

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 175

TUESDAY, 10 NOVEMBER 2015, 2.00 p.m.

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice	–	approximately 2.00 p.m. each day
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Matter of Public Interest	–	one per week on any day
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Private Members' Business	–	4.00 p.m. to 7.00 p.m. Wednesdays
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Grievances	–	approximately 9.00 a.m. Thursdays
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Private Members' Statements	–	12.50 p.m. Thursdays
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* *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.*

BILLS – NOTICES OF MOTION

1. Main Roads Amendment Bill 2015 (Notice given – 21/10/15)

The Minister for Transport: To move –

That a Bill for “An Act to amend the *Main Roads Act 1930* and make consequential amendments to the *Environmental Protection Act 1986*, and for related purposes.” be introduced and read a first time.

GOVERNMENT BUSINESS – NOTICES OF MOTION

1. Suspension of Standing Orders – Precedence of Business (Notice given – 22/10/15)

The Leader of the House: To move –

That so much of the Standing Orders be suspended as is necessary to enable –

- (a) Private Members' Business to have priority from Wednesday 11 November 2015, from 4.30 pm to 6.00 pm;

- (b) bills to be introduced without notice and to proceed through all stages in one day; and
- (c) messages from the Legislative Council to be taken into consideration on the day on which they are received

for the remainder of 2015 unless otherwise ordered.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. ***Public Health Bill 2014** (Minister for Health) (No. 103, 2r. – 26/11/14)

Further consideration in detail – Clause 3.

2. **‡*Public Health (Consequential Provisions) Bill 2014** (Minister for Health) (No. 104, 2r. – 26/11/14)

Second reading. Adjourned debate.

3. **Perth Market (Disposal) Bill 2015** (Treasurer) (No. 149, 2r. – 23/9/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

4. ***City of Perth Bill 2015** (Minister for Local Government) (No. 135, 2r. – 21/5/15)

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

5. **Integrity (Lobbyists) Bill 2014** (Premier) (No. 98, 2r. – 26/11/14)

Second reading. Adjourned debate (Ms R. Saffioti).

6. **Local Government Legislation Amendment Bill 2014** (Minister for Local Government) (No. 108, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

7. **Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015** (Minister for State Development) (No. 144, 2r. – 10/9/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

8. ***Aboriginal Heritage Amendment Bill 2014** (Deputy Premier) (No. 81, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

9. **Land Acquisition Legislation Amendment (Compensation) Bill 2014** (Premier) (No. 100, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

10. **Appropriation (Capital 2010-11 to 2013-14) Supplementary Bill 2014** (Treasurer) (No. 106, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

11. **Appropriation (Recurrent 2010-11 to 2013-14) Supplementary Bill 2014** (Treasurer) (No. 105, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

12. ***Joint Standing Committee on Delegated Legislation – Application of Standing Orders** (Leader of the House)

Consideration in detail of Legislative Council Message No. 67.

13. **Premier's Statement**

Adjourned debate (Leader of the House) on the question, That the Premier's Statement be noted.

14. ***Aquatic Resources Management Bill 2015** (Deputy Premier) (No. 52, 2r. – 24/2/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 15. Aquatic Resources Legislation Amendment Bill 2015** (Deputy Premier)
(No. 51, 2r. – 24/2/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 16. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2015** (Minister for Training and Workforce Development) (No. 137, 2r. – 18/6/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 17. Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015** (Premier) (No. 112, 2r. – 14/10/15)

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

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

- 1. Acknowledgement of Fire-fighters** (Notice given – 17/2/15, renewed 23/6/15)

Ms M.M. Quirk: To move –

That this House records its appreciation and acknowledgement of volunteer and career fire-fighters who have tirelessly fought a succession of large fires in recent weeks. Without those extraordinary efforts the property losses would have been considerably larger and more lives put at peril. This House also expresses our thanks to interstate fire-fighters from New South Wales and Victoria who travelled to Western Australia to relieve weary local fire-fighters.

- 2. Unemployment Rates in Western Australia** (Notice given – 11/8/15)

Mr M. McGowan: To move –

That this House condemns the Barnett Government for the increasing rate of unemployment, and failing to diversify the economy to create more jobs for the more than 94,000 unemployed West Australians.

- 3. Seniors in Western Australia** (Notice given – 17/3/15, renewed 8/9/15)

Ms M.M. Quirk: To move –

That this House condemns the Barnett Government for its lack of leadership and planning for the increase in Western Australia's ageing population, for its failure to consult seniors in the course of its concession review and for a range of decisions which disproportionately impact on seniors.

