

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 198

WEDNESDAY, 6 APRIL 2016, 12 noon

Prayers *

Petitions

Papers

Giving Notices 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.*

BILLS – NOTICES OF MOTION

1. Bush Fires Amendment Bill 2016 (Notice given – 5/4/16)

The Minister for Emergency Services: To move –

That a Bill for “An Act to amend the *Bush Fires Act 1954*.” be introduced and read a first time.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. *Health Services Bill 2016 (Minister for Health) (No. 175, 2r. – 23/2/16)

Consideration in detail of postponed clauses.

2. *Legal Profession Amendment Bill 2016 (Deputy Premier) (No. 178, 2r. – 16/3/16)

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

3. Legal Profession Amendment (Levy) Bill 2016 (Deputy Premier) (No. 179, 2r. – 16/3/16)

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

4. *Biodiversity Conservation Bill 2015 (Minister for Environment) (No. 166, 2r. – 25/11/15)

Second reading. Adjourned debate (Mr D.J. Kelly – continuation of remarks).

5. *Emergency Management Amendment Bill 2016 (Minister for Emergency Services)
(No. 174, 2r. – 23/2/16)

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

6. *Aquatic Resources Management Bill 2015 (Minister for Fisheries)
(No. 52, 2r. – 24/2/15) (last debated – 25/2/16)

‡**Aquatic Resources Legislation Amendment Bill 2015** (Minister for Fisheries)
(No. 51, 2r. – 24/2/15) (last debated – 25/2/16)

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

7. *Local Government Legislation Amendment Bill 2014 (Minister for Local Government)
(No. 108, 2r. – 27/11/14) (last debated – 25/11/15)

Further consideration in detail – Clause 9.

8. 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).

9. Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015 (Minister for Police) (LC No. 114, 2r. – 24/2/16)

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

10. Road Traffic Legislation Amendment Bill (No. 2) 2015 (Minister for Road Safety)
(No. 151, 2r. – 11/11/15)

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

11. Executive Officer Remuneration (Government Entities) Legislation Amendment Bill 2015 (Premier) (No. 148, 2r. – 12/11/15)

Second reading. Adjourned debate (Ms S. McGurk).

12. Main Roads Amendment Bill 2015 (Minister for Transport) (No. 154, 2r. – 12/11/15)

Second reading. Adjourned debate (Ms S. McGurk).

13. Licensing Provisions Amendment Bill 2015 (Minister for Finance) (No. 162, 2r. – 17/11/15)

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

14. Residential Tenancies Amendment Bill 2015 (Parliamentary Secretary to the Minister for Commerce) (No. 164, 2r. – 18/11/15)

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

15. Disposal of Uncollected Goods Amendment Bill 2015 (Parliamentary Secretary to the Minister for Commerce) (No. 163, 2r. – 19/11/15)

Second reading. Adjourned debate (Ms S. McGurk).

16. Land Acquisition Legislation Amendment (Compensation) Bill 2014 (Premier)
(No. 100, 2r. – 27/11/14) (restored 18/2/16)

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

17. *Aboriginal Heritage Amendment Bill 2014 (Minister for Health) (No. 81, 2r. – 27/11/14)
(restored 18/2/16)

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

18. Premier's Statement

Adjourned debate (Leader of the House) on the amendment moved by Ms J.M. Freeman –

That the following words be added after “noted”–

“That the Liberal National Government be condemned for failing to meet its election promise on Police numbers”

on the question, That the Premier's Statement be noted.

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

1. 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.

2. 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.

3. 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.

4. Recent Acts of Terrorism (Notice given – 17/11/15)

Mr M. McGowan: To move –

That this House:

- acknowledges the horror that has occurred in Paris, Baghdad and Beirut in the past few days as a result of acts of terrorism;
- expresses our deepest sympathy and condolences to the victims and those who have lost loved ones;
- acknowledges the tragic number of civilians killed, injured, forced from their homes, displaced or at risk because of the organisation known as Islamic State (IS);
- recognises the humanitarian disaster unfolding in Iraq and Syria, fuelled by IS and other violent and extreme groups;
- condemns organisations including IS which use violence, sexual violence, terror and mass atrocity crimes against civilian populations;

- reaffirms our belief that Australia has a responsibility to contribute to humanitarian efforts to address this ongoing crisis; and
- calls on the Parliament of Western Australia to promote inclusion and freedom of religion for all Australians and to stand with the Muslim community in their condemnation of terrorist organisations.

