

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 213

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 23 JUNE 2016

1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the Ferguson Inquiry, an independent review of the Waroona/Yarloop fire that occurred in January 2016.

Papers

The following papers were presented and ordered to lie upon the Table of the House –

By the Premier –

Premier – Reframing Rural Fire Management – Report into the Special Inquiry into the January 2016 Waroona Fire Volume 1 (4260).

Premier – Reframing Rural Fire Management – Report into the Special Inquiry into the January 2016 Waroona Fire Volume 2 (4261).

The Minister for Road Safety on the Great Southern Road Safety Conference that was held on 16 June 2016.

The Minister for Health on the 50th Anniversary of the Busselton Health Study Centre.

The Minister for Child Protection on the Intensive Family Support Housing Program.

3. Grievances

The Speaker called for grievances which were then made.

4. Public Accounts Committee

Dr K.D. Hames, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Public Accounts Committee – Report on the Housing Authority’s Failure to Follow Through on Undertakings Made to the Committee, Report No. 13 (4262).

Mrs G. Godfrey, Mr B.S. Wyatt and Mr W.J. Johnston spoke on the report.

5. Joint Standing Committee on Delegated Legislation

Mr P. Abetz, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Delegated Legislation, Joint Standing Committee on – Access to Australian Standards Adopted in Delegated Legislation, Report No. 84 (4263).

6. Suspension of Standing Orders

Mr R.F. Johnson, without notice, moved,

That so much of the Standing Orders be suspended as is necessary so that the Road Traffic Legislation Amendment (Disqualification For Life) Bill 2016 is amended, prior to the conclusion of the second reading debate, as follows:

To add after the words “permanently disqualified from holding or obtaining a driver’s licence” the following:

“ except for a two wheeled vehicle of engine displacement of not more than 110 cc ”.

Debate ensued.

Question put.

The Acting Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion to be carried with the concurrence of an absolute majority of the whole number of members of the House.

Accordingly, the Road Traffic Legislation Amendment (Disqualification for Life) Bill 2016 has been amended.

7. Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016

The Minister for Road Safety, pursuant to notice, moved,

That a bill for “An Act to amend the *Road Traffic Act 1974* in relation to the impounding and confiscation of vehicles for certain offences and to make consequential changes to *The Criminal Code*, the *Road Safety Council Act 2002* and the *Young Offenders Act 1994*.” be introduced and read a first time.

Question put and passed.

The Minister for Road Safety presented an explanatory memorandum and bill read a first time.

The Minister for Road Safety moved, That the bill be now read a second time.

Ms S. McGurk moved, That the debate be adjourned.

Question put and passed.

8. Sale of Land Amendment Bill 2016

The Minister for Lands, pursuant to notice, moved,

That a bill for “An Act to amend the *Sale of Land Act 1970*.” be introduced and read a first time.

Question put and passed.

The Minister for Lands presented an explanatory memorandum and bill read a first time.

The Minister for Lands moved, That the bill be now read a second time.

Ms S. McGurk moved, That the debate be adjourned.

Question put and passed.

9. Biodiversity Conservation Bill 2015

The Order of the Day for the consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clauses 1 and 2 agreed to.

Clause 3.

Mr C.J. Tallentire moved,

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.

”.

Amendment put.

The Assembly divided.

Ayes (15)

Ms L.L. Baker
Dr A.D. Buti
Ms J.M. Freeman
Mr W.J. Johnston
Mr D.J. Kelly

Mr F.M. Logan
Mr M. McGowan
Ms S.F. McGurk
Mr P. Papalia
Mr J.R. Quigley

Ms R. Saffioti
Mr C.J. Tallentire
Mr P.B. Watson
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (32)

Mr P. Abetz
Mr F.A. Alban
Mr I.C. Blayney
Mr I.M. Britza
Mr G.M. Castrilli
Ms M.J. Davies
Mr J.H.D. Day
Ms W.M. Duncan
Ms E. Evangel
Mr J.M. Francis
Mrs G.J. Godfrey

Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
Mr C.D. Hatton
Mr A.P. Jacob
Dr G.G. Jacobs
Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
Mr J.E. McGrath
Mr P.T. Miles

Ms A.R. Mitchell
Mr N.W. Morton
Dr M.D. Nahan
Mr D.C. Nalder
Mr J. Norberger
Mr D.T. Redman
Mr A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clause 4 agreed to.

