

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 192

THURSDAY, 10 APRIL 2008, 9.00 a.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.*

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.

BUSINESS OF THE ASSEMBLY - NOTICES OF MOTION

1. Community Development and Justice Standing Committee - Extension of Time to Speak to Report (Notice given - 9/4/08)

Leader of the House: To move -

That so much of Standing Orders be suspended as is necessary to allow the Member for Hillarys, who was Chairman of the Community Development and Justice Standing Committee's subcommittee undertaking an Inquiry into the Prosecution of Sexual Offences, to speak for an additional 10 minutes to the Committee's report which will be tabled on Thursday 10 April 2008.

GOVERNMENT BUSINESS - NOTICES OF MOTION

1. **Road Traffic Amendment Bill 2008** (Notice given - 9/4/08)

Minister for Community Safety: To move -

That a Bill for “An Act to amend the *Road Traffic Act 1974*.” be introduced and read a first time.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. ***Casino (Burswood Island) Agreement Amendment Bill 2007** (Minister representing the Minister for Racing and Gaming) (No. 213, 1r. – 26/2/08)

Second reading. Adjourned debate (Mr A.J. Simpson continuation of remarks).

2. **Premier’s Statement**

Adjourned debate (Leader of the House) on the question, That the statement be noted.

3. **Criminal Law Amendment (Homicide) Bill 2008** (Attorney General) (No. 269, 2r. – 19/3/08)

Second reading. Adjourned debate (Dr G.G. Jacobs).

4. **Real Estate and Business Agents Amendment Bill 2007** (Minister for Consumer Protection) (No. 247, 2r. – 14/11/07)

Second reading. Adjourned debate (Dr S.C. Thomas).

5. **Equal Opportunity Amendment Bill 2008** (Attorney General) (No. 271, 2r. – 9/4/08)

Second reading. Adjourned debate (Mr C.J. Barnett).

6. **Fatal Accidents Amendment Bill 2008** (Attorney General) (No. 274, 2r. – 9/4/08)

Second reading. Adjourned debate (Mr A.J. Simpson).

7. **Acts Amendment (Weapons) Bill 2008** (Attorney General) (No. 273, 2r. – 9/4/08)

Second reading. Adjourned debate (Dr G.G. Jacobs).

PRIVATE MEMBERS’ BUSINESS – NOTICES OF MOTION

1. **Disallowance of the Fish Resources Management Amendment Regulations (No. 8) 2006** (Notice given – 27/3/07, renewed – 25/9/07)

Mr G. Snook: To move –

That regulations 3 and 10 of the *Fish Resources Management Amendment Regulations (No. 8) 2006* under the *Fish Resources Management Act 1994*, a copy of which was laid upon the Table of the House on 21 November 2006, are hereby disallowed.

2. **Regulatory Constraints Imposed on Western Power** (Notice given – 8/5/07, renewed – 23/10/07)

Mr D.T. Redman: To move –

That this House calls on the State Government to immediately review the regulatory constraints imposed on Western Power, especially as they apply to capital contributions to increase capacity in growing regional centres, where upgrades do not meet the “economic” test of the Electricity Network Access Code 2004.

3. Acting Principal and Deputy Principal Positions in Regional Schools (Notice given – 15/5/07, renewed – 13/11/07)

Mr G.A. Woodhams: To move –

That in light of the considerable number of Acting Principal and Deputy Principal positions in regional schools, that this House calls on the Government to make urgent changes to appointment processes to secure improved continuity of leadership in rural and regional education.

4. Retention of Small Police Stations in Country Western Australia (Notice given – 20/6/07, renewed – 28/11/07)

Mr T.K. Waldron: To move –

That this House calls on the Government to retain existing two-person and three-person police stations in country Western Australia as a matter of providing safety and security for the residents of these communities.

