

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 128

WEDNESDAY, 11 MARCH 2015, 12 noon

Prayers *

Petitions

Papers

Giving Notice of Motion

Brief Ministerial Statements *

Questions Without Notice – approximately 2.00 p.m. each day

Matter of Public Interest – one per week on any day

Private Members' Business – 4.00 p.m. to 7.00 p.m. Wednesdays

Grievances – approximately 9.00 a.m. Thursdays

Private Members' Statements – 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.*

BUSINESS OF THE ASSEMBLY – NOTICES OF MOTION

1. Precedence of Private Members' Business (Notice given – 10/3/15)

The Leader of the House: To move –

That so much of Standing Orders be suspended as is necessary to enable Private Members' Business to have priority on Wednesday, 11 March 2015 between 4.00 p.m. and 8.00 p.m.

BILLS – NOTICES OF MOTION

1. Valuation of Land Amendment Bill 2015 (Notice given – 10/3/15)

The Minister for Lands: To move –

That a Bill for “An Act to amend the *Valuation of Land Act 1978*.” be introduced and read a first time.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. ***Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014** (Minister for Police) (No. 61, 2r. – 12/3/14)

Consideration in detail.

2. **Land Legislation Amendment Bill 2014** (Minister for Lands) (No. 101, 2r. – 20/11/14)
‡Land Legislation Amendment (Taxing) Bill 2014 (Minister for Lands) (No. 102, 2r. – 20/11/14)

Second reading. Adjourned debate (Mr C.J. Tallentire – continuation of remarks).

3. ***Associations Incorporation Bill 2014** (Parliamentary Secretary to the Minister for Commerce) (No. 90, 2r. – 11/9/14)

Further consideration in detail – Clause 5.

4. ***Children and Community Services Legislation Amendment and Repeal Bill 2014** (Parliamentary Secretary to the Minister for Child Protection) (No. 84, 2r. – 24/09/14)

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

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

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

6. **Sentencing Amendment Bill 2014** (Minister for Police) (LC No. 88, 2r. – 24/2/15)

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

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

Second reading. Adjourned debate (Mr R.H. Cook).

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

Second reading. Adjourned debate (Mr R.H. Cook).

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

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

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

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

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

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

12. **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).

13. **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).

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

Consideration in detail of Legislative Council Message No. 67.

- 15. *Road Traffic Legislation Amendment Bill 2014** (Minister for Police) (No. 94, 2r. – 25/9/14)

Consideration in detail of Legislative Council Message No. 76.

16. Premier's Statement

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

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

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

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

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

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

- 1. Environment Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013** (Notice given – 1/4/14)

Mr C.J. Tallentire: To move –

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.

- 2. Restoration of the Guildford Hotel** (Notice given – 19/3/14, renewed – 10/9/14)

Mrs M.H. Roberts: To move –

That this House calls upon the Premier to ensure that the heritage listed Guildford Hotel is restored as a matter of utmost urgency.

- 3. Brothels in Western Australia** (Notice given – 19/3/14, renewed – 10/9/14)

Mrs M.H. Roberts: To move –

That this House notes that the Barnett Government has given the green light to brothels to set up anywhere and operate without regulation.

- 4. Select Committee on State Debt** (Notice given – 16/9/14)

Mr B.S. Wyatt: To move –

That this House appoints a select committee to inquire into and report on the level of increases to the State debt since 2000, particularly borrowings, which are growing State debt to extraordinary levels, and the effects that these and other borrowings may have on the future financial management of Western Australia, and in particular to –

- (a) ascertain the overall level of debt of the State, its agencies and business enterprises, and the amount of its increase since 2000;
- (b) estimate the level of likely borrowings over the next six years that will be needed to cover existing or foreseeable liabilities;
- (c) identify any contingent liabilities which may require borrowings during the next six years;
- (d) identify the contributions of individual Government departments, agencies and business enterprises to this level of debt and future or contingent liabilities;
- (e) ascertain whether the debt of individual Government departments, agencies or business enterprises is fully, partially or not matched by realistically valued assets;
- (f) assess the impact of the debt on the revenue and expenditure of the State over the next six years;

- (g) recommend strategies for management of the debt over the next six years, which will minimise the adverse effect of the debt on the revenues and expenditures of the State and on the taxpayers of the State; and
- (h) recommend a long-term policy approach to the management and reporting of Government debt.

5. Repeat Drink Driver Strategy (Notice given – 3/4/14, renewed – 18/9/14)

Mrs M.H. Roberts: To move –

That this House calls on the Barnett Government to outline its full repeat drink driver strategy and condemns the lack of urgency in addressing this serious issue.