5. Management of the House (Notice given – 26/11/15)

Mr M. McGowan: To move –

That this House condemns all Liberal and National Members for abandoning the House in the first session of Parliament on 26 November 2015.

6. Management of the House and the Leader of the House (Notice given – 26/11/15)

Mrs M.H. Roberts: To move –

That this House condemns the Barnett Government for its shambolic management of the House and calls on the Leader of the House to resign his position due to incompetence.

7. Management of the House and the Government Whip (Notice given – 26/11/15)

Ms S. McGurk: To move –

That this House condemns the Barnett Government for its hopeless and chaotic management of the House and calls on the Government Whip to resign due to his incompetence.

8. Behaviour in the House (Notice given – 26/11/15)

Mr P.B. Watson: To move –

That this House condemns the Member for Dawesville for his obscene and unparliamentary behaviour in the House directed towards the Member for Hillarys on 26 November 2015.

9. Unemployment Rates in Western Australia (Notice given – 11/8/15, renewed 16/2/16)

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.

10. Road Safety Summit (Notice given – 15/3/16)

Mr R.F. Johnson: To move –

That this House calls on the Government, as a matter of urgency, to establish a road safety summit with invitations to attend to experts in the field from both Australia and overseas, relevant road safety stakeholders and representatives of the community directly affected by road trauma.

11. Private Sector Deals (Notice given – 5/4/16)

Mr B.S. Wyatt: To move –

That this House condemns the Liberal National Government for its bad deals with the private sector which results in costing taxpayers significant sums of money, and notes the poor return the Government has received from its current sale of government land.

12. Aged Care Facilities (Notice given – 5/4/16)

Ms M.M. Quirk: To move –

That this House condemns the Barnett Government for its failure to plan and provide for suitable sites for aged care accommodation; to negotiate with the Commonwealth for the necessary number of aged care licenses to meet the needs of this State; and to suitably manage the transition of elderly patients from tertiary hospitals to other settings for recuperation and rehabilitation.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. **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).

2. **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.

3. **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).

4. **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.

5. **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.

6. **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).

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

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

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

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

9. Housing Supply (Moved – 16/9/15) (last debated – 14/10/15)

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.

10. 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.

11. Seniors in Western Australia (Moved – 11/11/15)

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

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.

12. Limitation Amendment (Child Sexual Abuse Actions) Bill 2015 (Dr G.G. Jacobs) (No. 160, 2r. – 12/11/15)

Second reading. Adjourned debate (Mrs M.H. Roberts).

13. Increases in Land Tax (Moved – 18/11/15)

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

That this House condemns the Barnett Liberal National Government for its three consecutive increases in land tax which are significantly impacting land owners and small businesses at a time when businesses are experiencing an economic slowdown.

14. "Buy Local" Policies (Moved – 25/11/15)

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

That this House condemns the Barnett Government over its failure to abide and enforce its own "Buy Local" policies on providing preferential treatment to regional and indigenous companies tendering for housing maintenance and building contracts in the Kimberley.

15. Crime in Suburbs and Towns (Moved – 24/2/16)

Adjourned debate (Mr P. Papalia – continuation of remarks) on the motion moved by Mrs M.H. Roberts –

That this House notes the Liberal National Government has failed to properly address the rising crime being experienced in our suburbs and towns.

16. Sentence Administration Amendment Bill 2016 (Mr J.R. Quigley) (No. 177, 2r. – 24/2/16)
(last debated – 16/3/16)

Second reading. Adjourned debate (Mr S. L'Estrange – continuation of remarks).

* 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

<i>Committee</i>	<i>Date Due</i>
<i>Joint Standing Committee on Delegated Legislation:</i> Inquiry into Access to Australian Standards Adopted in Delegated Legislation	
<i>Joint Standing Committee on Audit</i> Review of the Department of Treasury's Report: Review of the <i>Financial Management Act (2006)</i>	19 May 2016
<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	19 May 2016
<i>Economics and Industry Standing Committee:</i> Inquiry into Technological and Service Innovation in Western Australia	30 June 2016
<i>Education and Health Standing Committee:</i> Inquiry into the Department of Education's Independent Public School Initiative	16 August 2016
<i>Public Accounts Committee:</i> Inquiry into Information and Communications Technology (ICT) Procurement and Contract Management	25 August 2016
<i>Education and Health Standing Committee:</i> Inquiry into Aboriginal Youth Suicide	17 November 2016

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Community Development and Justice Standing Committee – Report No. 11: Red flags, white flag response? The Department for Child Protection and Family Support's management of a troubled boy with a baby	Parliamentary Secretary Representing the Minister for Child Protection	17 June 2016
Community Development and Justice Standing Committee – Report No. 12: How do they manage? An investigation of the measures WA Police has in place to evaluate management of personnel	Minister for Police	24 June 2016

NOTICES AND AMENDMENTS

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

Clause 18.

