instead”.

No. 93

Clause 89, page 65, line 16 - To insert before “network” -
“ or ”.

No. 94

Clause 89, page 65, lines 17 to 19 - To delete the lines.

No. 95

Clause 89, page 65, after line 19 - To insert -

- “
- (2) Section 5(1) is amended in the definition of “electric installation” by deleting “electric” and by relocating the definition in the appropriate alphabetical position.
 - (3) Section 5(1) is amended by deleting the definition of “supply authority” and inserting instead —

“

“supply authority” means an entity that, immediately before the coming into operation of section 89 of the *Electricity Legislation Amendment Act 2004*, was a supply authority as defined in this section, but does not include the Western Power Corporation;

”.
”.

No. 96

Clause 89, page 65, line 25 - To delete “2003” and insert instead -
“ 2004 ”.

No. 97

Clause 89, page 65, line 27 - To delete “2003” and insert instead -
“ 2004 ”.

No. 98

Clause 89, page 66, line 7 - To delete “2003” and insert instead -
“ 2004 ”.

No. 99

Clause 89, page 66, line 21 - To delete “2003” and insert instead -
“ 2004 ”.

No. 100

Clause 89, page 66, line 23 - To delete “2003” and insert instead -
“ 2004 ”.

No. 101

Clause 89, page 66, line 28 - To delete ““Coordinator”,,”.

No. 102

Clause 89, page 66, line 29 - To delete “, “electric installation”,,” and insert instead -
“ and ”.

No. 103

Clause 89, page 66, line 29 - To delete “, “public authority” and “supply authority””.

No. 104

Clause 90, page 66, line 32 - To insert after “repealed” -
“

and the following section is inserted instead —

“
6. Application of Act to supply authorities

- (1) The Minister may, by instrument published in the *Government Gazette*, declare that on and after a specified day a specified relevant provision does not apply to a specified supply authority, and a declaration so made has effect accordingly.
- (2) A declaration is not to be made in respect of a relevant provision unless the Minister is of the opinion that on and after the specified day the specified supply authority will have powers, rights and obligations under the *Electricity Industry Act 2004* that are substantially equivalent to those conferred or imposed by the relevant provision.
- (3) A declaration is not to be made after the expiration of the period of 2 years beginning on the day of the insertion of subsection (1) into this Act by the *Electricity Legislation Act 2004*.
- (4) In this section —
“**declaration**” means a declaration made under subsection (1);
“**relevant provision**” means any of sections 11 to 24, 34 to 41 or 43 to 51,
or any portion of any of those sections, or section 32 (a), (b), (d)
or (l);
“**specified**” means specified in the declaration.

”.
”.

No. 105

Clause 91, page 67, line 5 - To delete “**Network operators**” and insert instead -
“ **Powers, rights and** ”.

No. 106

Clause 92, page 67, lines 6 and 7 - To delete the clause and insert the following new clauses instead -
“

92. Part II Division 1 heading deleted

The heading to Part II Division 1 is deleted.

93. Sections 7, 8, 9 and 10 repealed

Sections 7 to 10 are repealed.

94. Section 13 repealed

Section 13 is repealed.

95. Sections 15, 16 and 17 repealed

Sections 15 to 17 are repealed.

96. Part II Division 2 heading deleted

The heading to Part II Division 2 is deleted.

”.

No. 107

Clause 95, page 68, line 4 - To delete “(a), (b), (d),”

No. 108

Clause 95, page 68, line 4 - To delete “and (l)”.

No. 109

Clause 96, page 68, lines 11 and 12 - To delete the clause.

No. 110

Clause 97, page 68, line 19 - To delete “or electric”.

No. 111

Clause 97, page 68, lines 22 and 23 - To delete “or electric”.

No. 112

Clause 98, page 69, lines 1 and 2 - To delete the clause.

No. 113

Clause 100, page 69, line 8 - To delete “to 51 are” and insert instead -
“ is ”.

No. 114

Clause 103, page 69, lines 19 to 21 - To delete the clause.

No. 115

Clause 109, page 76, line 24 - To delete “2003” and insert instead -
“ 2004 ”.

“

Division 2 — *Electricity Corporation Act 1994* amended

101A. The Act amended

The amendments in this Division are to the *Electricity Corporation Act 1994**.

[* *Reprint 2 as at 3 January 2003.*

For subsequent amendments see Western Australian Legislation Information Tables for 2003, Table 1, p. 118.]

101B. Section 3 amended

(1) Section 3 is amended as follows:

- (a) by inserting before “In this Act” the subsection designation “(1)”;
(b) in the definition of “subsidiary” by deleting paragraph (a) and “and” after it and inserting instead —

“

- (a) a body determined to be a subsidiary of the corporation under subsection (2); or

”.

(2) At the end of section 3 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 corporation.

”.

101C. Section 28 amended

(1) Section 28(3) is amended by deleting “The” and inserting instead —

“ Subject to subsection (3a), the ”.