6. Road Trauma Trust Fund (Notice given – 3/4/14, renewed – 18/9/14)

Mrs M.H. Roberts: To move –

That this House condemns the Barnett Government for its failure to expend all monies in the road trauma trust fund on road safety projects.

7. Autism in Western Australia (Notice given – 8/4/14, renewed 23/9/14)

Mr D.A. Templeman: To move –

That this House requests the Minister for Health to:

- (a) initiate a review into the way Western Australia addresses and supports families and their children who have been diagnosed or are awaiting diagnosis of autism; and
- (b) report to the House why wait lists for diagnosis are so long in our State, and what he will do to improve the support families and their children require to ensure children on the autism spectrum receive the support they need to reach their full potential.

8. Alcohol Consumption in our Community (Notice given – 8/4/14, renewed 23/9/14)

Ms L.L. Baker: To move –

That the House express its concern about the increasing rates of excessive alcohol consumption in our community, with a view to changing the weighting of the objectives of the *Liquor Control Act 1988* to ensure that social and health impacts of irresponsible alcohol consumption are prioritised above commercial interest.

9. Acquisition of the Guildford Hotel (Notice given – 6/5/14, renewed 14/10/14)

Ms M.M. Quirk: To move –

That this House calls on the Barnett Government to end its prevarication and inaction and:

- (a) immediately take steps under section 73 of the *Heritage Act 1990* to compulsorily acquire the Guildford Hotel;
- (b) such measures are urgently required because the cultural heritage of the site is in jeopardy and the development approval granted to the owners expires in June 2014; and
- (c) any such compensation payable to the owners under section 73 should be the subject of independent valuation.

10. Select Committee to Review the Electoral Act 1907 (Notice given – 11/11/14)

Ms M.M. Quirk: To move –

That this House establishes a select committee to review the *Electoral Act 1907* with a focus on campaign donations, campaign donation disclosure, capturing all formal and non-formal organisations that currently are able to avoid disclosure reporting and assess the filing of electronic disclosure returns on a more regular basis to be accessible by the public.

11. Victoria Cross Recipients (Notice given – 10/6/14, renewed 11/11/14)

Mr M. McGowan: To move –

That the House calls on the Ministers for Heritage and Local Government to ensure that the graves and cremation plaques of Victoria Cross recipients are heritage listed.

12. Children and Young People in Western Australia (Notice given – 12/8/14, renewed 17/2/15)

Ms L.L. Baker: To move –

That this House condemns the Government for failing to protect children in this State by:

- failing to table the Review, or a report of the Review, into the Office of the Commissioner for Children and Young People;
- failing to implement a key recommendation from the Katanning (Blaxell) Inquiry into improving the system for reporting child abuse; and
- failing to appoint a permanent Commissioner for Children and Young People.

13. Acknowledgement of Fire-fighters (Notice given – 17/2/15)

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.

14. Ebola Virus (Notice given – 19/8/14, renewed 24/2/15)

Ms M.M. Quirk: To move –

That this House convey its sympathy and concern to the peoples of Sierra Leone, Guinea, Liberia and Nigeria and other affected countries through the ambassadors to those countries in Australia following the recent outbreak of the Ebola virus and:

- (a) urges the Commonwealth to give all possible assistance and the provision of medical aid to arrest the spread of the disease and material support to the families of the bereaved on the long road to recovery; and
- (b) urges the State Government to make a financial donation to an internationally recognised charitable organisation in the region and to consider donating surplus or obsolete medical equipment and supplies to assist in the intervention and quarantine efforts.

15. Greyhound Racing (Notice given – 25/2/15)

Mr M.P. Murray: To move –

That this House calls on the Barnett Government to undertake an investigation into Greyhound Racing to ensure that:

- (1) there is no live baiting in Western Australia;
- (2) all animal welfare within the Greyhound racing industry is maintained; and
- (3) appropriate safeguards are put in place to eliminate any future live baiting in Western Australia.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. Local Government Reform Process (Moved – 9/4/14)

Adjourned debate (Minister for Local Government – continuation of remarks) on the motion moved by Mr F.M. Logan –

That this House condemns the Barnett Government for introducing a deceitful local government reform process that has created confusion across metropolitan Councils and despair for Mayors, Councillors, their staff and tens of thousands of ratepayers.

2. Section 18C of the Racial Discrimination Act 1975 (Moved – 7/5/14)

Adjourned debate (Mr F.A. Alban – continuation of remarks) on the motion moved by Ms M.M. Quirk –

That this House expresses its deep regret that the Barnett Government:

- (a) unlike the Governments of New South Wales and Victoria, failed to defend the interests of the residents of this the most multicultural state in the country by lodging a submission opposing the proposal by the Commonwealth to repeal section 18C of the *Racial Discrimination Act 1975*; and
- (b) failed to publicly acknowledge that the proposed changes threaten the social cohesion and well-being of Western Australia's culturally and religiously diverse communities.