- 4. Anti-Methamphetamine Advertising** (Notice given – 22/4/15, renewed 23/9/15)

Mr M. McGowan: To move –

That this House supports the use of funds designated for the Bigger Picture advertising campaign to be transferred to the creation and implementation of an anti-methamphetamine advertising and public education campaign.

5. RSPCA (Notice given – 7/5/15, renewed 15/10/15)

Mr M. McGowan: To move –

That this House endorses the good work of the RSPCA and supports its continued government funding and role in handling prosecutions. Further, that this House rejects Liberal Party calls for an inquiry into this worthy organisation.

6. Role of the Auditor General (Notice given – 20/10/15)

Mr W.J. Johnston: To move –

That this House:

- (1) acknowledges that the current requirement that the Auditor General submit his audit reports pursuant to Regulations 29 and 30 of the *Electricity Corporations (Electricity Generation and Retail Corporation) Regulations 2013* with the Minister for Energy before tabling his reports with Parliament is in direct conflict with the role of the Auditor General as an independent officer of Parliament; and
- (2) calls on the Government to immediately amend Regulation 31 of the *Electricity Corporations (Electricity Generation and Retail Corporation) Regulations 2013* so that the Auditor General tables these reports first with Parliament.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. Constitution Amendment (Recognition of Aboriginal People) Bill 2014 (Ms J. Farrer)
(No. 77, 2r. – 11/6/14) (last debated – 19/11/14)

Second reading. Adjourned debate (Mr P. Papalia).

2. Council Amalgamation Process (Moved – 13/11/13) (last debated 19/11/14)

Adjourned debate (Mr D.J. Kelly – continuation of remarks) on the motion moved by Mr D.A. Templeman –

That this House condemns the Barnett Government for creating chaos and confusion amongst Local Governments with its shambolic and dysfunctional Council amalgamation process.

3. Radiation Safety Amendment Bill 2014 (Mr R.H. Cook) (No. 110, 2r. – 26/11/14)

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

4. Polling on Council Amalgamation Processes (Moved – 26/11/14)

Adjourned debate (Minister for Local Government – continuation of remarks) on the motion moved by Mr D.A. Templeman –

That this House:

- (a) condemns the Premier and the Minister for Local Government for allowing, through its forced amalgamation process, some communities in the metropolitan area an opportunity to have a poll under the Dadour Provisions in the *Local Government Act 1995* about their local council's future, while others have not been given that democratic right; and
- (b) further supports all affected communities having a right to a poll on their council's future.

5. Environment Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013 (Moved – 11/3/15)

Adjourned debate (Mr D.A. Templeman) on the motion moved by Mr C.J. Tallentire –

That the *Environment Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013* under the *Environmental Protection Act 1986*, a copy of which was laid upon the table of the House on Tuesday, 18 February 2014, are hereby disallowed.

6. TAFE Course Fees (Moved – 25/2/15) (last debated – 11/3/15)

Adjourned debate (Ms S. McGurk – continuation of remarks) on the motion moved by Mr F.M. Logan –

That this House condemns the Barnett Government for its massive increase in TAFE course fees and its sustained undermining of TAFE.

7. Remote Aboriginal Communities (Moved – 25/3/15)

Adjourned debate (Premier – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That the House condemns the Premier for the ongoing uncertainty, confusion and fear that he has created in remote Aboriginal communities since stating that he would close 150 remote communities and calls on the Premier to immediately:

- (a) seek to have the Commonwealth Government reverse or delay its decision to cease funding remote Aboriginal communities;
- (b) clarify on what basis the Government will base its decision on which communities are worthy of future Government investment;
- (c) outline the base line data that the Government has collected to justify the Premier's statement that remote communities have failed; and

outline the Government support that will be provided to those people currently living on remote communities to ensure that their closure will result in better social outcomes.

8. Criminal Code Amendment (Interference with War Memorials) Bill 2015

(Mr P.B. Watson) (No. 130, 2r. – 22/4/15)

Second reading. Adjourned debate (Mr R.F. Johnson).

9. Unemployment in Western Australia (Moved – 18/3/15) (last debated – 6/5/15)

Adjourned debate (Mr F.M. Logan – continuation of remarks) on the motion moved by Ms J.M. Freeman –

That this House calls on the Barnett Government to immediately tackle the rising unemployment rate in Western Australia, with particular focus on those suburbs and towns of significantly high unemployment, which the Barnett Government has failed to address.

10. Criminal Code Amendment (Criminal Damage to Places of Worship) Bill 2015

(Ms M.M. Quirk) (No. 120, 2r. – 18/3/15) (last debated – 13/5/15)

Second reading. Adjourned debate (Mr W.J. Johnston – continuation of remarks).

