

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 85

THURSDAY, 25 SEPTEMBER 2003, 9.00 a.m.

Prayers *

Petitions

Papers

Giving Notice of Motion

Brief Ministerial Statements *

Questions Without Notice *

Matter of Public Interest

Private Members' Business

Grievances

Private Members' Statements

- | | |
|---|-----------------------------------|
| - | approximately 2.00 p.m. each day |
| - | one per week on any day |
| - | 4.00 p.m. to 7.00 p.m. Wednesdays |
| - | approximately 9.00 a.m. Thursdays |
| - | 12.50 p.m. Thursdays |

* Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions without Notice will follow immediately after Prayers.

Memorandum: An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at www.parliament.wa.gov.au.

GOVERNMENT BUSINESS - ORDERS OF THE DAY

1. ***Human Reproductive Technology Amendment Bill 2003** (Minister for Health) (No. 212, 2r. – 26/6/03)

Second reading. Adjourned debate (Ms K. Hodson-Thomas – continuation of remarks).

2. **Western Australian College of Teaching Bill 2003** (Minister for Education and Training) (No. 219, 2r. – 13/8/03)

To be read a third time.

3. ***Energy Legislation Amendment Bill 2003** (Minister for Energy) (No. 210, 2r. – 26/6/03)

Consideration in detail of Legislative Council message No. 94.

4. ***Environmental Protection Amendment Bill 2002** (Minister for the Environment) (No. 131, 2r. – 27/6/02)

Consideration in detail of Legislative Council message No. 93.

5. **Loan Bill 2003** (Treasurer) (No. 196, 2r. – 4/6/03)

Second reading. Adjourned debate (Leader of the House).

- 6. *Criminal Code Amendment Bill (No. 2) 2003** (Attorney General) (No. 231, 2r. – 3/4/03)
Consideration in detail.
- 7. Nuclear Waste Storage (Prohibition) Amendment Bill 2003** (Premier) (No. 220, 2r. – 13/8/03)
Second reading. Adjourned debate (Mr R.F. Johnson).
- 8. Gas and Electricity Safety Legislation Amendment Bill 2003** (Minister for Energy) (No. 221, 2r. – 21/8/03)
Second reading. Adjourned debate (Mr J.P.D. Edwards).
- 9. Western Australian Planning Commission Amendment Bill 2003** (Minister for Planning and Infrastructure) (No. 226, 2r. – 27/8/03)
Second reading. Adjourned debate (Mr J.L. Bradshaw).
- 10. Barrow Island Bill 2003** (Minister for State Development) (No. 230, 2r. – 16/9/03)
Second reading. Adjourned debate (Mr J.L. Bradshaw).
- 11. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2003** (Minister for Education and Training) (No. 227, 2r. – 17/9/03)
Second reading. Adjourned debate (Mr J.L. Bradshaw).
- 12. Plant Pests and Diseases (Eradication Funds) Amendment Bill 2003** (Parliamentary Secretary to the Minister for Agriculture, Forestry and Fisheries) (No. 234, 2r. – 17/9/03)
Second reading. Adjourned debate (Mr J.L. Bradshaw).
- 13. Road Traffic Amendment Bill 2003** (Minister for Planning and Infrastructure) (No. 233, 2r. – 23/9/03)
Second reading. Adjourned debate (Mr J.L. Bradshaw).
- 14. Criminal Injuries Compensation Bill 2003** (Attorney General) (No. 232, 2r. – 24/9/03)
Second reading. Adjourned debate (Mr J.L. Bradshaw).
- 15. Inspector of Custodial Services Bill 2003** (Minister for Justice) (No. 228, 2r. – 24/9/03)
Second reading. Adjourned debate (Mr J.L. Bradshaw).
- 16. *Electoral Reform Bill 2002** (Minister for Electoral Affairs) (No. 155, 2r. - 23/10/02)
Second reading. Adjourned debate (Mr J.L. Bradshaw).
- 17. *Restoration of Legislative Assembly Bills** (Leader of the House) (Moved - 24/9/02)
Consideration of Legislative Council message No. 9.

PRIVATE MEMBERS' BUSINESS - NOTICES OF MOTION

- 1. Eradication of Introduced Plant and Animal Species** (Notice given - 13/8/02, renewed - 3/12/02)

Mr B.K. Masters: To move –

That recognising the threat posed by introduced plants and animals to agriculture and the environment, this House calls upon the Government to –

- (a) adequately fund the control and, where possible, eradication of introduced plant and animal species that pose unacceptable risks to agriculture and our unique environment, especially where they are present on Crown land; and

- (b) accept that the onus for control and, where appropriate, eradication should not rest solely with private landowners whose properties are regularly subject to weed and feral animal re-introductions from adjoining and nearby Crown land.

2. South West Forest Regeneration and Management (Notice given - 13/8/02, renewed - 3/12/02)

Mr B.K. Masters: To move –

That this House calls upon the Government to –

- (a) accept that the cessation of logging by itself will not protect south west forests from a range of threatening impacts;
- (b) understand that, without proper management, forests will grow old and degrade, leaving logging as a possible management tool for use at some further time in forest regeneration;
- (c) acknowledge that jarrah forests regrow naturally by the creation of relatively small gaps in the canopy within which tree seedlings can grow;
- (d) acknowledge that karri forests regrow naturally after major disturbances such as fire kill pre-existing trees and allow seedlings to grow in the resulting ashbeds; and
- (e) increase funding for management of the forest conservation estate.

3. Wheatbelt's Salinity Crisis (Notice given – 13/8/02, renewed - 3/12/02)

Mr B.K. Masters: To move –

That this House calls upon the Government to urgently provide appropriate funding for the assessment of innovative solutions to the Wheatbelt's salinity crisis, such as are described in "Salinity Crisis Action Plan: A Creative Engineering Solution", produced by Peter Coyne, David Williamson and Jonathon Thomas, together with the full range of possible alternative solutions.

4. Emergency Service Plans (Notice given - 10/9/02, renewed – 12/3/03)

Mr P.D. Omodei: To move –

That recognising local emergency service plans are fundamental to the safety and security of the Western Australian community this House calls on the government -

- (a) to provide local governments appropriate funds to ensure that local emergency management advisory committees (LEMACs) have the capacity to ensure that emergency services plans are up-to-date and cognisant of recent events of September the 11th 2001;
- (b) to ensure that the State emergency plan is current and if necessary make any changes to the plan to ensure the Western Australian community is protected from events like September 11 2001.