3. Living Standards of Western Australians (Moved – 14/5/14)

Adjourned debate (Dr A.D. Buti – continuation of remarks) on the motion moved by Mr R.H. Cook –

That the Liberal and National Parties be condemned for their callous attacks on the living standards of Western Australians including through increases in the cost of living, the GP and hospital taxes, introduction of toll roads and further increases to fees, charges and taxes.

4. Peel-Harvey Catchment Management Bill 2014 (Mr C.J. Tallentire) (No. 82, 2r. – 25/6/14)

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

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

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

6. Cost of Living for Seniors and Pensioners (Moved – 25/6/14)

Adjourned debate (Mr C.J. Tallentire – continuation of remarks) on the motion moved by Mr M. McGowan –

That this House condemns the State and Federal Liberal National Governments for making the lives of seniors and pensioners increasingly difficult through increased costs of living and the withdrawal of concessions.

7. Council Amalgamations (Moved – 10/9/14)

Adjourned debate on the motion, as amended, moved by Mr D.A. Templeman –

That this House –

- (1) notes the various inquiries and reports over the past 50 years which recommend reforms to the structure of local government in Western Australia, so as to ensure higher capacity and more sustainable local governments, including:
 - (a) *Metropolitan Local Government Review*, undertaken by the independent Metropolitan Local Government Review Panel (Robson Report); and
 - (b) *In Your Hands: Shaping the future of Local Government in Western Australia*, undertaken by the Systemic Sustainability Study Panel led by the WA Local Government Association (SSS Report);
- (2) notes that a range of proposals for reform in the metropolitan area are being considered by the Local Government Advisory Board;

- (3) supports the cooperative discussions which have been underway by local governments in the metropolitan area; and
- (4) supports the Minister for Local Government giving due consideration to the recommendations of the Local Government Advisory Board.

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

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

9. Kimberley Juvenile Justice Report (Moved – 17/9/14)

Adjourned debate (Leader of the House) on the motion moved by Ms J. Farrer –

That this House calls on the Government to adopt the Kimberley Juvenile Justice Report and implement its recommendations.

10. Public Secondary Schools (Moved – 17/9/14)

Adjourned debate (Mr C.D. Hatton – continuation of remarks) on the motion moved by Dr A.D. Buti –

That this House condemns the Barnett Government's decision to rip yet more money from public secondary schools.

11. State Budget Impact on Seniors and Vulnerable People (Moved – 15/10/14) (last debated – 22/10/14)

Adjourned debate (Mr P. Papalia – continuation of remarks) on the motion moved by Ms M.M. Quirk –

That this House condemns the Barnett Government for the impact its mismanagement of the State Budget is having on Seniors and vulnerable people in our community.

12. 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).

13. 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.

14. Major Events (Ticket Scalping) Bill 2014 (Mr M. McGowan) (No. 111, 1r. – 26/11/14)

To be read a second time.

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

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

16. 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.

17. TAFE Course Fees (Moved – 25/2/15)

Adjourned debate (Minister for Training and Workforce Development – 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.

* 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.

COMMITTEES TO REPORT

<i>Committee</i>	<i>Date Due</i>
<i>Joint Committee on Audit:</i> Inquiry into the Budget, Organisational Structure and Resourcing Needs of the Office of the Auditor General	
<i>Joint Committee on Audit:</i> Review of the <i>Auditor General Act 2006</i>	
<i>Joint Standing Committee on Delegated Legislation:</i> Inquiry into Access to Australian Standards Adopted in Delegated Legislation	
<i>Joint Select Committee on Aboriginal Constitutional Recognition:</i> Inquiry into the appropriate wording to recognise Aboriginal people in the Constitution of Western Australia	26 March 2015
<i>Economics and Industry Standing Committee:</i> Inquiry into safety-related matters relating to floating liquefied natural gas projects in Australian waters off the Western Australian coast	23 April 2015
<i>Education and Health Standing Committee:</i> Inquiry into suicides of fly-in, fly-out workers in Western Australia	11 June 2015
<i>Economics and Industry Standing Committee:</i> Inquiry into the Economic Implications of Floating Liquefied Natural Gas Operations – Part 2	25 June 2015
<i>Joint Standing Committee on the Corruption and Crime Commission:</i> Inquiry into Improving the Working Relationship Between the Corruption and Crime Commission and Western Australia Police	25 June 2015
<i>Joint Standing Committee on the Corruption and Crime Commission:</i> Inquiry into the Corruption and Crime Commission being able to prosecute its own charges	30 June 2015
<i>Joint Standing Committee on the Commissioner for Children and Young People:</i> Review of the functions exercised by the Commissioner for Children and Young People	15 October 2015
<i>Community Development and Justice Standing Committee:</i> Inquiry into the methods employed by Western Australia Police to evaluate performance	26 November 2015

NOTICES AND AMENDMENTS

Associations Incorporation Bill 2014 (No. 90–1)

Schedule 1 Division 1.