(2) After section 28(3) the following subsections are inserted —

“

- (3a) Without limiting section 66, the Minister may under that section direct the corporation —

- (a) not to perform a function specified in the direction;
- (b) not to perform a function specified in the direction to an extent, or except to an extent, specified in the direction; or
- (c) not to perform a function specified in the direction in or in relation to an area, or except in or in relation to an area, specified in the direction.

- (3b) Subsection (3a) does not authorise a direction of a kind mentioned in section 38A(1).

”.

101D. Section 31A inserted

After section 31 the following section is inserted —

“

31A. Segregation of functions

- (1) Regulations under section 100 may provide for, and in relation to —
 - (a) the segregation of any segment of the corporation's operations mentioned in section 62(2) from the other functions or operations of the corporation; or
 - (b) the segregation from the corporation of any subsidiary of the corporation that has any functions or operations of a specified kind.
- (2) Regulations referred to in subsection (1) may make provision for, or in relation to —
 - (a) the keeping of accounts and records;
 - (b) financial reporting;
 - (c) the apportionment of income, expenditure, assets and liabilities;
 - (d) the protection of information;
 - (e) the conduct of officers of the corporation; and
 - (f) controls and procedures, and the conferral of functions on a specified person, to ensure that any required segregation is effective.

”.

101E. Section 62 amended

- (1) Section 62(2)(a) is amended as follows:
 - (a) in subparagraph (i) by inserting after “electricity” —

“ within the South West interconnected system ”.
 - (b) by deleting subparagraphs (ii) and (iii) and inserting instead —

“

 - (ii) the transmission and distribution of electricity within the South West interconnected system;
 - (iii) the sale of electricity within the South West interconnected system;

”.

- (2) After section 62(2) the following subsection is inserted —

“

- (2a) In subsection (2) —

“South West interconnected system” has the meaning given to that term in section 3 of the *Electricity Industry Act 2004*.

”.

101F. Section 66 amended

Section 66(1) is amended as follows:

- (a) by deleting “generally”;

- (b) by inserting after “functions” —
“ , either generally or in relation to a particular matter, ”.

101G. Section 95A inserted

After section 95 the following section is inserted —

“

95A. Phasing-out of operation of access and procurement provisions

- (1) The Minister may, by instrument published in the *Government Gazette*, declare that a specified relevant provision does not have effect on and after a specified day, and a declaration so made has effect accordingly.
- (2) A declaration is not to be made in respect of a relevant provision unless the Minister is of the opinion that the matters to which the relevant provision relates are adequately dealt with, or will be adequately dealt with on and after the specified day, under —
 - (a) Part 8 of the *Electricity Industry Act 2004* and the Code established under that Part; or
 - (b) Part 9 of the *Electricity Industry Act 2004* and the regulations made and market rules established under that Part.
- (3) A declaration is not to be made after the expiration of the period of 2 years beginning on the day of the insertion of subsection (1) into this Act by the *Electricity Legislation Amendment Act 2004*.
- (4) Regulations made under section 100 may —
 - (a) repeal any specified provision that has ceased to have effect because of a declaration;
 - (b) effect any repeal of or amendment to any other provision of this Part or Schedule 5, 6 or 7 that is consequential on a repeal referred to in paragraph (a); and
 - (c) prescribe any matter that it is necessary or convenient to prescribe for transitional or savings purposes in relation to a declaration or in relation to a repeal or amendment referred to in paragraph (a) or (b).
- (5) In this section —

“**declaration**” means a declaration made under subsection (1);

“**relevant provision**” means any of section 90, 91, 92 or 93 or Schedule 5, 6 or 7, or any portion of any of those sections or Schedules;

“**specified**” means specified in the declaration.

”.

Division 3 — *Electricity Industry Act 2004* amended

101H. The Act amended

The amendments in this Division are to the *Electricity Industry Act 2004**.

[* *Act No. 5 of 2004.*]

101I. Part 2 Division 7 heading amended

- (1) The heading to Part 2 Division 7 is amended by deleting “Other functions of the Authority” and inserting instead —

“

Administration and monitoring of licensing scheme and issue of codes

”.

101J. Section 39 amended

- (1) Section 39(1) is amended by deleting “The” and inserting instead —

“ Subject to subsection (2b), the ”.

- (2) After section 39(2) the following subsections are inserted —

“

- (2a) If the Authority has not prepared and issued a code in respect of a code matter the Minister may —

- (a) prepare and issue a code in respect of that code matter; or
- (b) by notice published in the *Government Gazette*, declare that the Minister proposes to prepare and issue a code in respect of that code matter.

- (2b) If —

- (a) a code prepared and issued by the Minister; or
- (b) a declaration under subsection (2a)(b),

is in force in respect of a code matter, the Authority cannot issue a code in respect of that code matter.