5. Select Committee into the Dairy Industry in Western Australia (Notice given – 14/8/07, renewed – 26/2/08)

Mr P.D. Omodei: To move –

That a Select Committee of the Legislative Assembly be appointed to inquire into and report on:

- (a) the price of milk and beef in Western Australia and as to whether farmers are receiving a fair price for their produce;
- (b) whether processors and retailers are providing milk and beef at a fair price to consumers;
- (c) whether processors and retailers are engaging in unconscionable conduct in discounting milk in Western Australia;
- (d) whether abattoirs and retailers are engaging in unconscionable conduct in setting prices of beef in Western Australia;
- (e) why beef on the hoof is sold at significantly lower prices in Western Australia than in the eastern states of Australia;
- (f) whether retail prices of beef and milk are being passed on to farmers;
- (g) examine mechanisms to ensure farmers receive a fair proportion of retail revenue for milk and beef;
- (h) investigate the abattoir industry in Western Australia and make recommendations to improve this sector;
- (i) investigate the closure of saleyards in regional Western Australia and make recommendations as to their retention and location;
- (j) investigate the funding of the Federal Government's Dairy Adjustment Scheme and the 11.5 cents milk levy and as to which sector of the industry is paying the levy;
- (k) make recommendations as to which sector of the dairy industry should receive the 11.5 cents on the conclusion of the Dairy Adjustment Scheme; and
- (l) other matters where there is a perceived or actual negative impact on farmer returns in the dairy and beef industries.

That the Select Committee report back to this House no later than 31 January 2008.

6. Distribution Headworks Scheme (Notice given – 18/9/07, renewed – 1/4/08)

Mr D.T. Redman: To move –

That this House condemns the Minister for Energy for implementing a ‘tax on geography’ under the guise of the Distribution Headworks Scheme for new and upgraded power connections in regional areas, and:

- (1) calls on the Minister to acknowledge that the terms of this Scheme, in which regional small businesses will pay tens of thousands of dollars for new connections, will be a disaster for the future of business development in country Western Australia; and
- (2) calls on the Minister to acknowledge that the State Government has a responsibility to provide backbone power infrastructure in regional areas, and that distribution infrastructure in the SWIS should be fully funded through Community Service Obligation support from Government.

7. High Voltage Overhead Power Lines to the Grange Resources Project in Wellstead (Notice given – 23/10/07)

Dr G.G. Jacobs: To move –

That this Government, in its proposal to run high voltage overhead power lines to supply power to the Grange Resources Project in Wellstead (north east of Albany), undertake to power proof the communities of the region and to engage in a full consultation process with land owners as well as fair and just compensation.

8. Housing Strategy and State’s Public Housing Waiting List (Notice given – 23/10/07)

Mr T.R. Buswell: To move –

That this House condemns the Government for its failure to adequately implement a housing strategy and for failing the thousands of Western Australians who have been forced onto the State’s public housing waiting list as a result of the State’s unprecedented housing crisis.

9. Trade Scheme for WA Grown Produce (Notice given – 13/11/07)

Mr D.T. Redman: To move –

That this House calls on the State Government to implement a fair trade scheme for WA grown produce to benefit WA producers, modelled on the successful Fair Trade Foundation Scheme.

10. Effective Leadership (Notice given – 27/11/07)

Mr P.D. Omodei: To move –

That this House condemns the Carpenter Government for failing to provide effective leadership for the people of Western Australia.

11. Rural Communities and Meat Producers (Notice given – 27/11/07)

Mr P.D. Omodei: To move –

That this House calls on the State Government to support rural communities and meat producers in Western Australia by:

- (1) Quarantining the \$70 million proceeds of the sale of the Midland saleyards for the construction of new yards in Katanning, Kemerton and other centres;
- (2) Allocating some of the funds for regional yards as either selling facilities or transit yards;
- (3) Allocating funds to upgrade yards to meet work safe guidelines;
- (4) Allocating funds to facilitate the upgrade and or development of at least three modern abattoirs;
- (5) Freeing up approval processes to allow Government Departments and Industry to quickly and decisively address the lack of killing facilities and saleyards; and

- (6) Supporting the commitment by the Treasurer in 2002 “That all funds from the sale of Midland saleyards be quarantined for the building of a new saleyard complex at Muchea and upgrading and other regional facilities.