The Minister for Health: 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 Minister for Health: To move –

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

“ 6 ”.

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

Clause 145.

The Minister for Fisheries: To move –

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

“ holds an aquaculture licence and ”.

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Biodiversity Conservation Bill 2015 (No. 166-1)

Clause 3.

Mr C.J. Tallentire: To move –

Page 2, lines 12 to 18 – To delete the lines and substitute:

“

- (a) it is an obligation on any person on whom a function is imposed, or a power conferred under this Act, to perform the function or exercise the power in such a manner as to advance and further the primary object of conserving Western Australia's biodiversity;
- (b) in complying with the duty imposed by subsection (1), a body or official-holder must have regard to the Act's primary object, and any strategy designated under Part 1A;
- (c) the primary object of this Act is to be achieved by, amongst other things:
 - (i) preventing human-induced extinctions of species and ecological communities;
 - (ii) ensuring the survival and maintenance of biodiversity at community, species and genetic levels, and its evolutionary potential in the wild;
 - (iii) enhancing and restoring biodiversity through protecting and management of habitats and ecosystems, and ensuring ecological integrity and processes;
 - (iv) identification and management of biodiversity that is significant at local, regional and national levels;
 - (v) ensuring sustainable use of biological resources, accordingly to the principles of ecologically sustainable development set out in Part 1A;
 - (vi) ensuring the fair and equitable sharing amongst stakeholders of benefits arising from bioprospecting involving indigenous biological resources;
 - (vii) mitigating key threatening processes and impacts of environmental pests;
 - (viii) ensuring that citizens have access to reliable and relevant information, in appropriate forms to facilitate understanding, and opportunities to participate in planning and policy development;
 - (ix) promoting co-operative management with all levels of government, community-based organisations, Aboriginal people and landholders;
 - (x) furthering biodiversity knowledge and promoting education;
 - (xi) periodic evaluation and reporting on the state and condition of WA's biodiversity as designated under Part 1A; and
 - (xii) implementation of the strategy set out in Part 1A.

”

New Part 1A.

Mr C.J. Tallentire: To move –

Page 21, after line 17 – To insert:

“

Part 1A – Biodiversity Planning and Monitoring
Statewide biodiversity conservation strategy

12A

- (1) The Minister must:
- (a) prepare and adopt a statewide biodiversity conservation strategy for Western Australia within two years of the date on which this Act takes effect; and
 - (b) monitor the implementation and effectiveness of the strategy; and
 - (c) review the strategy every five years; and
 - (d) may, when necessary, amend the strategy.
- (2) The Minister must be notice in the *Gazette* publish the biodiversity conservation strategy and each amendment of the strategy.

12B

Contents of the statewide strategy

The strategy in section 12A must –

- (a) provide for an integrated, co-ordinated and uniform approach to further and promote biodiversity conservation encompassing government agencies, regional and local communities, other stakeholders and citizens;
- (b) be consistent with –
 - (i) the Act’s objects and how these are to be achieved;
 - (ii) State environmental policies;
 - (iii) biodiversity recovery and management plans;
 - (iv) co-operative arrangements with the Australian Government, local government authorities and regional natural resource management groups; and
 - (v) relevant international agreements;
- (c) identify priority areas for conservation action and investment, including;
 - (i) establishing a marine and conservation reserve system;
 - (ii) landscape scale approaches across tenures; and
 - (iii) restoration of habitats; and
 - (iv) landscape connectivity; and
 - (v) threats to biodiversity; and
 - (vi) impacts of climate change; and
 - (vii) research and monitoring requirements; and
 - (viii) education and raising public awareness; and
 - (ix) facilitating access to information.