5. Regional Sitting of the Legislative Assembly (Notice given - 17/9/02, renewed – 19/3/03)

Mr L. Graham: To move –

That this House instructs the Speaker to hold a three-day regional sitting of the Legislative Assembly. The sitting should take place in Port Hedland during the calendar year 2003.

Further, this House calls on the Government to support a regional sitting of the Assembly. Government support should specifically include the provision in the coming budget for sufficient funds to enable a three-day sitting to take place in Port Hedland.

6. Equal Access to Education (Notice given - 25/9/02, renewed – 3/4/03)

Mr T.K. Waldron: To move –

That this House calls on the Government to ensure that all children in Western Australia, particularly those in regional and remote Western Australia, have equal access to education so that geographical isolation does not penalise students and families –

- (a) that are burdened with additional costs of living away from home;
- (b) where children are forced to move away from their family home and community support structure in order to continue education beyond that provided by their local school.

7. Health Professionals in Western Australia (Notice given - 14/11/02, renewed – 4/6/03)

Mr M.F. Board: To move -

That in accordance with Standing Order 287(2)(d) the following matter be referred to the Education and Health Standing Committee for its urgent investigation and report to the Assembly by 30 June 2003 –

- (a) the extent of the current shortages of health professionals in Western Australia, in particular, country and regional and outlying metropolitan areas of Perth;
- (b) the adequacy of current education and training programmes to meet the shortage; and
- (c) what other measures or programmes, including incentives, that may assist in addressing the shortage.

8. Availability of Beds in Public Tertiary Hospitals (Notice given - 14/11/02, renewed – 4/6/03)

Mr M.F. Board: To move -

That the Minister for Health request the Health Department to immediately look at measures that may ease the pressure on beds in our public tertiary hospitals by funding Care Awaiting Placement Beds and support where available in non-public hospitals.

9. School Bus Contractors (Notice given - 3/12/02, renewed – 12/6/03)

Ms K. Hodson-Thomas: To move -

That this House condemns the Gallop Labor Government for its failure to resolve the serious and long-standing concerns of Western Australian school bus contractors in the interests of our school aged children and the contractors.

10. Commonwealth Health Funding in Western Australia (Notice given – 25/2/03, renewed – 19/6/03)

Mr M.F. Board: To move -

That the Minister for Health clearly outlines the true extent of Commonwealth health funding into Western Australia including –

- (a) the percentage increase in Commonwealth health funding (over the life of the current Health Agreement) compared to the State's contribution to public hospitals;
- (b) the Commonwealth's contribution to primary health care via Medicare to Western Australia;
- (c) the contribution of the Commonwealth in indigenous health and other speciality funding areas;
- (d) contributions by the Commonwealth to funding capital equipment and any recurrent funding in regard to running equipment;

- (e) contribution by the Commonwealth to capital works in health and related areas;
- (f) contributions by the Commonwealth to Western Australia for aged care; and
- (g) the cost paid by the Commonwealth in funding our share in Western Australia of the Pharmaceutical Benefits Scheme.

11. South West Election Commitments (Notice given – 18/3/03, renewed – 19/8/03)

Mr P.D. Omodei: To move -

That this House condemns this State Labor Government for its failure to keep election commitments in the South West and its abysmal efforts in providing vital services and infrastructure, and in particular –

- (a) commitments to the timber industry – eg. furniture industry, timber volumes;
- (b) commitments to the Tourism Industry – eg. Sky Jetty, Eco Lodge;
- (c) Health and Education Services – eg. Allied Health, aboriginal health and Aboriginal Education Officers;
- (d) Road Construction – South West Highway, Muir Highway, Mowen Road;
- (e) Infill Sewerage – deferral; and
- (f) Water Management.

12. Kalamunda Hospital Redevelopment (Notice given – 15/4/03, renewed – 11/9/03)

Mr J.H.D. Day: To move -

That this House –

- (a) supports the concept of providing health services as close as reasonably possible to where people live; and
- (b) calls on the Government to –
 - (i) fulfil the Labor Party's election commitment to complete the \$5.5 million redevelopment of the Kalamunda Hospital;
 - (ii) ensure sufficient funding to complete the redevelopment is included in the 2003 budget; and
 - (iii) ensure that all existing services, including obstetrics and surgery, are maintained at the Hospital.

13. Home Burglary Incidence (Notice given – 7/5/03, renewed – 18/9/03)

Mr P.G. Pental: To move -

That this House calls on the Minister for Police to explain –

- (a) why the Police Service has failed to make any serious impact in solving greater numbers of home-burglaries, given that the clearance or clean-up rates for this crime have averaged only 14% in each of the past five years;
- (b) why the Police Service has taken no special action to tackle the problem, especially given that in 2001-02 some 34,044 home burglaries (or 85.3% of those reported) went unsolved;
- (c) why the Police Service does not acknowledge the nexus between crimes investigated and crimes solved; and
- (d) why considerable police attention continues to be directed at easy targets like motorists, but such focus and attention is with-held from major crime areas like home burglaries,

and calls on the Police Service to outline, what, if any, innovative plans it has to lift the home burglary clearance rates from an abysmal 14%.

14. Timber Industry Restructure Projects in the South West (Notice given – 3/6/03)

Mr P.D. Omodei: To move -

That this House condemns the Western Australian State Labor Government for its failure to deliver projects in the South West in the wake of the timber industry restructure and in particular its failure to –

- (a) announce timber resource allocations;
- (b) deliver a furniture industry to Manjimup;
- (c) encourage new industries;
- (d) finalise and bring to fruition the Sky Jetty, Diamond Tree and Pemberton Hydro projects; and
- (e) upgrade the South West Highway, Muir Highway and Mowen Road,

and calls on the Gallop Labor Government to act immediately to deliver these projects.

15. School Bus Operators' Remuneration (Notice given – 3/6/03)

Ms K. Hodson-Thomas: To move -

That this House condemns the Gallop Labor Government for continuing to mismanage the School Bus Contract dispute and rate of remuneration for School Bus Operators who are threatening strike action as a result of the ongoing dispute with the Minister for Planning and Infrastructure. And further, that this House calls on the Government to resolve this issue rather than force School Bus Operators into a potential strike that will affect school children, the disabled and parents across regional and metropolitan Western Australia.