12. Law and Order Portfolio (Notice given – 27/11/07)

Mr R.F. Johnson: To move –

That this House condemns the Carpenter Government for its failures in the law and order portfolio and its lack of integrity in Government.

13. Financial Management (Notice given – 27/11/07)

Mr T.R. Buswell: To move –

That this House condemns the Carpenter Government for its financial mismanagement and for wasting the opportunities presented by the economic boom.

14. Procedure and Privileges Committee Inquiry (Notice given – 29/11/07)

Mr P.D. Omodei: To move –

- (1) That this House requires the Procedure and Privileges Committee to inquire into and report on allegations made by the Hon. Shelley Archer MLC that the Premier misled the House in regard to his actions in requesting the resignation of Hon. Shelley Archer MLC.

- (2) That the Committee report to the Legislative Assembly by 1 April 2008.

15. Government Corporations (Notice given – 11/3/08)

Mr D.T. Redman: To move –

That this House calls on the State Government to initiate an inquiry into the State Government owned corporations, Water Corporation and Western Power and their capacity to deliver basic services to regional and rural Western Australia.

16. Deregulated Shopping Hours (Notice given – 11/3/08)

Mr D.T. Redman: To move –

That this House calls on the State Government to honour the 2005 referendum on Trading Hours and undertake to maintain as government policy the current regulated trading hours.

17. Water Needs of Great Southern Communities (Notice given – 11/3/08)

Mr D.T. Redman: To move –

That this House condemns the State Government for its failure to adequately plan for the water needs of Great Southern communities, necessitating the carting of water into Denmark, Walpole and Cranbrook.

18. Regional Investment Fund (Notice given – 11/3/08)

Mr D.T. Redman: To move –

That this House calls on the State Government to immediately boost the Regional Investment Fund as an incentive to small businesses in regional communities who are unduly impacted by the new Western Power headworks charges.

19. Disallowance of the Rights in Water and Irrigation Amendment Regulation (No. 3) 2007 (Notice given – 11/3/08)

Mr D.T. Redman: To move –

That the *Rights in Water and Irrigation Amendment Regulation (No. 3) 2007* gazetted on 28 December 2007 be disallowed.

20. Information Technology Services for Members and Electorate Offices (Notice given – 11/3/08)

Dr S.C. Thomas: To move –

That this Assembly considers unacceptable the poor email and internet service including laptop computers provided to Members, and given that no improvement is envisaged until August 2008 the Assembly requests the Parliament take full control of computer hardware and software service delivery for Members and their electorate offices, including the role currently played by Department of Premier and Cabinet, from 1 July 2008.

21. Railway Construction within the Reid and Tonkin Highway Road Reserves (Notice given - 13/3/08)

Mr J.B. D’Orazio: To move -

That this House calls on the Government to:

- (1) prepare a feasibility study for the construction of a cross-regional railway to link the Northern, Midland and Armadale train lines using the Reid and Tonkin Highway road reservations; and
- (2) ensure any future upgrades to the Reid Highway Mirrabooka intersection and the Alexander Drive and Reid Highway intersection, take into consideration the possible development of a railway on those road reservations.

22. Manning Road Southbound On-Ramp Kwinana Freeway (Notice given - 18/3/08)

Mr J.E. McGrath: To move -

That this House calls on the State Government to commit in the 2008-2009 Budget to the construction of a southbound on-ramp to the Kwinana Freeway at the point where Manning Road connects with the freeway.

23. Oilseed Varieties Trials in the Sub-Tropical Region of Western Australia (Notice given - 18/3/08)

Mr B.J. Grylls: To move -

That this House calls on the State Government to implement trials of oilseed varieties, including palm oil cultivars, in the sub-tropical region of Western Australia, and that such a trial be overseen by the Frank Wise Institute of Tropical Agricultural Research in Kununurra.