12C Development of statewide strategy

- (1) The CEO must prepare a draft nature conservation strategy for Western Australia.
- (2) In preparing the draft biodiversity conservation strategy, the CEO must consider the objects of the Act.
- (3) In preparing the draft biodiversity conservation strategy, the CEO must consult with the –
 - (a) Scientific Advisory Committee;
 - (b) Biodiversity Commission;
 - (c) Conservation and Parks Commission; and
 - (d) parties affected by the implementation of the strategy.
- (4) The CEO must publish a notice in the *Gazette* and on the department's website inviting comment on the draft strategy.
- (5) Submissions in respect of a statewide biodiversity conservation strategy may be made by any person within 60 days of the publication of the notice referred to in subsection (4).
- (6) In preparing the final draft strategy, the CEO must –
 - (a) consider all submissions received;
 - (b) obtain and consider final advice from the –
 - (i) Scientific Advisory Committee;
 - (ii) Biodiversity Commission;
 - (iii) Conservation and Parks Commission; and
 - (iv) affected government agencies.
- (7) The CEO must submit the draft statewide biodiversity conservation strategy to the Minister for approval within 6 months of the closing of public consultation in subsection (5).
- (8) The draft strategy must be accompanied by a report setting out the issues raised in any submissions given during the public consultation period for the draft strategy.
- (9) The Minister must cause notice of publication in the *Gazette* and on the department's website –
 - (a) final biodiversity conservation strategy; and
 - (b) report on submissions in subsection (8).

12D Implementation of strategy

The CEO must take reasonable steps to implement a statewide biodiversity conservation strategy that has been approved through provisions of this Act.

12E Review of statewide biodiversity conservation strategy

- (1) The Biodiversity Commission must under a review;
 - (a) undertake public consultation for a period no less than 60 days and consider submissions;
 - (b) obtain and consider advice from the Scientific Advisory Committee, Conservation and Parks Commission and the department administering the Act; and
 - (c) consult with affected government agencies and other stakeholders.
- (2) The Biodiversity Commission must provide the final review with recommendations and a report on submissions received to the Minister for approval.
- (3) The Minister must consider the report and may take any action considered appropriate.
- (4) The Minister must –
 - (a) cause an order and copy of the final report of the review in subsection (1), report on submissions received in subsection (2), and report received from the Biodiversity Commission to be laid before each House of Parliament; and
 - (b) make the final review and report on submissions publicly available within 30 days after tabling in Parliament.

12F Minor amendments to the statewide conservation strategy

- (1) The Minister –
 - (a) may prepare a new biodiversity conservation strategy, incorporating the minor technical or clerical amendments into the existing strategy; and
 - (b) need not comply with the requirements in this Part.
- (2) If a new nature conservation strategy is prepared in subsection (1), the Minister must cause an order to be laid before each House of Parliament, and make publically available within 30 days of tabling in Parliament.

12G**Bioregional planning**

- (1) The Minister may determine a region as a bioregion.
- (2) The Minister may prepare and publish a bioregional plan for the bioregion either –
 - (a) on the Minister's initiative; or
 - (b) at the request of a regional natural resource management group or local government municipality; or
 - (c) at the request of any person.
- (3) In preparing a bioregional plan, the Minister must carry out public consultation on a draft of the plan.
- (4) The Minister may, on behalf of the State, co-operate with another jurisdiction or, an agency of a jurisdiction or any other person in the preparation of a bioregional plan for a bioregion that is not wholly within the State.
- (5) Co-operation in implementation of a bioregional plan may include giving financial or other assistance.
- (6) A bioregional plan may include provisions about all or any of the following –
 - (a) the components of biodiversity, their distribution and conservation status;
 - (b) priorities, strategies and actions to achieve the objectives of the bioregional plan;
 - (c) mechanisms for community involvement in implementing the bioregional plan;
 - (d) measures for monitoring and reviewing the bioregional plan.
- (7) Subject to this Act, the Minister must have regard to a bioregional plan in making any decision under this Act to which the plan is relevant.
- (8) The Minister must review a bioregional plan at least every five years, and assess compliance with the plan and the extent to which its objectives are being met.
- (9) The Minister must publish a bioregional plan and any review in the *Gazette* and make publically available within 30 days of publication.