- (2c) In subsections (2a) and (2b) —

“code matter” means —

- (a) the matter mentioned in subsection (2)(a);
- (b) the matter mentioned in subsection (2)(b);
- (c) the matter mentioned in subsection (2)(d); or
- (d) a matter referred to in subsection (2)(e).

”.

101JA. Section 79 amended

Section 79(2)(c) is amended by deleting “customers; and” and inserting instead —

“

customers and providing for compensation payments to be made to customers when standards of conduct are not met; and

”.

101JB. Section 89A inserted

After section 89 the following section is inserted —

“

89A. Regulations may modify application or operation of enactments to facilitate operation of code

The regulations may provide that a prescribed enactment —

- (a) does not apply in relation to the supply and marketing of electricity to customers;
- (b) does not apply in relation to the supply and marketing of electricity to customers to the extent prescribed;
- (c) does not apply in relation to the supply and marketing of electricity to customers to the extent that the enactment is inconsistent with the code; or
- (d) applies in relation to the supply and marketing of electricity to customers with such modifications as are prescribed.

”.

101K. Section 103 amended

Section 103 is amended by deleting the definition of “access” and inserting instead —

“

“access”, in relation to services, has a meaning corresponding with the meaning that it has when used in that context in the *Trade Practices Act 1974* of the Commonwealth;

”.

101L. Section 104 amended

Section 104(2) is amended as follows:

- (a) in paragraph (l), by deleting “metering and other”;
- (b) by deleting paragraph (m).

101M. Section 106 amended

Section 106(2) is amended by inserting after “agreement” —

“ or an enactment ”.

101N. Section 115 amended

(1) Section 115(1) is amended as follows:

- (a) by inserting before “must” —
“ , or an associate of the network service provider, ”.
- (b) by deleting “aimed at” and inserting instead —
“ for the purpose of ”.

(c) after paragraph (c), by inserting —

“

Penalty: \$100 000.

Daily penalty: \$20 000.

”.

(2) Section 115(2) is amended as follows:

(a) by inserting before “must” —

“ , or an associate of the person, ”.

(b) by deleting “aimed at” and inserting instead —

“ for the purpose of ”.

(3) Section 115(3) is repealed (but not the penalties after it).

(4) At the end of section 115 the following subsections are inserted —

“

(3) Without limiting subsection (1) or (2) —

(a) a person is taken to engage in conduct for a particular purpose if —

(i) the conduct is or was engaged in for purposes that include, or included, that purpose; and

(ii) that purpose is or was a substantial purpose;

(b) a person may be taken to have engaged in conduct for a particular purpose even though, after all the evidence has been considered, the existence of that purpose is ascertainable only by inference from the conduct of the person or of any other person or from other relevant circumstances.

(4) In this section —

(a) a reference to engaging in conduct is a reference to doing or refusing to do any act and includes a reference to —

(i) making a contract or arrangement or giving effect to a provision of a contract or arrangement;

(ii) arriving at an understanding or giving effect to a provision of an understanding; or

(iii) requiring a covenant to be given or giving a covenant;

(b) a reference to refusing to do an act includes a reference to —

(i) refraining (otherwise than inadvertently) from doing the act; or

(ii) making it known that the act will not be done.

(5) Subsection (1) or (2) does not apply to conduct in which a person engaged in accordance with an agreement, if the agreement was in force on 30 March 1995.

(6) In this section —

“**associate**”, in relation to a person, has the meaning it would have under Part 1.2 Division 2 of the *Corporations Act 2001* of the Commonwealth if sections 13, 14, 16(2) and 17 of that Act were repealed.

”.

101O. Schedule 1 amended

Schedule 1 item (k) is amended as follows:

- (a) by inserting before “under” —
“ or the Minister ”.
- (b) by deleting “Authority;” and inserting instead —
“ Authority or the Minister, as the case may be; ”.

”.
”.

No. 117

New Clause 102A, page 69, after line 18 - To insert the following new clause -

“

102A. Long title amended

The long title is amended by deleting “the Western Power Corporation and certain other” and inserting instead —

“ **energy** ”.

”.

No. 118

New Clause 102B, page 69, after line 18 - To insert the following new clause -

“

102B. Section 4 amended

- (1) In section 4(1) the following definitions are inserted in the appropriate alphabetical positions —

“

“electricity corporation” means Western Power Corporation or a body corporate that is a subsidiary, as defined in section 3 of the *Electricity Corporation Act 1994*, of Western Power Corporation;

”.

- (2) In section 4(1) the definition of “energy operator” is deleted and the following definition is inserted instead —

“

“energy operator” means an electricity corporation or —

- (a) in a prescribed provision as defined in section 45(1) of the *Electricity Industry Act 2004*, a person referred to in that section includes in a reference in that prescribed provision to an energy operator;
- (b) in a provision of this Act referred to in Schedule 2 Part 1 or 2 of the *Energy Coordination Act 1994*, a person referred to in section 11ZO of that Act includes in a reference in that provision to an energy operator; and
- (c) in a provision to which paragraphs (a) and (b) both apply, a person referred to in either of those paragraphs;

”.