24. Financial Performance of Verve Energy (Notice given - 8/4/08)

Mr M.W. Trenorden: To move -

That the Premier advise how he didn’t know that the “800 pound gorilla” called Verve would quickly lose money when the National Party knew from industry participants that it would.

25. Disaggregation of Western Power (Notice given - 8/4/08)

Mr M.W. Trenorden: To move -

That the Minister for Energy be required to explain, in detail, to the people of Western Australia why the disaggregation of Western Power had been proven to be such a massive financial disaster.

PRIVATE MEMBERS’ BUSINESS – ORDERS OF THE DAY

1. Suspension of Standing Orders – Taxi Amendment Bill 2007 (Moved – 9/5/07)

Adjourned debate (Dr J.M. Woollard – continuation of remarks) on the motion moved by Dr J.M. Woollard, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved without notice –

That the scope of the *Taxi Amendment Bill 2007* be extended to allow amendments to be moved requiring all new taxis to be run on LPG or renewable fuels or to be hybrid vehicles, thereby reducing greenhouse gas emissions.

2. Budget Allocation for Infrastructure in Regional Western Australia (Moved – 31/5/06)

Adjourned debate (Mr B.J. Grylls – continuation of remarks) on the amendment moved by Mr G.A. Woodhams, To insert after “in our regions” the following –

“by ensuring that the equivalent of 25 per cent of all mining and petroleum royalties collected each year by the State Government is placed into a special fund to be reinvested each year in regional Western Australia to provide for further economic and social development”.

in the motion moved by Mr B.J. Grylls –

That this House condemns the Labor Government for its failure to recognise the infrastructure needs of Regional Western Australia in the 2006/07 Budget, given:

- (a) the majority of the State Government’s record \$2 billion surplus has been generated courtesy of the booming regional-based resources sector – but there is evidence that the regional economies have not benefited from this activity; and
- (b) the Government has set aside \$1.3 billion (65 per cent) of the \$2 billion budget surplus to pay off the Perth to Mandurah rail project at the expense of much needed investment in Regional Western Australia,

and calls on the State Government to provide a significant funding boost to regional development in this State to fundamentally re-adjust the prospects for long-term sustainable growth in our regions.

3. Electricity Corporations Amendment Bill 2006 (Mr M.W. Trenorden) (No. 132, 2r. – 10/5/06)

Second reading. Adjourned debate (Mr M.P. Whitely).

4. Industrial Relations (Prohibition of Bargaining Services Fees) Amendment Bill 2007 (Mr M.J. Cowper) (No. 221, 1r. – 21/6/07)

To be read a second time.

5. Development of Infrastructure to Allow Power Generation Out of Albany (Moved – 13/9/06)

Adjourned debate (Mr R.F. Johnson) on the motion moved by Dr G.G. Jacobs –

That this Government develop infrastructure to allow power generation out of Albany to ‘power proof’ the Great Southern Region.

6. Electricity Industry (Western Australian Renewable Energy Targets) Amendment Bill 2005 (Dr E. Constable) (LC No. 97, 2r. – 1/11/06)

Second reading. Adjourned debate (Mr T.R. Sprigg).

7. Professional Combat Sports Amendment Bill 2007 (Mr T.R. Sprigg) (No. 235, 2r. – 26/9/07)

Second reading. Adjourned debate (Minister for Police and Emergency Services).

8. *Misuse of Drugs (Methylamphetamine) Amendment Bill 2007 (Mr M.J. Cowper) (No. 222, 2r. – 26/9/07)

Second reading. Adjourned debate (Mr M.J. Cowper – continuation of remarks on the motion moved by Mr M.J. Cowper).

9. *Botanic Gardens and Parks Amendment Bill 2006 (Ms S.E. Walker) (No. 157, 2r. – 23/8/06)

Second reading. Adjourned debate (Deputy Premier).