12H**Biodiversity monitoring, evaluation and reporting on state and condition of biodiversity**

- (1) The Biodiversity Commission must undertake a review and prepare a report on the state and condition of WA's biodiversity every five years from the commencement of this Act.
- (2) In undertaking the review in subsection (1), the Biodiversity Commission must establish evaluation framework, mechanisms and a set of indicators to determine –
 - (a) trends in state and condition of biodiversity components, including:
 - (i) threatened species and ecological communities;
 - (ii) priority species and ecological communities; and

- (iii) specially protected species;
- (iv) Ramsar wetlands; and
- (v) Nationally listed wetlands; and
- (vi) native vegetation extent and condition; and
- (vii) Sandalwood;
- (b) trends in pressures for biodiversity components listed in paragraph (a);
- (c) the effectiveness of management intervention for biodiversity components listed in paragraph (a).
- (3) The Biodiversity Commission must provide a review and report with recommendations to the Minister for approval.
- (4) The Minister must consider the report and may take any action considered appropriate.
- (5) The Minister must –
 - (a) cause an order and copy of the final report of the review in subsection (1) and report received from the Biodiversity Commission to be laid before each House of Parliament; and
 - (b) make the final review and report on submissions publically available within 30 days after tabling in Parliament.

”.

New Part 1B

Mr C.J. Tallentire: To move –

Page 21, after line 17– To insert:

“

Part 1B – Biodiversity Commission

12I Establishment of the Biodiversity Commission

- (1) There is to be a Biodiversity Commission, comprising 7 members.
- (2) The Minister is to determine by instrument in writing the membership and the terms and conditions of appointment of members of the Biodiversity Commission, and appoint a chair and deputy chair.
- (3) The members of the Biodiversity Commission are to have expertise in one or more of the following areas –
 - (a) biodiversity conservation, and
 - (b) biological science, and
 - (c) environmental sciences.
- (4) The Minister must ensure that:
 - (a) members possess scientific qualifications that the Minister thinks relevant to the performance of the the Biodiversity Commission’s functions; and
 - (b) members are appointed to represent the Biodiversity Commission; and
 - (c) at least 5 members are not to be public servants.

- (d) the Chair and deputy chair are not to be public servants.
- (5) The Biodiversity Commission may establish sub-committees or seek advice on relevant matters in order to perform its functions.

12J Functions of the Biodiversity Commission

The functions of the Biodiversity Commission are –

- (1) to advise the Minister, at his or her request, on matters relating to the conservation and ecologically sustainable use of biodiversity; and
- (2) to undertake periodic reviews of the statewide biodiversity conservation strategy to determine its effectiveness.
- (3) to undertake periodic reviews of the assessment and report on the overall state and condition of biodiversity; and
- (4) undertake periodic reviews of recovery, abatement and management plans; and
- (5) to perform such other functions as are conferred on the Biodiversity Commission by this Act or the regulations.

12K Biodiversity Commission —Annual Report

- (1) The scientific committee described in Part 1C must, each financial year, give the Minister a report (an *annual report*) about the activities of the committee during the year.
- (2) The scientific committee must make the annual report publicly accessible not later than 30 days after the day the scientific committee gives the report to the Minister.

”.

New Part 1C.

Mr C.J. Tallentire: To move –

Page 21, after line 17 – To insert:

“

12L Part 1C – Scientific Advisory Committee Scientific Advisory Committee

- (1) There is established a body to be called the Scientific Advisory Committee.
- (2) The functions of the Scientific Advisory Committee are to advise the Minister on –
 - (a) the listing and de-listing of taxa of flora and fauna, ecological communities; and
 - (b) listing and de-listing of key threatening processes; and
 - (c) the criteria and guidelines to be followed in the determination of threatened and priority taxa and ecological communities; and
 - (d) the criteria and guidelines to be followed in the determination of threatened and priority taxa and ecological communities critical habitat; and

- (e) other matters relating to the conservation of threatened biodiversity.
- (3) Other functions of the Scientific Advisory Committee are –
 - (a) preparation of conservation advice upon listing for each taxa, ecological community and key threatened processes outlining objectives and immediate actions to be undertaken; and
 - (b) undertaken reviews of listings at least every five years.