- (3) In section 4(1) the definitions of “concessionaire” and “linking-up scheme” are deleted.

”.

No. 119

New Clause 106A, page 70, after line 28 - To insert the following new clause -

“

106A. Section 46 amended

Section 46(12) is amended as follows:

- (a) by inserting after “energy operator” where it first occurs —
“ responsible for the operation of existing distribution works ”;
- (b) by deleting “existing distribution” and inserting instead —
“ those ”.

”.

No. 120

New Clause 107A, page 75, after line 27 - To insert the following new clause -

“

107A. Section 123 amended

- (1) Section 123(1) is amended by deleting “or to facilitate the operation of the Electricity Corporation”.
- (2) Section 123(3)(a) is amended by deleting “the Electricity Corporation” and inserting instead —
“ an electricity corporation ”.

”.

No. 121

New Clause 107B, page 75, after line 27 - To insert the following new clause -

“

107B. Section 124 amended

- (1) Section 124(1) is amended as follows:
 - (a) by deleting “Electricity” and inserting instead —
“ Western Power ”.
 - (b) by deleting “its functions” and inserting instead —
“ the functions of an electricity corporation ”.
- (2) Section 124(1a) is amended by deleting “energy, or the supply of energy, of a kind which is within the corporation’s functions” and inserting instead —
“ electricity ”.
- (3) Section 124(4) is amended:
 - (a) by deleting “the corporation” in paragraphs (a), (b), (d)(i), (d)(ia), (d)(vii), (d)(xi), (e), (k), (n) and (p) and in the first place where it occurs in paragraphs (d)(iaa), (h), (j) and (o) and inserting instead —
“ an electricity corporation ”.

- (b) in paragraph (d)(iaa) by deleting “the corporation” in the second and third places where it occurs and inserting instead —
“ the electricity corporation ”.
- (c) in paragraphs (h), (j) and (o) by deleting “the corporation” in the second place where it occurs and inserting instead —
“ the electricity corporation ”.
- (4) Section 124(5) is amended by deleting “corporation” in both places where it occurs and inserting instead —
“ Western Power Corporation ”.

No. 122

Long Title, page 1 - To delete all words after “An Act” and insert instead -

“

to amend the —

- *Electricity Act 1945;*
- *Electricity Corporation Act 1994;*
- *Electricity Industry Act 2004;*
- *Energy Operators (Powers) Act 1979; and*
- *Parliamentary Commissioner Act 1971.*

”.

”.

CONSIDERATION IN DETAIL

The Minister for Energy moved, That amendment Nos 1 to 6 be agreed to.
Amendments put and passed.

The Minister for Energy moved, That amendment Nos 7 to 90 be agreed to.
Amendments put and passed.

The Minister for Energy moved, That amendment No. 91 be agreed to.
Amendment put and passed.

The Minister for Energy moved, That amendment No. 92 to 103 be agreed to.
Amendments put and passed.

The Minister for Energy moved, That amendment No 104 be agreed to.
Amendment put and passed.

The Minister for Energy moved, That amendment Nos 105 to 113 be agreed to.
Amendments put and passed.

The Minister for Energy moved, That amendment No. 114 be agreed to.
Amendment put and passed.

The Minister for Energy moved, That amendment No. 115 be agreed to.
Amendment put and passed.

The Minister for Energy moved, That amendment No. 116 be agreed to.

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

11. Members' Statements

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

12. Questions

Questions without notice were taken.

Questions on notice Nos 3231 to 3235 were asked.

Questions on notice Nos 3208 and 3228 were answered.

13. Suspension of Standing Orders

The Leader of the House, without notice, moved,

That so much of the Standing Orders be suspended as is necessary to allow the Planning and Development Bill 2004, Planning and Development (Consequential and Transitional Provisions) Bill 2004 and the Metropolitan Region Improvement Tax Amendment Bill 2004 to proceed through all remaining stages at this sitting.

Question put.

The Speaker having counted the House, and an absolute majority present and there being no dissentient voice, the motion was declared by the Speaker to be carried with the concurrence of an absolute majority of the whole number of members of the House.

14. Matter of Public Interest - Government Taxes and Charges

The 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 burdening the people of Western Australia with excessive and unnecessary increases in taxes and charges.

Debate ensued.

Question put.

The Assembly divided.