10. Lobbying Disclosure and Accountability Bill 2007 (Dr E. Constable) (No. 242, 2r. – 17/10/07)

Second reading. Adjourned debate (Minister for the Environment).

11. Health Service to Regional and Rural Western Australia (Moved – 24/10/07)

Adjourned debate (Mr M.W. Trenorden – continuation of remarks) on the motion moved by Mr T.K. Waldron –

That this House calls on the Minister for Health to:

- (a) disband the hub and spoke model which is failing to deliver an adequate health service to regional and rural Western Australia; and
- (b) return to a model that adequately funds and resources country hospitals and nursing posts.

12. Criminal Code Amendment (Sale of Spray Paint Cans) Bill 2007 (Mr T.R. Sprigg)
(No. 248, 2r. – 14/11/07)

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

13. Law and Order (Moved – 14/11/07)

Adjourned debate (Mr R.C. Kucera – continuation of remarks) on the motion moved by Mr P.D. Omodei –

That the Opposition condemns the Government on its lack of commitment to the justice system and a failure to provide a level of law and order that is acceptable to the people of Western Australia.

14. Greater Bunbury Regional Scheme (Moved – 21/11/07)

Adjourned debate (Mr M.P. Murray – continuation of remarks) on the motion moved by Dr S.C. Thomas –

That this House recognises the shortcomings of the Greater Bunbury Regional Scheme as tabled in October 2007, and calls on the Government to:

- (1) provide adequate resources as a matter of urgency to update the Scheme;
- (2) provide additional adequate resources to manage the current and additional lands acquired or listed as Regional Open Space;
- (3) extend the Scheme to include the Shires of Collie and Donnybrook–Balingup; and
- (4) address the concerns of private property owners more adequately.

15. Corruption and Crime Commission Amendment (Investigative Function) Bill 2007 (Mr P.D. Omodei) (No 262, 2r. – 27/11/07)

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

16. Western Australian Resources Heritage Fund Bill 2007 (Mr J.H.D. Day)
(No. 197, 2r. – 4/4/07)

Second reading. Adjourned debate (Mr B.S. Wyatt – continuation of remarks).

17. Heritage of Western Australia (Crown Acquisition of Registered Places) Amendment Bill 2006 (Ms S.E. Walker) (No. 182, 1r. – 23/11/06)

To be read a second time.

18. Road Traffic Amendment (Confiscation and Disposal of Vehicles) Bill 2008
(Mr R.F. Johnson) (No. 268, 2r. - 2/4/08)

Second reading. Adjourned debate (Mr C.J. Barnett).

19. Children and Community Services Amendment (Body Piercing) Bill 2007
(Dr J.M. Woollard) (No. 230, 2r. – 29/8/07)

Second reading. Adjourned debate (Mr A.J. Simpson - continuation of remarks).

20. Daylight Savings Amendment Bill (No. 3) 2007 (Mr G. Snook) (LC No. 246, 2r. - 9/4/08)

Second reading. Adjourned debate (Mr C.J. Barnett).

- 21. *Acts Amendment (Assaults on Police Officers) Bill 2008** (Mr R.F. Johnson) (No. 267, 2r. – 19/3/08)

Second reading. Adjourned debate (Mr P. Papalia - continuation of remarks).

AWAITING GOVERNOR'S MESSAGE

- 1. Police (Compensation for Injured Officers) Amendment Bill 2006** (Mr M.J. Cowper) (No. 159, 2r. – 23/8/06)

Second reading.