16. Trading Hours Deregulation (Notice given – 17/6/03)

Mr D.F. Barron-Sullivan: To move -

That this House opposes further deregulation of trading hours in Western Australia.

17. Australian Senate (Notice given – 19/6/03)

Mr P.G. Pental: To move -

That this House unreservedly rejects moves by the Prime Minister to weaken the powers of the Australian Senate, noting –

- (a) that claims of Senate obstructionism cannot be sustained, given that the Senate has rejected only 28 of the 1200 Bills introduced since the Howard Government took office (that is, 2%);
- (b) that no convincing case has been made out to sustain the argument that Australia has become ungovernable because of the rejection of a mere 2% of the Bills presented to it;
- (c) that rigid party discipline in all chambers of all Australian Parliaments is more responsible for a weakening in real democracy than any other factor;
- (d) that other, more substantial moves, such as a reform of Question Time, and Opposition control of some Parliamentary committees, would be more beneficial to Parliamentary democracy; and
- (e) that the concept of compliant, rubber-stamping Senates or other Upper Houses is anathema to a rigorous Parliamentary democracy,

and calls on all political leaders to pledge themselves to achieving more meaningful Parliaments that represent the interest of Australian people, as distinct from political parties.

18. Management of Water Resources by Farmers (Notice given – 24/6/03)

Mr P.D. Omodei: To move -

That this House —

- (a) condemns the Western Australian State Labor Government for its lack of consultation with farmers in its intention to introduce a payment for the use of water when farmers have already paid for dam construction and conveyance of water;
- (b) calls on the Government to recognise that farmers have and are capable of self management of the water resource as evidenced by the Warren Lefroy and Donnelly rivers advisory committee over many years; and
- (c) calls on the Government to abandon its intention to impose yet another tax on farmers.

19. Parliamentary Inquiry into Western Power (Notice given – 26/6/03)

Mr M.W. Trenorden: To move -

That this House calls on the Government to support a parliamentary inquiry to investigate deteriorating infrastructure and the poor customer service standards of Western Power.

20. Police Station Closures in Regional Western Australia (Notice given – 26/6/03)

Mr M.W. Trenorden: To move -

That this House calls on the Government to provide an assurance that no police stations will be closed in regional Western Australia for the remainder of the term of the Gallop Government.

21. Main Roads Funding (Notice given – 12/8/03)

Ms K. Hodson-Thomas: To move -

That this House condemns the Gallop Labor Government for its failure to properly fund Main Roads Western Australia and its decision to cut agreed funding levels under the State Road Funds to Local Government Agreement.

22. Wild Dogs Issue in Agricultural and Pastoral Areas (Notice given – 12/8/03)

Mr P.D. Omodei: To move -

That this House condemns the Gallop Labor Government for its failure to address the issue of wild dogs in the State's agricultural and pastoral areas, which is causing serious stock losses, resulting in abject cruelty to sheep and calves and serious harm to the State's sheep and cattle producing areas, and requests that –

- (a) the Government provides sufficient resources to combat this problem on vacant and unallocated Crown land;
- (b) the Government allow access by 'doggers' to Government controlled land; and
- (c) the bounty on dog scalps, currently being trialled in Laverton, be expanded to all areas experiencing wild dog problems.

23. Ambulance Response Times (Notice given – 12/8/03)

Mr M.F. Board: To move -

That the Minister for Health immediately deals with the urgent issue of ambulance response times in the Perth metropolitan region, particularly Priority One which has been blown out by 11% in the last two years.

24. Child Obesity and Diabetes (Notice given – 12/8/03)

Mr M.F. Board: To move -

That the State Government urges the Minister for Health to immediately instruct the Health Department to coordinate a more meaningful and well resourced strategy to deal with the rising incidence of obesity, in particular child obesity and the rapidly escalating incidence of Diabetes II in our community.

25. Disallowance Motion – Wireless Hill Park (Notice given – 16/9/03)

Mr J.P.D. Edwards: To move -

That the proposal contained in submission No. 17 of 2003 – Excision from Class “A” Reserve 29813 – Wireless Hill Park, Ardross, tabled in the Legislative Assembly on 11 September 2003, under section 42(4) of the *Land Administration Act 1997*, be disallowed.

Note: The last of the 30 sitting days referred to in section 43(1) of the Land Administration Act 1997 will be the day Assembly Notice Paper No. 109 refers to.

26. Multanova Camera Placement Criteria (Notice given – 16/9/03)

Ms K. Hodson-Thomas: To move -

That in light of recent comments by the Police Union, condemning the use of Multanovas as a revenue raising measure rather than as a road safety tool, this House calls on the Government to urgently review the placement criteria to ensure that these cameras are used as a life saving measure.

27. Ambulance Resources in the Metropolitan Region (Notice given – 16/9/03)

Mr M.F. Board: To move -

That the Minister for Health take urgent action so as to better coordinate the use of ambulance resources in the metropolitan area, return response times to a preferred level and eliminate ambulance ramping at our tertiary hospitals.

28. Public Sector Management (Notice given – 16/9/03)

Mrs C.L. Edwardes: To move -

That this House condemns the Government for its undermining of the public sector through ideological restructuring, job cuts and reduced funding, which have resulted in a failure to maintain basic financial controls, a failure to comply with reporting requirements and a failure to be accountable.

29. Heritage Properties in William and Wellington Streets (Notice given – 16/9/03)

Mr J.P.D. Edwards: To move -

That this House –

- (a) expresses its deep concern at moves by the Gallop Government to resume heritage properties in William and Wellington Streets in connection with the railway construction at a time when such properties are subject to heritage assessment and registration process; and
- (b) calls on the Government to cease any resumption pending the outcome of the heritage process and an independent assessment of potential compensation costs.