Ayes (19)

Mr R.A. Ainsworth
Mr C.J. Barnett
Mr D.F. Barron-Sullivan
Mr M.J. Birney
Mr M.F. Board
Mr J.H.D. Day
Mrs C.L. Edwardes

Mr J.P.D. Edwards
Mr B.J. Grylls
Ms K. Hodson-Thomas
Mr M.G. House
Mr R.F. Johnson
Mr B.K. Masters
Mr P.D. Omodei

Mr M.W. Trenorden
Mr T.K. Waldron
Ms S.E. Walker
Dr J.M. Woollard
Mr J.L. Bradshaw (*Teller*)

Noes (29)

Mr J.J.M. Bowler
Mr C.M. Brown
Mr A.J. Carpenter
Mr A.J. Dean
Mr J.B. D'Orazio
Dr J.M. Edwards
Dr G.I. Gallop
Mrs D.J. Guise
Mr S.R. Hill
Mr J.N. Hyde

Mr J.C. Kobelke
Mr R.C. Kucera
Mr F.M. Logan
Ms A.J. MacTiernan
Mr J.A. McGinty
Mr M. McGowan
Ms S.M. McHale
Mr N.R. Marlborough
Mrs C.A. Martin
Mr M.P. Murray

Mr A.P. O'Gorman
Mr J.R. Quigley
Ms J.A. Radisich
Mr E.S. Ripper
Mrs M.H. Roberts
Mr D.A. Templeman
Mr P.B. Watson
Mr M.P. Whitely
Ms M.M. Quirk (*Teller*)

Question thus negated.

15. Variation to the Order of Business

Ordered, That Bills Notice of Motion No. 1 be next considered.

16. Criminal Law Amendment (Simple Offences) Bill 2004

The Attorney General, pursuant to notice, moved,

That a Bill for "An Act to amend —

- *The Criminal Code*;
- the *Police Act 1892*;
- the *Public Meetings and Processions Act 1984*;
- the *Constitution Acts Amendment Act 1899*,

and various other Acts and for related matters." 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.

Mr J.L. Bradshaw moved, That the debate be adjourned.

Question put and passed.

17. Personal Explanation

The Attorney General made a personal explanation on the answer to a question without notice from Dr J.M. Woollard on Wednesday 22 September 2004.

18. Ministerial Statement

The Minister for Health was granted leave to make a Ministerial Statement on the Public Pathology Services Western Australia.

19. Planning and Development Bill 2004

The Deputy Speaker presented the Legislation Committee's report on the Bill and minutes of the Legislation Committee.

Paper

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

By the Deputy Speaker -

Planning and Development Bill 2004 - Legislation Committee Report and Minutes (2816).

The report was as follows -

LEGISLATION COMMITTEE PLANNING AND DEVELOPMENT BILL 2004 REPORT REPORT No. 1

The Legislation Committee reports to the Legislative Assembly that it has considered the *Planning and Development Bill 2004*, as referred by the Legislative Assembly to the Committee, and has agreed to Clauses 1 to 295, Schedules 1 to 11, and the title of the Bill and has made amendments. The amendments are as follows –

No. 1

Clause 2

Page 2, after line 6 — To insert —

“

(2) Different days may be fixed under subsection (1) for different provisions.

”.

No. 2

Clause 23

Page 22, line 19 - To delete “Crown in the right of the”.

No. 3

Clause 32

Page 27, line 26, to page 28, line 4 – To delete the lines.

No. 4

Clause 32

Page 28, line 5 – To delete “If subsection (1) does not apply,”.

No. 5

Clause 69

Page 49, lines 24 to 28 — To delete the lines.

No. 6

Clause 87

Page 60, line 8 — To insert after “to” where it first occurs —

“

—

(a)

”.

No. 7

Clause 87

Page 60, after line 9 — To insert —

“

- (b) advertise the scheme or amendment in accordance with the regulations; and
- (c) ensure that copies of the scheme or amendment are available to the public.

”.

No. 8

Clause 103

Page 70, line 22 — To insert after “proceed” —

“ , without the consent of the Minister, ”.

No. 9

Clause 135

Page 93, line 4 — To insert after “road” —

“ created under Part IVA of the *Transfer of Land Act 1893* or ”.

No. 10

Clause 146

Page 102, lines 26 and 27 — To delete “submitted to the Commission under section 145”.

No. 11

Clause 146

Page 102, line 31 — To delete “Act” and substitute —
“section”.

No. 12

Clause 146

Page 102, line 34 — To delete “Act” and substitute —
“section”.

No. 13

Clause 146

Page 103, line 3 — To delete “Act” and substitute —
“section”.

No. 14

Clause 149

Page 106, lines 2 and 3 — To delete “, in accordance with the regulations”.

No. 15

Clause 149

Page 106, lines 4 to 6 — To delete “has first been approved in writing by the Commission or is taken to have been so approved under the regulations” and substitute —

“ is endorsed with the approval of the Commission ”.

No. 16

Clause 149

Page 106, after line 19 — To insert —

“

(9) Subsection (7) does not apply to a transaction approved by the Commission.

”.

No. 17

Clause 149

Page 106, lines 30 to 32 — To delete “and circumstances in which the Commission will be taken to have given its approval under subsection (6)” and substitute —

“ of a tied lot or a principal lot ”.