12M Membership

- (1) The Scientific Advisory Committee is to consist of 7 members to be appointed by the Minister of whom not more than 4 are to be State Service officers or State Service employees and of whom one is to be appointed as chairperson.
- (2) All members of the Scientific Advisory Committee are to have special knowledge and experience in the sciences of biodiversity or ecology.
- (3) The members of the Scientific Advisory Committee must collectively have expertise in the following categories and each member must have expertise in one or more of the following categories:
 - (a) vertebrate fauna;
 - (b) invertebrate fauna;
 - (c) vascular flora;
 - (d) non-vascular flora;
 - (e) taxonomy;
 - (f) marine ecology;
 - (g) freshwater ecology;
 - (h) terrestrial ecology;
 - (i) population ecology.
- (4) For the purposes of giving advice to the Minister and in performing its functions under this Act, the Scientific Advisory Committee may consult with members of the broader scientific community as it considers appropriate, and convene sub-committees of expertise.

”.

Clause 40.

Mr C.J. Tallentire: To move –

Page 34, line 6 – To delete “instrument” and substitute:

“ order...”.

Mr C.J. Tallentire: To move –

Page 34, line 10 – To delete “instrument” and substitute:

“ order ”.

Mr C.J. Tallentire: To move –
Page 34, after line 11– To insert:

“ (4) Section 258 applies to an order made under subsection (1) and (3).....”.

Clause 42.

Mr C.J. Tallentire: To move –
Page 36, after line 17 – To insert.

“

- (2A) Before the Minister seeks approval from the Governor, the Minister must publish a notice in the *Gazette* and on the department’s website seeking comment on the proposed taking or disturbance and provide reasons for such action.
- (2B) Submissions in respect of the proposed taking or disturbance may be made by any person that is not less than 60 days after the day on which the notice referred to in (3) is published in the *Gazette*.
- (2C) When preparing a final proposal to the Governor, the Minister must;
 - (a) obtain and consider advice from the Scientific Advisory Committee and any other relevant advisory body deemed appropriate; and
 - (b) make public, advice in paragraph (a) available via the Department’s website.
- (2D) The Minister must not seek approval under subsection (1) unless the Minister has had regard to —
 - (a) any submissions made under subsection (2B); and
 - (b) Australia’s obligations under international agreements relevant to the threatened species or threatened ecological community to which the proposal relates; and
 - (c) the extent to which any environmental protection policy affects the conservation, protection and management of the threatened species or threatened ecological community to which the proposal relates; and
 - (d) the extent to which any recovery plan or interim recovery plan affects the conservation, protection and management of the threatened species or threatened ecological community to which the proposal relates; and
 - (e) the need to avoid any adverse ecological or social impacts.
- (2E) Before making a final proposal to the Governor, the Minister must cause an order under section 40 to be tabled in both Houses of Parliament.

”.

Clause 45.

Mr C.J. Tallentire: To move –
Page 38, line 3 – To delete “instrument” and substitute:

“ order ”.

Mr C.J. Tallentire: To move –
Page 38, line 8 – To delete “instrument” and substitute:

“ order ”.

Mr C.J. Tallentire: To move –
Page 38, after line 9 – To insert:

“ (4) Section 258 applies to an order made under subsection (1) and (3).....”.

Clause 47.

Mr C.J. Tallentire: To move –
Page 40, after line 8 – To insert.

“

- (1A) Before the Minister seeks approval from the Governor, the Minister must publish a notice in the *Gazette* and on the department’s website seeking submissions on the proposed modification and provide reasons for such action.
- (1B) Submissions in respect of the proposed modification may be made by any person that is not less than 60 days after the day on which the notice referred to in subsection (1A) is published in the *Gazette*
- (1C) When preparing a final proposal to the Governor, the Minister must;
 - (a) obtain and consider advice from the Scientific Advisory Committee and any other relevant advisory body deemed appropriate; and
 - (b) make public the advice referred to in paragraph (a) available via the Department’s website.
- (1D) The Minister must not seek approval under subsection (1) unless the Minister has had regard to —
 - (a) any submissions made under subsection (1B) and
 - (b) any advice obtained under subsection (1C); and
 - (c) Australia’s obligations under international agreements relevant to the threatened species or threatened ecological community to which the proposal relates; and
 - (d) the extent to which any environmental protection policy affects the conservation, protection and management of the threatened species or threatened ecological community to which the proposal relates; and
 - (e) the extent to which any recovery plan or interim recovery plans affects the conservation, protection and management of the threatened species or threatened ecological community to which the proposal relates; and
 - (f) the need to avoid any adverse ecological and social impacts.
- (1E) Before making a final proposal to the Governor, the Minister must cause an order under section 45 to be tabled in both Houses of Parliament.