30. Cable Sands (W.A.) Pty Ltd Mining Proposal at Ludlow (Notice given – 16/9/03)

Mr B.K. Masters: To move -

That this House –

- (a) advises the Government of the strong community support for the proposal by Cable Sands (W.A.) Pty Ltd to mine in the former and existing pine plantations at Ludlow;

- (b) congratulates the proponent for its significant commitments to improving the conservation statues of the tuart and its associated ecosystems;
- (c) notes the report of the Environmental Protection Authority (E.P.A.) which recommends in support of the mining proposal;
- (d) is critical of environmentalists' claims which imply that the E.P.A. is biased and has been seduced by the proponent; and
- (e) calls upon the Government and the Minister for the Environment to approve the mining proposal in a timely manner.

31. Community Resources and Social Services in Regional Towns with State Housing (Notice given – 18/9/03)

Mr B.J. Grylls: To move -

That this House condemns the State Government for not providing adequate community resources and social services such as police, health and counselling to regional towns where people with special needs are making application for State Housing.

32. Mental Health (Notice given – 23/9/03)

Mr M.F. Board: To move -

That the Minister for Health immediately address the growing crisis in Mental Health.

PRIVATE MEMBERS' BUSINESS - ORDERS OF THE DAY

1. Adoption Amendment Bill 2002 (Dr E. Constable) (No. 126, 2r. – 26/6/02)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

2. Main Roads Amendment Bill 2001 (Mr M.W. Trenorden) (No. 48, 2r. – 29/8/01)

Second reading. Adjourned debate (Leader of the House).

3. Volunteer Protection Bill 2002 (Mr B.J. Grylls) (No. 122, 2r. – 12/6/02)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

4. Fair Trading Amendment Bill 2001 (Mr P.G. Pental) (No. 44, 2r. – 13/3/02)

Second reading. Adjourned debate (Minister for Consumer and Employment Protection).

5. Heathcote Hospital Site (Reservation) Bill 2001 (Dr J.M. Woollard) (No. 63, 2r. - 17/10/01)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

6. Fremantle Eastern Bypass (Moved - 21/8/02)

Adjourned debate (Mr F.M. Logan - continuation of remarks) on the motion moved by Mr M.F. Board –

That this House condemns the State Government for failing to govern in the interests of Western Australians in relation to the proposed deletion of the Fremantle Eastern Bypass from the Metropolitan Region Scheme.

7. Independent Advice Relating to Members of the Cabinet (Moved - 11/9/02)

Adjourned debate (Mr C.J. Barnett - continuation of remarks) on the motion moved by Ms S.E. Walker –

That this House calls on the Premier to ensure that the Attorney General appoint some person to make decisions that would otherwise be made by him, being a person independent of Government to deal with and make all decisions with relation to matters which directly or indirectly involve allegations of criminal behaviour by members of the Gallop Cabinet in view of –

- (a) the obvious perception that any member of Cabinet may be biased in favour of their Cabinet colleague when making decisions;
- (b) the clear misuse by the Attorney General of a previous indirect allegation of evidence fabrication which involved the Minister for Health;
- (c) the clear attempt by the Attorney General to cover up his improper behaviour over the Lewandowski affidavit; and
- (d) the latest allegations relating to the Ripley case, the possibility that a now-senior member of the Labor Government could be one of the unnamed co-conspirators or at least would be embarrassed by any revelations.

8. National Review of Nursing Education 2002 (Moved - 18/9/02)

Adjourned debate (Dr J.M. Woollard - continuation of remarks) on the motion moved by Mr M.F. Board –

That the Minister for Health immediately accepts, endorses and implements the recommendations made in the National Review of Nursing Education 2002.

9. Western Australia Hospitality and Tourism Sectors (Moved - 25/9/02)

Adjourned debate (Dr J.M. Woollard - continuation of remarks) on the motion moved by Ms S.E. Walker –

That this House condemns the Gallop Government's lack of support, vision and sound management for the Western Australian Hospitality and Tourism sectors, currently in a deepening crisis, and further being impacted upon by the archaic provisions of the *Labour Relations Reform Act 2002* and calls upon the Government to urgently conduct a public forum of tourism and hospitality stakeholders to properly address issues of serious concern in the industry.

10. Fire Management in the Western Australian Environment (Moved - 6/11/02)

Adjourned debate (Mr T.K. Waldron - continuation of remarks) on the motion moved by Mr B.K. Masters -

That this House calls upon the Government to accept that –

- (a) fire is a natural part of West Australia's environment;
- (b) fire is an essential management tool in virtually all WA ecosystems;
- (c) the exclusion of all fire from natural areas, as supported by some environmentalists, poses serious threats to life, property and environmental values if implemented; and
- (d) adequate funding for the appropriate use of fire as an environmental management and hazard reduction tool must be provided as a high budget priority.

11. Performance of Government (Moved - 27/11/02)

Adjourned debate (Leader of the House) on the motion moved by Mr C.J. Barnett -

That this House condemns the Gallop Labor Government for its failure to govern in the interests of all Western Australians and the failure of its Ministers to discharge their duties in an open and accountable manner.

12. Sustainable Water Supply for Regional Western Australia (Moved - 4/12/02)

Adjourned debate (Minister for the Environment and Heritage - continuation of remarks) on the motion moved by Mr B.J. Grylls -

That this House calls on the Government to take immediate and decisive action to facilitate the role of private enterprise in developing innovative water management projects for the establishment of a sustainable water supply for regional Western Australia.

13. National Action Plan on Salinity and Water Quality (Moved - 9/4/03)

Adjourned debate (Mr R.N. Sweetman - continuation of remarks) on the motion moved by Mr B.J. Grylls -

That this House calls on the Gallop Government to immediately prioritise and fund projects through the National Action Plan on Salinity and Water Quality that have been developed by the community and accredited through regional natural resource management plans, and to re-submit these plans to the Federal Government so that Western Australia does not forfeit matching funding to other States.

14. Flags Protection Bill 2003 (Mr C.J. Barnett) (No. 192, 2r. - 16/4/03)

Second reading. Adjourned debate (Mr M.F. Board - continuation of remarks).

15. Health (Smoking in Enclosed Public Places) Amendment Bill 2003 (Dr J.M. Woollard) (No. 200, 2r. - 14/5/03)

Second reading. Adjourned debate (Minister for Health).

16. Lobbying Disclosure and Accountability Bill 2003 (Dr E. Constable) (No. 205, 2r. - 11/6/03)

Second reading. Adjourned debate (Mr P.G. Pental).