No. 18

Clause 150

Page 107, line 16 — To insert after “subdivision” —

“ or a plan lodged for registration under the *Strata Titles Act 1985* ”.

No. 19

Clause 150

Page 108, lines 1 to 7 — To delete the lines and substitute —

“

(4) It is sufficient description for the purposes of subsection (3)(b) if reference is made on the plan or diagram to this section and regulations made for the purposes of this section.

”.

No. 20

Clause 152.

Page 108, line 23 — To insert after “subdivision” —

“ or a plan under the *Strata Titles Act 1985* ”.

No. 21

Clause 159.

Page 115, line 13 — To insert after “road” —

“ to which there is access from the subdivided land ”.

No. 22

Clause 159.

Page 116, line 8 — To insert after “road” —

“ created under Part IVA of the *Transfer of Land Act 1893* or ”.

No. 23

Clause 162.

Page 117, after line 18 — To insert —

“

- (2) Nothing in this section limits or otherwise affects a right or entitlement under any other written law.

”.

No. 24

Clause 164.

Page 118, line 7 — To delete “development” and substitute —

“ planning ”.

No. 25

Clause 167.

Page 119, line 28 to page 120, line 5 — To delete the lines.

No. 26

Clause 167.

Page 120, lines 7 and 8 — To delete “to which this section applies” and substitute —

“ or a plan lodged for registration under the *Strata Titles Act 1985* ”.

No. 27

Clause 168.

Page 122, line 11 — To insert after “subdivision” —

“ or a plan lodged for registration under the *Strata Titles Act 1985* ”.

No. 28

Clause 168.

Page 122, line 17 — To insert after “subdivision” —

“ or a plan lodged for registration under the *Strata Titles Act 1985* ”.

No. 29

Clause 174.

Page 127, line 23 — To delete “Act” and substitute —

“ section ”.

No. 30

Clause 181.

Page 136, line 20 — To delete “memorial” and substitute —
“ notification ”.

No. 31

Clause 181.

Page 136, line 23 — To delete “memorial” and substitute —
“ notification ”.

No. 32

Clause 181.

Page 136, line 27 — To delete “Act” and substitute —
“ section ”.

No. 33

Clause 181.

Page 137, line 4 — To delete “Act” and substitute —
“ section ”.

No. 34

Clause 181.

Page 137, line 7 — To delete “Act” and substitute —
“ section ”.

No. 35

Clause 295.

Page 209, line 4 — To delete “Act” and substitute —
“ section ”.

No. 36

Schedule 8.

Page 236, line 28 — To insert after “road” —
“ created under Part IVA of the *Transfer of Land Act 1893* or ”.

The minutes of the meetings are appended.

MRS DIANNE GUISE, MLA

CHAIRMAN TO THE LEGISLATION COMMITTEE; AND
DEPUTY SPEAKER OF THE LEGISLATIVE ASSEMBLY

23 September 2004

Question proposed, That the report of the Legislation Committee be adopted.

Question put and passed.

Ordered, That the third reading of the Bill be made an Order of the Day for a later stage of the sitting.

20. Planning and Development (Consequential and Transitional Provisions) Bill 2004

The Deputy Speaker presented the Legislation Committee's report on the Bill and minutes of the Legislation Committee.

Paper

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

By the Deputy Speaker -

Planning and Development (Consequential and Transitional Provisions) Bill 2004 -
Legislation Committee Report and Minutes (2817).

The report was as follows -

LEGISLATION COMMITTEE PLANNING AND DEVELOPMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2004

REPORT

REPORT No. 2

The Legislation Committee reports to the Legislative Assembly that it has considered the *Planning and Development (Consequential and Transitional Provisions) Bill 2004*, as referred by the Legislative Assembly and to the Committee, and has agreed to Clauses 1 to 71, Schedules 1 and 2, and the title of the Bill and has made amendments. The amendments are as follows –

No. 1

Clause 2.

Page 2, lines 6 to 10 — To delete the lines and substitute —

“

- (1) This Act comes into operation on a day to be fixed by proclamation.
- (2) Different days may be fixed under subsection (1) for different provisions.

”.

No. 2

Clause 3.

Page 2, line 13 — To delete “Act” and substitute —
“ section ”.

No. 3

Clause 14.

Page 6, line 16 — To delete “Act” and substitute —
“ section ”.

No. 4

Clause 59.

Page 26, line 25 — To insert after “by” —
“ a provision of ”.

No. 5

Clause 59.

Page 26, line 25 — To insert after “by this Act” —
“ (the “**amending provision**”) ”.

No. 6

Clause 59.

Page 26, line 27 — To delete “this Act” and substitute —
“ the amending provision ”.

No. 7

Schedule 2.

Page 54, lines 24 to 26 — To delete the lines.

No. 8

Schedule 2.

Page 59, line 26 — To delete “151(1)” and substitute —
“ 147(1) ”.

No. 9

Schedule 2.

Page 59, line 28 — To delete “151(2)” and substitute —
“ 147(2) ”.