”.

Clause 259.

Mr C.J. Tallentire: To move –
Page 163, line 1 – To insert, as new cells in the table:

“

s. 40(1) and (3)	s. 45(1) and (3)
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”.

Emergency Management Amendment Bill 2016 (No. 174-1)

New Clause 10A.

Ms M.M. Quirk: To move –

Page 10, after line 27 – To insert:

“

10A. Section 25A inserted

After section 24 insert:

25A. Report on review to be laid before Parliament

The Minister must cause a copy of any report received by the Minister under section 14(fa) to be laid before each House of Parliament within 30 sitting days of the House after the day on which the Minister receives the report.

”.

=====

Health Services Bill 2016 (No. 175-1)

The Legislation Committee on the *Health Services Bill 2016* agreed to postpone the following clauses for consideration in the Legislative Assembly:

Clause 20;

Clause 102;

Clauses 141 to 143; and

Clauses 161 to 174.

=====

Legal Profession Amendment Bill 2016 (No. 178–1)

Clause 5.

Mr J.R. Quigley: To move –

Page 3, line 3 – To insert after “calculated”:

“

and that the amount must be agreed to by the Legal Practice Board, the Law Society of Western Australia Inc and the Western Australian Bar Association

”.

Mr J.R. Quigley: To move –

Page 3, line 14 – To delete “or” and insert:

“ and ”.

Mr J.R. Quigley: To move –

Page 3, lines 21 and 22 – To delete:

“ and have regard to any submissions made by those bodies. ”.

=====

Local Government Legislation Amendment Bill 2014 (No. 108–1)

Clause 16.

The Minister for Local Government: To move –

Page 13, line 13 – To insert after “frivolous,”:

“ trivial, ”.

Clause 26.

The Minister for Local Government: To oppose the Clause.

Clause 27.

The Minister for Local Government: To oppose the Clause.

Clause 28.

The Minister for Local Government: To oppose the Clause.

Clause 36.

The Minister for Local Government: To move –

Page 25, line 19 – To insert after “section 125(2)”:

“ in the definition of *public body* ”.

Clause 53.

The Minister for Local Government: To move –
Page 29, lines 20 to 23 – To delete the lines.

Clause 54.

The Minister for Local Government: To oppose the Clause.

New Clause 54.

The Minister for Local Government: To move –
Page 30, after line 6 – To insert:

“

Division 11 — *Corruption, Crime and Misconduct Act 2003* amended

54. Act amended

This Division amends the *Corruption, Crime and Misconduct Act 2003*.

”.

Clause 55.

The Minister for Local Government: To oppose the Clause.

New Clause 55.

The Minister for Local Government: To move –
Page 30, after line 6 – To insert:

“

55. Section 3 amended

- (1) In section 3(1) in the definition of *minor misconduct* delete paragraph (c) and insert:

(c) conduct engaged in by —

- (i) a member of a local government or council of a local government; or
- (ii) a member of a council of a regional local government;

- (2) In section 3(1) in the definition of *public authority* paragraph (c) delete “regional local government” and insert:

regional local government, regional subsidiary

”.

New Clauses 75A and 75B.

The Minister for Local Government: To move –

Page 34, after line 16 – To insert:

“

Division 21A — *Medicines and Poisons Act 2014* amended

75A. Act amended

This Division amends the *Medicines and Poisons Act 2014*.

75B. Section 95 amended

Delete section 95(1)(c) and insert:

- (c) a person employed by —
 - (i) a local government or regional local government under the *Local Government Act 1995* section 5.36; or
 - (ii) a regional subsidiary.

”.

New Clauses 75C and 75D.

The Minister for Local Government: To move –

Page 34, after line 16 – To insert:

“

Division 21B — *Mental Health Act 2014* amended

75C. Act amended

This Division amends the *Mental Health Act 2014*.

75D. Section 572 amended

In section 572(1) in the definition of *State authority* delete paragraph (d) and insert:

- (d) a local government, regional local government or regional subsidiary;

”.

Long title.

The Minister for Local Government: To move –

Page 1, in the 3rd bullet point – To delete “**the *Botanic Gardens and Parks Authority Act 1998*,**”.

=====

KIRSTEN M. ROBINSON

Clerk of the Legislative Assembly