17. Retail Trading Hours Amendment Bill 2003 (Mr D.F. Barron-Sullivan) (No. 211, 2r. - 18/6/03)

Second reading. Adjourned debate (Leader of the House).

18. Swan River Environmental Health (Moved - 25/6/03)

Adjourned debate (Mr B.K. Masters - continuation of remarks) on the motion moved by Mr B.K. Masters -

That recognising the poor environmental health of the Swan River and associated waterways, this House calls on the government to -

- (a) urgently provide sufficient funding to the Swan River Trust to allow it to adequately meet the increasing pressures placed upon the Swan and Canning Rivers resulting from increased nutrient inputs and higher recreational usage; and
- (b) take whatever steps are necessary to assist the Swan and Avon Catchment Councils to complete their catchment management strategies, so as to take full advantage of funding offered by the federal government under its National Action Plan on Water and Salinity.

19. Criminal Injuries Compensation Amendment Bill 2003 (Ms S.E. Walker) (No. 223, 2r. – 13/8/03)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

20. Ningaloo Reef Coastline (Moved – 13/8/03)

Adjourned debate (Mr A.D. McRae – continuation of remarks) on the motion moved by Mr B.K. Masters -

That this House condemns the Premier for –

- (a) his Government's waste of money in the way the decision to refuse the Maud's Landing marina proposal was announced, and in the on-going expenditure seeking community input into planning issues affecting the Ningaloo Reef area which in effect is political advertising for the ALP;
- (b) failing to provide specific and detailed reasons for the rejection of the proposal, contrary to the requirements of the Environmental Protection Act 1986;
- (c) failing to provide or commit funding for essential management and infrastructure along the entire Ningaloo Reef coastline; and
- (d) being misleading in representing the views of the chairman of the Environmental Protection Authority (E.P.A.) on the E.P.A.'s attitude towards the Maud's Landing proposal.

21. Water Conservation and Management Bill 2003 (Mr P.G. Pental) (No. 225, 2r. – 20/8/03)

Second reading. Adjourned debate (Mr J.L. Bradshaw).

22. Public Interest Disclosure Amendment Bill 2003 (Mrs C.L. Edwardes) (No. 229, 2r. – 10/9/03)

Second reading. Adjourned debate (Mr M. McGowan).

23. Freedom of Information Amendment Bill 2003 (Dr E. Constable) (LC No. 206, 1r. – 16/9/03)

To be read a second time.

COMMITTEES TO REPORT

Economics and Industry Standing Committee – The Dairy Industry in Western Australia.	-	4 December 2003
Education and Health Standing Committee – Attention Deficit Disorder and Attention Deficit Hyperactive Disorder in Western Australia	-	30 June 2004

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Economics and Industry Standing Committee "Inquiry into the Western Australian Strata Management Industry"	Minister for Consumer and Employment Protection; Attorney General; Minister for Planning and Infrastructure	26 September 2003

- * Denotes amendments appear in the Notices and Amendments section of the Notice Paper.
- † Denotes time allocated for Bill appears in the Notices and Amendments section of the Notice Paper.
- ‡ Denotes second reading debate on the Bill was undertaken cognately with a principal Bill, and no further second reading debate will occur.
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NOTICES AND AMENDMENTS

Criminal Code Amendment Bill (No. 2) 2003 (No. 231 — 1)

Clause 2.

The Attorney General: To move —

Page 2, lines 8 to 19 — To delete the lines.

Clause 7.

The Attorney General: To move —

Page 4, lines 9 to 11 — To delete the lines.

Schedule 1.

The Attorney General: To move —

Page 13, line 8 to page 15, line 15 — To delete the lines.

The Attorney General: To move —

Page 16, line 15 — To delete “subsection is” and substitute the following —

“ subsections are ”.

The Attorney General: To move —

Page 16, line 19 — To insert after “imprisonment” the following —

“ for murder ”.

The Attorney General: To move —

Page 17, after line 4 — To insert the following —

“

- (1a) The Governor may make a parole order in respect of a prisoner serving life imprisonment for an offence other than murder but only if —
 - (a) the prisoner has served the period required by section 96(1) of the *Sentencing Act 1995*; and
 - (b) a report has been given by the Board to the Minister under section 12 or 18.

”.

The Attorney General: To move —

Page 17, line 7 — To delete “Section 49(b)” and substitute the following —

“ Section 50(b) ”.

The Attorney General: To move –

Page 17, line 10 — To delete “Section 66(2)” and substitute the following —

“ Section 68(2) ”.

The Attorney General: To move –

Page 17, line 17 — To delete “Section 67(2)” and substitute the following —

“ Section 69(2) ”.

Electoral Reform Bill 2002 (No. 155—1)

Clause 4.

Dr J.M. Woollard: To move –

Page 9, lines 3 and 4 - To delete the following –

“

; and

(ii) the additional large district number,

”.

Dr J.M. Woollard: To move –

Page 9, lines 10 to 13 – To delete the lines.

Dr J.M. Woollard: To move –

Page 9, line 15 to page 10, line 18 – To delete the lines and substitute the following –

“

- (1) The Commissioners shall divide the State into regions in accordance with the principles that —
 - (a) the number of electors comprised in the region at the day specified in section 16E, 16F or 16G(1) as the day as soon as practical be after which the division is to be carried out must not be more than 10% greater, or more than 20% less, than the average region enrolment on the day so specified;
 - (b) each region consist of one or more complete and contiguous districts; and
 - (c) to the extent possible the regions reflect communities of interest, land use patterns and distance from the capital.
- (2) In subsection (1)(a) —

“average region enrolment” means the number of enrolled electors in the State divided by the number of regions specified in section 16D.

”.

Dr J.M. Woollard: To move –

Page 10, line 20 – To delete “regions and”.

Dr J.M. Woollard: To move –

Page 10, line 21 – To delete “regions and”.

Energy Legislation Amendment Bill 2003 (No. 210 —1)

Message No. 94.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Energy Legislation Amendment 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 Energy Legislation Amendment Bill 2003

No. 1

New Clause 14, page 7, after line 22 - To insert the following new Clause -

“

14. Section 3 amended

Section 3 is amended in paragraph (b) of the definition of “supply” by deleting “to small use customers”.

”.