COMMITTEES TO REPORT

Joint Standing Committee on the Corruption and Crime Commission – Inquiry into the Efficacy of Public Hearings by the Corruption and Crime Commission	–	March 2008 [reporting date to be determined at next meeting]
Public Accounts Committee – Funding Arrangements for Western Australian Infrastructure Projects	–	1 June 2008
Procedure and Privileges Committee – Review of Legislative Assembly's Committee System	–	19 June 2008
Education and Health Standing Committee – Inquiry into General Health Screening of Children at Pre-Primary and Primary School Levels	–	9 September 2008
Procedure and Privileges Committee – Inquiry into Allegations of Misconduct Referred to the Corruption and Crime Commission	–	16 October 2008
Education and Health Standing Committee – Inquiry into Successful Initiatives in Remote Aboriginal Communities	–	20 November 2008
Community Development and Justice Standing Committee – Collaborative Approaches in Government	–	27 November 2008

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Due Date</i>
Community Development and Justice Standing Committee – Inquiry into Western Australia's Natural Disaster Relief Arrangements	Premier; Treasurer; Minister representing the Minister for Local Government; Minister representing the Minister for Regional Development; Minister for Heritage	10 August 2007 [non-compliance reported 15 August 2007]

Education and Health Standing Committee – Initiatives in Remote Indigenous Communities of the Torres Strait Region	Minister for Federal-State Relations; Minister for Indigenous Affairs; Minister representing the Minister for Local Government	4 May 2008
Economics and Industry Standing Committee – Water Licensing and Services	Minister for Water Resources; Treasurer	28 May 2008

REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Community Development and Justice Standing Committee	Prosecution of Assaults and Sexual Offences	10 April 2008
Economics and Industry Standing Committee	Karrinyup Lakes Lifestyle Village Development	19 June 2008

- * 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

Acts Amendment (Assaults on Police Officers) Bill 2008 (No. 267 —1)

Clause 4.

Mr R.F. Johnson: To move —

Page 3, lines 11 to 17 - To delete the lines.

Mr R.F. Johnson: To move —

Page 3, line 18 to page 4, line 3 – To delete the lines and substitute –

“

- (2) Section 297(4) is amended by inserting after paragraph (b) the following new paragraphs —

“

- (c) the victim is any person who is performing a function of a public nature conferred on him by law or on account of his performance of such a function; or
- (d) the victim is any person who is acting in aid of a public officer or other person referred to in paragraph (a), (b) or (c) or on account of his having so acted,

”.

Mr R.F. Johnson: To move —

Page 4, lines 4 to 8 – To delete the lines and substitute –

“

- (3) Section 297(4) is amended by inserting after “ the offender is liable to imprisonment for 14 years ” the following —

“

, and, a court sentencing such an offender shall impose a term of immediate imprisonment of not less than twelve months

”.

Clause 5.

Mr R.F. Johnson: To move –

Page 4, lines 11 to 28 – To delete the lines and substitute –

“

- (a) by inserting in the Summary conviction penalty after “imprisonment for 3 years and a fine of \$36,000” the following —

“

, and notwithstanding the provisions of the *Sentencing Act 1995*, where the person assaulted has suffered bodily harm the offender shall be sentenced to a term of immediate imprisonment of not less than 3 months

”.

- (b) by inserting after the Summary conviction penalty the following paragraph —

“

Where the person assaulted has suffered bodily harm, the offender shall be sentenced to a term of immediate imprisonment of not less than 9 months.

”.

”.

Botanic Gardens and Parks Amendment Bill 2006 (No. 157—1)

Clause 4.

Ms S.E. Walker: To move –

Page 2, line 16 – To delete “1720” and substitute –

“ 1667 ”.

Casino (Burswood Island) Agreement Amendment Bill 2007

Clause 5.

Ms S.E. Walker: To move –

Page 3, line 14 – To insert after “authorised” the following –

“ , following both Houses of Parliament approving an agreement between the Minister, Burswood Nominees Ltd and Burswood Resort (Management) Limited, for the establishment of a fund to ensure that 50% of any levy received by the Board must be applied as designated under clause 23 (1A) (c) ”.

Misuse of Drugs (Methylamphetamine) Amendment Bill 2007 (No .222—1)

Clause 3.

Mr M.J. Cowper: To move –

Page 3, line 3 – To delete “1979” and substitute –

“ 1981 ”.

PETER J. MCHUGH

Clerk of the Legislative Assembly