The Parliamentary Secretary representing the Minister for Commerce: To move –

Page 143, lines 11 to 13 – To delete the lines.

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Children and Community Services Legislation Amendment and Repeal Bill 2014 (No. 84–1)

New Part 2 Division 3 Subdivision 1A.

The Parliamentary Secretary representing the Minister for Child Protection: To move –

Page 14, after line 10 – To insert:

“

Subdivision 1A — *School Education Act 1999* amended

17A. Act amended

This Subdivision amends the *School Education Act 1999*.

17B. Section 26 amended

In section 26(3) delete “*Parental Support and Responsibility Act 2008*” and insert:

Children and Community Services Act 2004

17C. Section 40 amended

In section 40(3A) delete “*Parental Support and Responsibility Act 2008*” and insert:

Children and Community Services Act 2004

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Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014 (No. 61–1)

New Clause 4A.

Mr J.R. Quigley: To move –

Page 3, after line 25 – To insert:

“

4A. Section 27 amended

After section 27(2) insert:

- (3) A person suffering from a mental impairment as defined in section 8 of the *Criminal Law (Mentally Impaired Accused) Act 1996* who is not relieved of criminal responsibility under subsection (1) or (2) for an offence under a provision listed in column 1 of the Table is nevertheless not subject to a minimum sentence requirement under the provisions listed in column 3 of the Table opposite that offence if, by reason of the mental impairment, it would be manifestly unjust to apply the minimum sentence requirement to the person.

Table

Offence provision	Description of Offence	Minimum sentence requirement provision
s. 279	Murder	s. 279(5A) and (6A)
s. 280	Manslaughter	s. 280(2) and (3)
s. 281	Unlawful assault causing death	s. 281(3) and (4)
s. 283	Attempt to unlawfully kill	s. 383(2) and (3)
s. 294	Act intended to cause grievous bodily harm or prevent arrest	s. 294(2) and (3)
s. 297	Grievous bodily harm	s. 297(5) and (6)
s. 320	Child under 13, sexual offences against	s. 320(7) and (8)
s. 321	Child of or over 13 and under 16, sexual offences against	s. 321(14) and (15)
s. 324	Aggravated indecent assault	s. 324(3) and (4)
s. 325	Sexual penetration without consent	s. 325(2) and (3)
s. 326	Aggravated sexual penetration without consent	s. 326(2) and (3)

Offence provision	Description of Offence	Minimum sentence requirement provision
s. 327	Sexual coercion	s. 327(2) and (3)
s. 328	Aggravated sexual coercion	s. 328(2) and (3)
s. 330	Incapable person, sexual offences against	s. 330(10) and (11)
s. 401	Burglary	s. 401(4) and (5)

”

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.
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Road Traffic Legislation Amendment Bill 2014 (No. 94–1)

Legislative Council Message No. 76.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the Road Traffic Legislation Amendment Bill 2014 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 Road Traffic Legislation Amendment Bill 2014

No. 1

New Clause 17, page 7, after line 26 — To insert —

17. Section 21 replaced

Delete section 21 and insert:

21. Section 78A amended

- (1) In section 78A in the definition of *impounding offence (driver's licence)* delete paragraph (b) and insert:
 - (b) an offence against the *Road Traffic (Authorisation to Drive) Act 2008* section 38(1)(a); or
- (2) In section 78A in the definition of *senior police officer* delete “person appointed under the *Police Act 1892* Part I to be a member of the Police Force of Western Australia” and insert:

police officer

No. 2

New Clause 18, page 7, after line 26 — To insert —

18. Section 37 amended

In section 37 in the Table in the 4th row delete “s.59B(3)(c)”.

No. 3

New Clause 19, page 7, after line 26 — To insert —

19. Section 232 amended

In section 232 in the Table in the 2nd row delete “s.12(1) def. of *permit*”.

No. 4

New Part 7, page 7, after line 26 — To insert —

Part 7 — *Road Traffic (Miscellaneous Amendments) Act 2012* amended

20. Act amended

This Part amends the *Road Traffic (Miscellaneous Amendments) Act 2012*.

21. Section 12 amended

In section 12 delete “49AB(1)(c), 53(1) and (2A), 60(1c)(a)(i)” and insert —

49AB(1)(c)

PETER J. McHUGH

Clerk of the Legislative Assembly