No. 2

New Division 9, page 68, after line 25 - To insert the following new Division -

“

Division 9 — Regulation of use of heating value of gas for charging purposes

38. Section 26 amended

After section 26(5) the following subsection is inserted —

“

- (6) Without limiting subsection (1), regulations may require a person —
- (a) who transports gas through a distribution system; or
 - (b) who sells gas that is transported through a distribution system, when the person uses the heating value of the gas for the purpose of determining charges, to use the heating value of the gas as determined under the *Gas Standards Act 1972*.

”

”.

Environmental Protection Amendment Bill 2002 (No. 131 — 2)

Message No. 93.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Environmental Protection Amendment 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 Environmental Protection Amendment Bill 2002

No. 1

Clause 7, page 8, lines 4 to 28 - To delete the lines.

No. 2

Clause 7, page 9, line 5 - To delete the line.

No. 3

Clause 10, page 14, line 11 - To delete “suspend or”.

No. 4

Clause 10, page 14, line 13 - To delete “suspension or”.

No. 5

Clause 10, page 14, lines 25 to 27 - To delete the lines.

No. 6

Clause 12, page 16, lines 28 and 29 - To delete the lines.

No. 7

Clause 15, page 18, lines 25 to 27 - To delete the lines.

No. 8

Clause 21, page 29, line 13 - To delete “(2c)” and insert instead -

“ (3a) ”.

No. 9

Clause 23, page 29, lines 25 to 28 - To delete the lines.

No. 10

Clause 28, page 36, line 11 - To insert before “but” -

“

and includes dead vegetation unless that dead vegetation is of a class declared by regulation to be excluded from this definition

”.

No. 11

Clause 55, page 61, lines 13 to 30 - To delete the lines.

No. 12

Clause 55, page 61, line 32 - To delete “an act” and insert instead -

“ clearing ”.

No. 13

Clause 55, page 62, lines 6 to 16 - To delete the lines.

No. 14

Clause 65, page 66, line 8 - To insert after "CEO" -

" , on the recommendation of the Authority, "

No. 15

Clause 72, page 73, after line 8 - To insert -

"

(2) After section 54(2) the following subsection is inserted —

"

(2a) As well as seeking comments under subsection (2)(b) the CEO is to advertise the application in the prescribed manner, inviting any person who wishes to comment on it to do so within such period as is specified in the advertisement.

"

".

No. 16

Clause 72, page 73, after line 11 - To insert -

"

(3) Section 54(3) is amended by inserting after "(2)(b)" —

" or (2a) "

".

No. 17

Clause 75, page 74, after line 29 - To insert -

"

(3) After section 57(2) the following subsection is inserted —

"

(2a) As well as seeking comments under subsection (2)(b) the CEO is to advertise the application in the prescribed manner, inviting any person who wishes to comment on it to do so within such period as is specified in the advertisement.

"

(4) Section 57(3) is amended by inserting after "(2)(b)" —

" or (2a) "

".

No. 18

Clause 110, page 119, lines 24 to 26 - To delete the lines.

No. 19

Clause 110, page 121, lines 7 and 8 - To delete " , or for the transfer of a clearing permit, "

No. 20

Clause 110, page 121, line 10 - To insert after "(1)(b)(i)" -

" (i) "

No. 21

Clause 110, page 121, after line 12 - To insert -

“

- (ii) by a person who satisfies the CEO that the person is likely to become the owner of the land on which the clearing is proposed to be done;

or

”.

No. 22

Clause 110, page 121, after line 28 - To insert -

“

- (c) advertise the application in the prescribed manner, inviting any person who wishes to comment on it to do so within such period as is specified in the advertisement.

”.

No. 23

Clause 110, page 122, line 1 - To insert after “(4)(b)” -

“ or (c) ”.

No. 24

Clause 110, page 122, after line 26 - To insert -

“

- (9) In the case of an application made under subsection (2)(a)(ii), the CEO may, under subsection (5)(a), give the applicant a written undertaking that if the person becomes the owner of the land on which the clearing is proposed to be done, the CEO will, subject to subsection (10), grant a clearing permit to the applicant subject to such of the conditions referred to in section 51H as the CEO specifies in the undertaking.
- (10) A clearing permit cannot be granted pursuant to an undertaking mentioned in subsection (9) unless —
 - (a) the applicant becomes the owner of the land on or before such day as is specified in the undertaking; and
 - (b) the CEO has been notified in writing that the applicant has become the owner of the land.
- (11) A reference in subsection (5)(b), (6) or (7)(a) or in section 51P(2) or 101A to granting or refusing to grant a clearing permit includes a reference to giving or refusing to give an undertaking mentioned in subsection (9).
- (12) A reference in section 101A to the specification of a condition in a clearing permit includes a reference to the specification of a condition in an undertaking mentioned in subsection (9).

”.

No. 25

Clause 110, page 127, after line 23 - To insert -

“

- (b) where a person has become the holder of the clearing permit by operation of section 51N, the CEO is satisfied that the person is unwilling or unable to comply with the conditions to which the permit is subject;

”.

No. 26

Clause 110, page 128, line 20 - To delete “21” and insert instead -

“ 28 ”.

No. 27

Clause 110, page 130, lines 10 to 31 - To delete the lines and insert instead -

“

51N. Continuation of area permit on change of ownership

- (1) If an area permit is held by the owner of the land to which the permit relates and the interest by reason of which that person is the owner (the “**interest**”) is or is to be transferred, or passes or is to pass, to another person (the “**new owner**”), the new owner may, in the form and in the manner approved by the CEO, notify the CEO —
- (a) that the transfer or passing of the interest has occurred or is to occur; and
- (b) that the new owner wishes to become the holder of the permit.
- (2) If notification is given to the CEO under subsection (1) then —
- (a) on the transfer or passing of the interest; or
- (b) on the receipt of the notification by the CEO,
- whichever is later, the new owner becomes the holder of the area permit by operation of this section on the conditions to which the permit is subject.
- (3) If when the interest is transferred or passes the CEO has not received notification under subsection (1), the area permit has no further effect unless and until such notification is received.

”.

No. 28

Clause 110, page 131, lines 7 and 8 - To delete the lines.

No. 29

Clause 110, page 131, line 27 - To delete “relevant”

No. 30

Clause 110, page 131, line 27 - To insert after “instrument” -

“ , or other matter, that the CEO considers relevant ”.

No. 31

Clause 110, page 132, lines 6 and 7 - To delete the lines.