No. 10

Schedule 2.

Page 71, line 28 to page 72, line 4 — To delete the lines.

DIANNE GUISE, MLA
CHAIRMAN TO THE LEGISLATION COMMITTEE; AND
DEPUTY SPEAKER OF THE LEGISLATIVE ASSEMBLY

23 September 2004

Question proposed, That the report of the Legislation Committee be adopted.

Question put and passed.

Ordered, That the third reading of the Bill be made an Order of the Day for a later stage of the sitting.

21. Metropolitan Region Improvement Tax Amendment Bill 2004

The Deputy Speaker presented the Legislation Committee's report on the Bill and minutes of the Legislation Committee.

Paper

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

By the Deputy Speaker -

Metropolitan Region Improvement Tax Amendment Bill 2004 - Legislation Committee
Report and Minutes (2818).

The report was as follows -

LEGISLATION COMMITTEE
METROPOLITAN REGION IMPROVEMENT TAX AMENDMENT
BILL 2004

REPORT

REPORT No. 3

The Legislation Committee reports to the Legislative Assembly that it has considered the *Metropolitan Region Improvement Tax Amendment Bill 2004*, as referred by the Legislative Assembly and to the Committee, and has agreed to Clauses 1 to 4, and the title of the Bill without amendment.

MRS DIANNE GUISE, MLA
CHAIRMAN TO THE LEGISLATION COMMITTEE; AND
DEPUTY SPEAKER OF THE LEGISLATIVE ASSEMBLY

23 September 2004

Question proposed, That the report of the Legislation Committee be adopted.

Question put and passed.

Ordered, That the third reading of the Bill be made an Order of the Day for a later stage of the sitting.

22. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be further considered.

23. Electricity Legislation (Amendments and Transitional Provisions) Bill 2003

The Order of the Day for the further consideration in detail of Legislative Council message No. 154 (see paragraph 10) was read.

CONSIDERATION IN DETAIL

The Minister for Energy moved, That amendment No. 116 be agreed to.

Amendment put and passed.

The Minister for Energy moved, That amendment Nos 117 to 121 be agreed to.

Amendments put and passed.

The Minister for Energy moved, That amendment No. 122 be agreed to.

Amendment put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

24. Variation to the Order of Business

Ordered, That the Order of the Day for the third reading of the Planning and Development Bill 2004, the Order of the Day for the third reading of the Planning and Development (Consequential and Transitional Provisions) Bill 2004 and the Order of the Day for the third reading of the Metropolitan Region Improvement Tax Amendment Bill 2004 be next considered.

25. Planning and Development Bill 2004

The Order of the Day for the third reading of the Bill having been read, the Minister for Planning and Infrastructure moved, That the Bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

26. Planning and Development (Consequential and Transitional Provisions) Bill 2004

The Order of the Day for the third reading of the Bill having been read, the Minister for Planning and Infrastructure moved, That the Bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

27. Metropolitan Region Improvement Tax Amendment Bill 2004

The Order of the Day for the third reading of the Bill having been read, the Minister for Planning and Infrastructure moved, That the Bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

28. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 2 be next considered.

29. Children and Community Services Bill 2003

The Order of the Day for the consideration in detail of Legislative Council message No. 155 was read.

The message was as follows -

Message No. 155.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Children and Community Services Bill 2003* 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 Children and Community Services Bill 2003

No. 1

Clause 8, page 9, line 14 - To delete “permanency” and insert instead -
“ continuity and stability ”.

No. 2

Clause 9, page 10, line 24 - To delete “only be taken in respect of a child” and insert instead -
“ be taken only ”.

No. 3

Clause 26, page 22, line 16 - To delete “produce” and insert instead -
“ display ”.

No. 4

Clause 26, page 22, line 17 - To delete “asked to do so by” and insert instead -
“ dealing with ”.

No. 5

Clause 28, page 24, after line 4 - To insert -

“

“**harm**”, in relation to a child, means any detrimental effect of a significant nature
on the child’s wellbeing;

”.

No. 6

Clause 28, page 24, lines 22 to 25 - To delete the lines.

No. 7

Clause 28, page 24, line 26 - To delete “significant”.

No. 8

Clause 28, page 24, after line 28 - To insert -

“ (ii) sexual abuse; ”.

No. 9

Clause 28, page 25, line 5 - To delete “significant”.

No. 10

Clause 37, page 31, line 15 - To delete “(1)” and insert instead -

“ (2) ”.

No. 11

Clause 44, page 37, line 26 - To delete “only”.

No. 12

Clause 44, page 37, line 26 - To insert after “made” -

“ only ”.

No. 13

Clause 90, page 59, after line 5 - To insert -

“
(d) any other person considered by the CEO to have a direct and significant
interest in the wellbeing of the child.

”.

No. 14

Clause 93, page 60, after line 25 - To insert -

“
(c) any carer of the child; or

”.