11. Suburban Planning (Moved – 17/6/15) (Amendment moved – 17/6/15)

Adjourned debate (Ms E. Evangel – continuation of remarks) on the amendment moved by the Minister for Planning –

To delete all words after “House” with the view to inserting:

“

- (1) acknowledges the population growth pressures and demographic changes which are occurring in Western Australia, including an aging population and an increasing number of single and two person households;

- (2) acknowledges that issues which need to be addressed through the planning system include:
 - (a) increasing the effective use of existing infrastructure;
 - (b) housing diversity and affordability; and
 - (c) transport costs; and
- (3) supports actions being taken by the Government to ensure increases in housing density and diversity occur in appropriately targeted areas, including a review of the changes which were made to the Residential Design Codes regarding multi-unit housing developments in 2010.

”.

on the motion moved by Ms R. Saffioti –

That this House calls on the Barnett Government to implement a more strategic approach to planning our suburbs to regain public confidence in density and to ensure local communities are heard.

12. Natural Resource Management Groups Funding (Moved – 24/6/15)

Adjourned debate (Minister for Environment – continuation of remarks) on the motion moved by Mr C.J. Tallentire –

That this House condemns the Barnett Government for its failure to fund natural resource management groups in a timely and adequate manner.

13. Taking of Property on Just Terms Bill 2014 (Mr M.J. Cowper) (No. 78, 2r. – 25/6/14)
(Restored – 13/8/15)

Second reading. Adjourned debate (Mr M.J. Cowper – continuation of remarks).

14. Emergency Services Levy (Moved – 9/9/15)

Adjourned debate (Mr A. Krsticevic) on the motion moved by Ms M.M. Quirk –

That this House condemns the Barnett Government for misappropriating funds collected by the Emergency Services Levy for purely administrative purposes instead of for frontline emergency needs, and calls for a system of independent allocation of ESL funds to be implemented as recommended in the first Keelty inquiry.

15. Major Events (Ticket Scalping) Bill 2014 (Mr M. McGowan) (No. 111, 2r. – 23/9/15)

Second reading. Adjourned debate (Mr A. Krsticevic).

16. Local Government Amendment (Regional Subsidiaries) Bill 2014 (Mr S. Love) (No. 83, 2r. – 11/9/14) (restored – 24/9/15)

Second reading. Adjourned debate (Dr A.D. Buti).

17. Housing Supply (Moved – 16/9/15) (last debated – 15/10/15)

Adjourned debate (Mr F.M. Logan – continuation of remarks) on the motion moved by Ms R. Saffioti –

That this House expresses concern that the Government’s Perth and Peel@3.5 million plan does not provide for an adequate level of housing supply for the future.

18. Attacks on the RSPCA (Moved – 21/10/15)

Adjourned debate (Ms S. McGurk – continuation of remarks) on the motion moved by Mr M. McGowan –

That this House condemns the Liberal, National and Shooters & Fishers parties for their attacks on the RSPCA.

* Denotes amendments appearing in the Notices and Amendments section of the Notice Paper.

‡ Denotes second reading debate on the Bill is being undertaken cognately with a principal Bill, and no further second reading debate will occur.

AWAITING GOVERNOR'S MESSAGE

1. **Peel-Harvey Catchment Management Bill 2014** (Mr C.J. Tallentire) (No. 82, 2r. – 25/6/14)
(Restored – 13/8/15) (last debated – 16/9/15)

Second reading.

COMMITTEES TO REPORT

Committee

Date Due

Joint Standing Committee on Audit:

Inquiry into the Budget, Organisational Structure and Resourcing Needs of the Office of the Auditor General

Joint Standing Committee on Delegated Legislation:

Inquiry into Access to Australian Standards Adopted in Delegated Legislation

Education and Health Standing Committee:

12 November 2015

Inquiry into the Transition and Operation of Services at Fiona Stanley Hospital

Community Development and Justice Standing Committee:

7 April 2016

Inquiry into the Methods Employed by Western Australia Police to Evaluate Performance

Joint Standing Committee on the Commissioner for Children and Young People:

7 April 2016

Review of the Functions Exercised by the Commissioner for Children and Young People

Economics and Industry Standing Committee:

30 June 2016

Inquiry into Technological and Service Innovation in Western Australia

Public Accounts Committee:

25 August 2016

Inquiry into Information and Communications Technology (ICT) Procurement and Contract Management

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Public Accounts Committee – Review of Auditor General Reports No. 4 Selected Reports 2013 and 2014	Minister for Health; Minister for Police; Parliamentary Secretary to the Minister for Mental Health	24 December 2015
Community Development and Justice Standing Committee – Report No. 10: A Measure of Trust – How WA Police Evaluates the Effectiveness of its Response to Family and Domestic Violence	Minister for Police; Minister Representing the Attorney General	22 January 2016

NOTICES AND AMENDMENTS

Aboriginal Heritage Amendment Bill 2014 (No. 81-1)

Clause 18.