No. 32

Clause 110, page 132, line 9 - To delete “or transfer”.

No. 33

Clause 110, page 132, lines 11 and 12 - To delete “or transfer”.

No. 34

Clause 110, page 133, line 6 - To insert after “permits” -

“ and undertakings mentioned in section 51E(9) ”.

No. 35

Clause 110, page 133, line 7 - To delete “transfers of clearing permits” and insert instead -

“ notifications received under section 51N(1) ”.

No. 36

Clause 110, page 137, after line 4 - To insert -

“

- (2) In subsections (3) and (4) —
“commencement day” means the day on which section 110 comes into operation;
“EP Act” means the *Environmental Protection Act 1986* as amended by this Act.

- (3) Despite section 51B of the EP Act, the Governor may make regulations declaring —
 (a) an area of the State specified in the notice; or
 (b) an area of the State of a class specified in the notice,
 to be an environmentally sensitive area for the purposes of Part V Division 2 of the EP Act.

- (4) Regulations under subsection (2) —
 (a) cannot be made after the expiration of the period of 3 months after the commencement day; and
 (b) expire on the expiration of the period of 9 months after the commencement day.

”.

No. 37

Clause 112, page 141, lines 26 to 28 - To delete the lines.

No. 38

Clause 112, page 141, line 29 - To delete “or transfer of a clearing permit”.

No. 39

Clause 112, page 142, lines 3 and 10 - To delete “21” and insert instead -

“ 28 ”.

No. 40

Clause 112, page 142, after line 29 - To insert -

“

- (5) Subsections (1)(a)(ii) and (b), (3)(a) and (4) do not apply in relation to the grant of a permit pursuant to an undertaking mentioned in section 51E(9).

”.

No. 41

Clause 116, page 145, line 9 - To insert before “diversity” -

“ biological ”.

No. 42

Clause 116, page 145, lines 9 and 10 - To delete “of plant species”.

No. 43

Clause 116, page 145, line 28 - To insert before “conservation” -

“ adjacent or nearby ”.

No. 44

Clause 116, page 146, line 8 - To insert after “1984” -

“

or any other land or waters reserved, protected or managed for the purpose of,
or purposes including, nature conservation

”.

No. 45

Clause 116, page 146, line 15 - To delete “and “**wetland**” have the same meanings as they have” and insert instead -

“ has the same meaning as it has ”.

No. 46

Clause 116, page 146, after line 17 - To insert -

“

“**wetland**” means an area of seasonally, intermittently or permanently waterlogged
or inundated land, whether natural or otherwise, and includes a lake, swamp,
marsh, spring, dampland, tidal flat or estuary.

”.

No. 47

Clause 116, page 148, lines 21 to 33 - To delete the lines.

No. 48

Clause 116, page 149, line 7 - To delete “24, 24A”.

No. 49

Clause 116, page 149, line 31 to page 150, line 8 - To delete the lines.

No. 50

Clause 118, page 150, after line 20 - To insert -

“

(2) Regulation 2 is amended by deleting the definition of “to clear”.

No. 51

Clause 118, page 150, after line 21 - To insert -

“

(4) Schedule 2 Form 1 is deleted.

(5) Schedule 3 is deleted.

No. 52

Clause 119, page 150, line 23 - To delete “subsections (2) and (3)” and insert instead -
 “ this section ”.

No. 53

Clause 119, page 150, after line 23 - To insert -

“
 “Authority” has the same meaning as it has in the EP Act;
 ”.

No. 54

Clause 119, page 151, after line 3 - To insert -

“
 (2) This subsection applies to clearing if —
 (a) a regulation 4 notice relating to the clearing was given not less than 90 days before the commencement day;
 (b) the clearing was or is commenced not more than 2 years after the giving of the notice and is completed not more than 2 years after the commencement day;
 (c) the clearing was not referred to the Authority as a proposal under Part IV of the EP Act, or was so referred and not accepted by the Authority; and
 (d) a soil conservation notice, within the meaning of section 31 of the *Soil and Land Conservation Act 1945*, has not been served in respect of the clearing.
 (3) For the purposes of sections 51C and 74B of the EP Act, clearing to which subsection (2) applies is to be regarded as being clearing of a kind set out in Schedule 6 to the EP Act.
 ”.

No. 55

Clause 122, page 154, line 5 - To insert after “regulations” -

“ when requested by the Minister to do so or on its own initiative ”.

No. 56

Clause 130, page 159, lines 1 to 9 - To delete the lines and insert instead -

“
 (3) Despite section 51 of the *Justices Act 1902* and subsection (2), if a complaint of an offence to which subsection (2) applies specifies the day on which evidence of the alleged offence first came to the attention of a person authorised to institute the prosecution under section 114 the complaint —
 (a) may be made within 24 months after that day; and
 (b) need not contain particulars of the day on which the offence is alleged to have been committed.
 ”.

No. 57

New Clause 120, page 151, after line 10 - To insert the following new Clause -

“

120. Wildlife Conservation Act 1950 sections 16 and 23D amended

- (1) The amendments in this section are to the *Wildlife Conservation Act 1950*.

[* *Reprinted 20 November 1998.*

For subsequent amendments see Act No. 6 of 2002.]

- (2) After section 16(1) the following subsection is inserted —

“

- (1a) In the case of fauna other than fauna in respect of which a declaration under section 14(2)(ba) is in operation, subsection (1) does not apply to the taking of fauna incidental to clearing referred to in section 51C(a), (b) or (c) of the *Environmental Protection Act 1986*.

”

- (3) Section 23D(5) is amended by deleting “subsection (6)” and inserting instead —

“ subsections (6) and (7) ”.

- (4) After section 23D(6) the following subsections are inserted —

“

- (7) In considering an application under subsection (3) the Minister shall have regard to the principles set out in Schedule 5 to the *Environmental Protection Act 1986* and shall not issue a licence if the taking of the protected flora to which the licence would relate would be seriously at variance with those principles.

- (8) Subsection (7) does not apply if the taking of the protected flora to which the licence would relate is authorised by a clearing permit granted and in force under Part V Division 2 of the *Environmental Protection Act 1986*.

