

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

---

---

## AMENDMENTS AND SCHEDULES

**Supplementary Notice Paper No. 161  
Issue No. 1**

**TUESDAY, 13 SEPTEMBER 2016**

---

---

### ***PILBARA PORT ASSETS (DISPOSAL) BILL 2015 [161-2]***

When in committee on the *Pilbara Port Assets (Disposal) Bill 2015*:

#### **Clause 11**

**Hon Robin Chapple:** To move –

**1/11** Page 9, after line 8 — To insert —

- (1A) Without limiting anything in (1), prior to giving effect to a section 10 disposal order, the Minister is to cause to be laid before each House of Parliament a report detailing the retention value of port assets and associated assets.
- (1B) Prior to giving effect to a section 10 disposal order, the Minister shall order the publication of all source documents upon which the retention values referred to at (1A) are based.

#### **Clause 45**

**Hon Robin Chapple:** To move –

**2/45** Page 32, lines 4 to 18 — To delete the lines.

#### **Clause 46**

**Hon Robin Chapple:** To move –

3/46 Page 33, after line 7 — To insert —

*terms and conditions*, in relation to an access arrangement, includes —

- (a) prices and charges relating to the access arrangement; and
- (b) any discounts, allowances, rebates or credits given or allowed in relation to the access arrangement; and
- (c) any commissions or similar benefits (whether monetary or otherwise) payable or given in relation to the access arrangement; and
- (d) the supply of other goods or services, where the other goods or services are supplied in connection with the first-mentioned goods or services; and
- (e) the making of payments for such other goods or services.

**Hon Robin Chapple:** To move –

4/46 Page 33, after line 9 — To insert —

- (2A) Prior to executing any access arrangement under this section, the service provider shall publish standard form terms and conditions of access in the *Gazette*.
- (2B) Any variation to the standard form terms and conditions of access referred to at (2A), shall be published by the service provider prior to them having any lawful force and effect.
- (2C) The terms and conditions on which any access arrangement is agreed are —
  - (a) so far as the service provider and any party to the access arrangement agree on the terms and conditions — the agreed terms and conditions; and
  - (b) if the service provider and any party to the access arrangement do not agree on terms and conditions, but terms and conditions are set out in a standard form of agreement — the relevant standard form terms and conditions shall apply.