No. 15

Clause 101, page 64, line 24 - To delete “significant”.

No. 16

Clause 101, page 64, after line 26 - To insert -

“ (ii) sexual abuse; ”.

No. 17

Clause 101, page 65, lines 5 to 10 - To delete the lines.

No. 18

Clause 101, page 65, line 11 - To delete “this section” and insert instead -

“ subsection (1) ”.

No. 19

Clause 101, page 65, after line 14 - To insert -

“
“harm” has the meaning given to that term in section 28(1).

”.

No. 20

Clause 140, page 87, line 16 - To delete “unless it makes an order” and insert instead -
“ subject to the terms of any order made ”.

No. 21

Clause 140, page 87, line 21 - To insert after “report” -
“ , or a specified part of the report, ”.

No. 22

Clause 140, page 87, line 23 - To insert after “report” -
“ , or the specified part, ”.

No. 23

Clause 161, page 102, line 8 - To insert after “21” -
“ working ”.

No. 24

Clause 199, page 125, after line 31 - To insert -
“
(ii) reflects best practice in the care, education and recreation of young children; and
”.

No. 25

Clause 204, page 127, lines 14 to 16 - To delete “may ask the applicant or nominated supervising officer to do any or all of the following”.

No. 26

Clause 204, page 127, line 17 - To insert before “undergo” -
“ must ask the applicant or nominated supervising officer to ”.

No. 27

Clause 204, page 127, line 21 - To insert before “undergo” -
“ may ask the applicant or nominated supervising officer to ”.

No. 28

Clause 204, page 127, line 23 - To insert before “provide” -
“ must ask the applicant or nominated supervising officer to ”.

No. 29

Clause 204, page 127, after line 23 - To insert -
“
(d) must ask the applicant or nominated supervising officer to provide evidence that the person holds the qualifications prescribed in relation to the type of child care service to which the application relates.
”.

No. 30

Clause 225, page 136, line 13 - To delete “who is”.

No. 31

Clause 229, page 138, line 6 - To delete “(2)” and insert instead -
“ (3) ”.

No. 32

Schedule 2, page 174, after line 5 - To delete “and (2)”.

No. 33

Schedule 2, page 174, after line 5 - To delete “significant”.

CONSIDERATION IN DETAIL

The Minister for Community Development, Women’s Interests, Seniors and Youth moved, That amendment Nos 5 to 9 be agreed to.

Amendments put and passed.

The Minister for Community Development, Women’s Interests, Seniors and Youth moved, That amendment No. 10 be agreed to.

Amendment put and passed.

The Minister for Community Development, Women’s Interests, Seniors and Youth moved, That amendment Nos 11 and 12 be agreed to.

Amendments put and passed.

The Minister for Community Development, Women’s Interests, Seniors and Youth moved, That amendment No. 13 be agreed to.

Amendment put and passed.

The Minister for Community Development, Women’s Interests, Seniors and Youth moved, That amendment No. 14 be agreed to.

Amendment put and passed.

The Minister for Community Development, Women’s Interests, Seniors and Youth moved, That amendment Nos 15 to 19 be agreed to.

Amendments put and passed.

The Minister for Community Development, Women’s Interests, Seniors and Youth moved, That amendment No. 20 be agreed to.

Amendment put and passed.

The Minister for Community Development, Women’s Interests, Seniors and Youth moved, That amendment Nos 21 and 22 be agreed to.

Amendments put and passed.

The Minister for Community Development, Women’s Interests, Seniors and Youth moved, That amendment No. 23 be agreed to.

Amendment put and passed.

The Minister for Community Development, Women’s Interests, Seniors and Youth moved, That amendment No. 24 be agreed to.

Amendment put and passed.

The Minister for Community Development, Women’s Interests, Seniors and Youth moved, That amendment Nos 25 to 28 be agreed to.

Amendments put and passed.

The Minister for Community Development, Women’s Interests, Seniors and Youth moved, That amendment No. 29 be agreed to.

Amendment put and passed.

The Minister for Community Development, Women’s Interests, Seniors and Youth moved, That amendment No. 30 be agreed to.

Amendment put and passed.

The Minister for Community Development, Women's Interests, Seniors and Youth moved, That amendment No. 31 be agreed to.

Amendment put and passed.

The Minister for Community Development, Women's Interests, Seniors and Youth moved, That amendment Nos 32 and 33 be agreed to.

Amendments put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

30. Criminal Law Amendment (Criminal Property) Bill 2004

Message No. 162 dated 23 September 2004 from the Legislative Council was reported agreeing to the Bill without amendment.

31. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 19 October 2004 at 2.00 p.m.

Question put and passed.

32. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 5.12 p.m. until Tuesday, 19 October 2004 at 2.00 p.m.

Members present during any part of the day's proceedings - All the members except Mr W.J. McNee and Mr R.N. Sweetman.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. FRED RIEBELING

Speaker of the Legislative Assembly