”

”

No. 58

New Clauses 122 and 123, page 153, after the Table - To insert the following new Clauses -

“

122. Section 5 amended

- (1) Section 5(1) is amended by deleting “(1) Subject to subsection (2), whenever” and inserting instead —

“ Whenever ”.

- (2) Section 5(2) and (3) are repealed.

123. Section 12 amended

- (1) Section 12(2) is repealed.

- (2) Section 12(3) is amended by deleting “that interest exists.” and inserting instead —

“ the Authority member has that interest. ”.

- (3) Section 12(4) is amended by deleting “and the Authority member may take part in the consideration or discussion of the matter, but shall not vote thereon”.
- (4) After section 12(4) the following subsection is inserted —

“

- (5) If an Authority member discloses an interest in a matter under subsection (1) or is determined under subsection (3) to have an interest in a matter, the Authority member shall not —
- (a) take part, as an Authority member, in the consideration or discussion of the matter; or
- (b) vote on the matter.

”

”.

No. 59

New Clause 126, page 155, after line 12 - To insert the following new Clause -

“

126. Section 99A amended

Section 99A(1)(b) is deleted.

”.

Human Reproductive Technology Amendment Bill 2003 (No. 212 — 1)

At the conclusion of the second reading

Mrs C.L. Edwardes: To move —

That the Bill be divided into two separate Bills, being —

- (1) The *Human Reproductive Technology Amendment Bill 2003* consisting of —
- (a) a title “A Bill for an Act to amend the *Human Reproductive Technology Act 1991*”;
- (b) (i) clauses 1 to 6;
- (ii) clause 7 except for, in subclause (2), the proposed insertion of new subsection (2) in section 4 of the principal Act;
- (iii) clauses 8 to 35, except for 19(c) and 20(2)(d); and
- (iv) clauses 37 to 41;
- of the Bill currently being considered by the Assembly; and
- (c) the deletion of references to “Part 4A” as follows —
- (i) Clause 5(12)(a), delete “4A or”;
- (ii) Clause 37, in proposed section 53ZG(2), delete “, Part 4A”; and in proposed sections 53ZP(1), 53ZQ(1)(c) and (2) and 53ZR, delete “or Part 4A”.

(2) *The Human Reproductive Technology Amendment (Prohibition of Human Cloning) Bill 2003* consisting of –

- (a) a title “A Bill for an Act to further amend the *Human Reproductive Technology Act 1991*”;
- (b) the following clauses –

“

1. Short title

This Act may be cited as the *Human Reproductive Technology Amendment (Prohibition of Human Cloning) Act 2003*.

2. Commencement

This Act comes into operation immediately after the *Human Reproductive Technology Amendment Act 2003* comes into operation.

3. The Act amended

The amendments in this Act are to the *Human Reproductive Technology Act 1991**.

[*Act No. 22 of 1991.

For subsequent amendments see Western Australian Legislation Information tables for 2002, Table 1, p. 177.]

4. Section 3 amended

Section 3(2) is amended by inserting before “4B” —

“ 4A or ”.

5. Section 4 amended

After section 4(1) the following subsection is inserted —

“

(2) The particular objects of Part 4A are set out in section 53A.

”
.”

- (c) Clauses 19(c), 20(2)(d) and 36 of the Bill currently being considered by the Assembly; and

- (d) the following clauses –

“

9. Section 53ZG amended

Section 53ZG(2) is amended by inserting after “law” —

“ or Part 4A ”.

10. Sections 53ZP, 53ZQ and 53ZR amended

Sections 53ZP(1), 53ZQ(1)(c) and (2) and 53ZR are each amended by inserting after “Part” —

“ or Part 4A ”.

”.

Consideration in detail

Clause 16.

The Minister for Health: To move –

Page 18, line 15 – To delete “33(2)(ea)” and substitute the following –

“ 33(2)(e) ”.

Clause 36.

The Minister for Health: To move –

Page 42, line 15 – To insert after “into” the following –

“ the State from a place outside ”.

The Minister for Health: To move –

Page 42, line 17 – To insert after “from” the following –

“ the State to a place outside ”.

Clause 37.

The Minister for Health: To move –

Page 49, line 27 – To delete “intentionally”.

The Minister for Health: To move –

Page 51, line 9 – To delete “Despite section 72 of the *Justices Act 1902*, a” and substitute the following –

“ A ”.

The Minister for Health: To move –

Page 51, line 23 – To delete “intentionally”.

The Minister for Health: To move –

Page 51, line 24 – To delete “, knowing that the conduct” and substitute the following –

“ that ”.

The Minister for Health: To move –

Page 51, lines 26 and 27 – To delete “, or reckless as to whether the conduct contravenes a condition of such a licence”.

Mr B.K. Masters: To move –

Page 53, lines 21 to 27 – To delete the lines.

Mr B.K. Masters: To move –

Page 56, lines 11 to 15 – To delete the lines.

Restoration of Legislative Assembly Bills

Message No. 9.

The Legislative Council has considered Legislative Assembly Message No. 5 relating to the –

Yallingup Foreshore Land Bill 2002
Volunteers (Protection from Liability) Bill 2002
Home Building Contracts Amendment Bill 2002

In response, the Legislative Council –

- (1) does not agree that the difficulties associated with the three Bills can be rectified by altering internal practice and procedure. The Bills lapsed on prorogation by operation of law;
- (2) recommends that the Government reconsider the necessity for annual prorogations said to arise from section 4 of the *Constitution Act 1889* and notes the divergence of interpretation and practice despite a provision identical to section 4 appearing in the Constitution of the Commonwealth and each of the States;
- (3) reminds the Legislative Assembly that a Bill must have been on the Notice Paper in the previous session if it is to be restored, that is, the Bill must have been in the possession of the House. Possession cannot occur until a Bill is introduced and given a first reading. On that basis, the House never had possession of the three Bills and had nothing to restore;
- (4) rejects the assertion that transmission of a Bill between the Houses is a “stage” in passage. Parliamentary authorities are in agreement on the meaning of “stage” and no mention is made of transmission in that context; and
- (5) requests the Legislative Assembly to cite a reference to the written law that expressly or impliedly amended section 46(5) of the *Constitution Acts Amendment Act 1899* so as to enable the Legislative Assembly to “require” this House to comply with the Assembly’s demands relating to the passage of legislation.

PETER J. McHUGH

Clerk of the Legislative Assembly