The Deputy Premier: To move –

Page 19, lines 16 to 20 – To delete the lines and substitute:

“

(3) In section 28(4):

(a) delete “Subject to subsection (3), the” and insert:

The

(b) delete “Minister from a panel of names submitted for the purposes of this Act by the Registrar.” and insert:

Minister.

”.

Clause 43.

The Deputy Premier: To move –

Page 34, line 13 – To delete “5” and substitute:

“ 6 ”.

=====

Aquatic Resources Management Bill 2015 (No. 52-1)

Clause 145.

The Deputy Premier: To move –

Page 105, Table item 5 in the 3rd column – To insert after “who”:

“ holds an aquaculture licence and ”.

=====

City of Perth Bill 2015 (No. 135–1)

Clause 11.

Mr D.A. Templeman: To move –

Page 7, after line 13 – To insert:

“

(aa) to act in a transparent manner in the performance of his or her duties by, in addition to the disclosure provisions under the *Local Government Act 1995* or any other written law, complying with the following requirements:

- (i) to notify the chief executive officer of the City of Perth in writing within 10 days of the acceptance of a financial or other contribution to travel and to include:
 - I. the name and address of the person who made the financial or other contribution to travel;
 - II. the date on which the contribution was accepted;
 - III. a description, and the estimated value, of the contribution;
 - IV. the date of travel; and
 - V. the nature of the relationship between the councillor and the person who made the contribution,

and to ensure that such details are included in a register of travel which must be maintained by the chief executive officer and updated monthly on the City of Perth website; and

- (ii) to ensure that all details included in a notification to the chief executive officer of the acceptance of a notifiable gift are included in the register of gifts which must be updated monthly by the chief executive officer on the City of Perth website;

”.

New Clause 15A.

Mr D.A. Templeman: To move –

Page 10, after line 25 – To insert:

“

15A. Future alteration to City of Perth boundaries only to be made by Act of Parliament

After the coming into effect of the Act, any future alteration to the boundaries of the district of Perth may only be made by Act of Parliament.

”.

Clause 20.

Mr D.A. Templeman: To oppose the clause.

Clause 37.

Mr D.A. Templeman: To oppose the clause.

Joint Standing Committee on Delegated Legislation – Application of Standing Orders

Legislative Council Message No. 67.

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution and invites the Legislative Assembly to agree to same –

In relation to the constitution, powers and procedure of the Joint Standing Committee on Delegated Legislation –

- (1) The Standing Orders applicable to committees of the Legislative Council will apply to the Committee's proceedings except to the extent that they impinge upon the functioning of the Committee.
 - (2) Legislative Assembly Standing Orders 249(1), (2) and (3), 252, 254, 262, 263 and 264 will apply to the Legislative Assembly Members of the Committee.
 - (3) Any Member of the Legislative Council or Legislative Assembly may participate in the taking of oral evidence by the Committee, and by leave of the Committee, its deliberations and proceedings but may not vote, move any motion, or be counted for the purpose of a quorum.
 - (4) Leave under (3) may be given only for a specific inquiry, but any Member of the Legislative Council or Legislative Assembly may be given leave in relation to more than one inquiry.
-

Public Health Bill 2014 (No. 103–1)

Clause 35.

The Minister for Health: To move –

Page 31, lines 3 and 4 – To delete the lines.

Clause 90.

The Minister for Health: To move –

Page 74, line 25 – To delete “advocate” and substitute:

“ representative ”.

Clause 106.

The Minister for Health: To move –

Page 89, line 18 – To delete “advocate” and substitute:

“ representative ”.

Clause 146.

The Minister for Health: To move –

Page 120, line 6 – To delete “advocate” and substitute:

“ representative ”.

Clause 168.

The Minister for Health: To move –

Page 137, line 25 – To delete “advocate” and substitute:

“ representative ”.

Clause 174.

The Minister for Health: To move –

Page 141, after line 8 – To insert:

“

- (6) This section overrides the *Poisons Act 1964*, the *Medicines and Poisons Act 2014* and the *Misuse of Drugs Act 1981*.

”.

New Clause 187A.

The Minister for Health: To move –

Page 154, after line 20 – To insert:

“

187A. Chief Health Officer may authorise persons to administer, manufacture, supply or prescribe poisons

- (1) In this section —
poison —
 - (a) until the commencement of the *Medicines and Poisons Act 2014* section 3, has the meaning given in the *Poisons Act 1964* section 5(1); and
 - (b) after the commencement of the *Medicines and Poisons Act 2014* section 3, has the meaning given in that section.
- (2) For the purposes of emergency management during a public health state of emergency —
 - (a) the Chief Health Officer may authorise a person, or class of persons, to administer, manufacture, supply or prescribe a poison; and
 - (b) a person authorised under paragraph (a) may administer, manufacture, supply or prescribe a poison.
- (3) The Chief Health Officer may give directions in relation to the exercise of a power under subsection (2)(b).
- (4) When exercising a power under subsection (2)(b), a person must comply with —
 - (a) the terms and conditions of the authorisation (if any); and
 - (b) any directions of the Chief Health Officer given under subsection (3).
- (5) This section overrides the *Poisons Act 1964*, the *Medicines and Poisons Act 2014* and the *Misuse of Drugs Act 1981*.

”.

New Clause 187B.

The Minister for Health: To move –

Page 154, after line 20 – To insert:

“

187B. Further provisions relating to authority to administer, manufacture, supply or prescribe poisons

- (1) In this section —
authorisation means an authorisation given under section 187A(2)(a);
direction means a direction given under section 187A(3).
- (2) An authorisation —
 - (a) is subject to any limitation in a declaration under section 158(3)(b) or 160 or 161; and
 - (b) must state that it is given under section 187A; and
 - (c) must generally describe the public health state of emergency to which it relates; and
 - (d) must specify —
 - (i) the person, or class of persons, to whom it applies; and
 - (ii) the poison, or class of poisons, to which it applies; and
 - (iii) the terms and conditions (if any) to which it is subject.
- (3) The Chief Health Officer may vary or revoke an authorisation or a direction.
- (4) Authorisations and directions, and variations and revocations of authorisations or directions —
 - (a) may be given orally or in writing; but
 - (b) if given orally, must be put in writing as soon as is practicable.
- (5) A failure to put an authorisation or direction, or a variation of an authorisation or direction, in writing does not invalidate the authorisation, direction or variation or anything done under the authorisation or direction.
- (6) The powers that an authorisation confers on a person are in addition to, and do not limit, the powers that the person may have under another written law or other law.

”

Clause 229.

The Minister for Health: To move –

Page 179, line 22 – To delete “subsection (3)(a)” and substitute:

“ subsection (3)(b) ”.

Clause 286.

The Minister for Health: To move –

Page 209, lines 13 to 16 – To delete the lines and substitute:

“

- (4) A person who, at the request or direction of an authorised officer or emergency officer or a person authorised under section 187A(2)(a), assists the officer or person to exercise a power under this Act is to be taken to be performing a function under this Act for the purposes of this section.

”.

Public Health (Consequential Provisions) Bill 2014 (No. 104–1)

Clause 36.

The Minister for Health: To move –

Page 21, lines 9 to 17 – To delete the lines and substitute:

“

- (1) In section 335(1) delete “her,” and insert:

the midwife,

”.

New Clause 89A.

The Minister for Health: To move –
Page 61, after line 11 – To insert:

“

89A. Section 360 amended

Delete section 360(2) to (5) and insert:

- (2) Local laws and regulations made under this Act may create offences with —
 - (a) a maximum penalty of not more than \$10 000; and
 - (b) if the offence is a continuing offence, a daily penalty of not more than \$1 000.
- (3) For the purposes of subsection (2) —
 - (a) local laws and regulations may provide for the imposition of a minimum penalty for an offence; and
 - (b) the level of the penalty for an offence (whether the maximum penalty or a minimum penalty) may be related to either or both of the following —
 - (i) the circumstances or extent of the offence;
 - (ii) whether the offender has committed previous offences and, if so, the number of previous offences that the offender has committed.

”.

Clause 99.

The Minister for Health: To move –
Page 74, after line 6, the Table the 15th row – To delete the 2nd column.

New Clause 174A.

The Minister for Health: To move –
Page 103, after line 22 – To insert:

“

174A. Section 157 deleted

Delete section 157.

”.

Clause 210.

The Minister for Health: To move –
Page 115, line 11 – To delete “sections 171, 173 and 174” and substitute:

“ sections 171, 173, 174 and 174A ”.

Clause 266.

The Minister for Health: To move –

Page 125, lines 11 to 17 – To delete the lines and substitute:

“ (6) In section 360(3)(a) delete “local laws and”. ”.

KIRSTEN M. ROBINSON

Clerk of the Legislative Assembly