Clause 5.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

10. Members' Statements

The Acting Speaker called for members' statements which were then made.

11. Questions

Questions without Notice were taken.

12. Additional Information

The Minister for Water provided additional information relating to Question on Notice No. 5284 from Mr D.J. Kelly.

Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Minister for Water –

Water, Minister for – Additional Information in relation to Question on Notice No. 5284 (4264).

13. Additional Information

The Minister for Finance provided additional information relating to Question without Notice No. 414.

14. Legal Profession Amendment Bill 2016

The Order of the Day for the consideration in detail of Legislative Council Message No. 132 was read.
The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Legal Profession Amendment Bill 2016* 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 Legal Profession Amendment Bill 2016

No. 1

Clause 5, page 2, after line 21 — To insert —

CPI means the all groups consumer price index for Perth published by the Australian Statistician referred to in the *Australian Bureau of Statistics Act 1975* (Commonwealth) section 5, or if the index is not published, another similar index nominated by the Minister;

No. 2

Clause 5, page 2, line 25 — To delete “calculated”.

No. 3

Clause 5, page 3, line 2 — To insert before “method” —

amount of the contribution or the

No. 4

Clause 5, page 3, after line 22 — To insert —

- (5A) Unless agreement is obtained as mentioned in subsection (5)(a), neither regulations specifying an amount of contribution to be paid nor regulations specifying a method by which the amount of contribution is to be calculated in any year (the *calculation regulations*) can be amended so as to increase the amount required to be paid in any year to an amount that is greater than the amount that would have been payable in that year, if calculated under the calculation regulations and adjusted for any CPI increase plus 2.5% per annum, pro rata, from the date on which the calculation regulations were made or last amended (whichever is later) to the date of the proposed amendment.

CONSIDERATION IN DETAIL

The Deputy Premier moved, That amendment No. 1 be agreed to.

Question put and passed.

The Deputy Premier moved, That amendment Nos 2 to 4 be agreed to.

Questions put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

15. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

16. Biodiversity Conservation Bill 2015

The Order of the Day for the further consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clauses 5 to 12 agreed to.

New Part 1A.

Mr C.J. Tallentire moved,

Page 21, after line 17 – To insert:

“

Part 1A – Biodiversity Planning and Monitoring**12A. Statewide biodiversity conservation strategy**

- (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 1A put.

The Assembly divided.

Ayes (17)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Ms J.M. Freeman
Mr W.J. Johnston
Mr D.J. Kelly

Mr F.M. Logan
Mr M. McGowan
Mr M.P. Murray
Mr P. Papalia
Mr J.R. Quigley
Mrs M.H. Roberts

Ms R. Saffioti
Mr C.J. Tallentire
Mr P.C. Tinley
Mr B.S. Wyatt
Ms S.F. McGurk (*Teller*)

Noes (30)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr G.M. Castrilli
Ms M.J. Davies
Mr J.H.D. Day
Ms E. Evangel
Mr J.M. Francis

Mrs G.J. Godfrey
Dr K.D. Hames
Mrs L.M. Harvey
Mr C.D. Hatton
Mr A.P. Jacob
Dr G.G. Jacobs
Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
Mr J.E. McGrath

Mr P.T. Miles
Ms A.R. Mitchell
Mr N.W. Morton
Dr M.D. Nahan
Mr J. Norberger
Mr D.T. Redman
Mr A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

New Part 1A thus negatived.

New Part 1B.
Mr C.J. Tallentire moved,
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 1B put and negatived.

New Part 1C.

Mr C.J. Tallentire moved,

Page 21, after line 17 – To insert:

“

Part 1C – Scientific Advisory Committee**12L. 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 threatening 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.

”.

New Part 1C put.

The Assembly divided.

Ayes (15)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Ms J.M. Freeman
Mr W.J. Johnston

Mr D.J. Kelly
Mr M. McGowan
Mr P. Papalia
Mrs M.H. Roberts
Ms R. Saffioti

Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr B.S. Wyatt
Ms S.F. McGurk (*Teller*)

Noes (30)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr G.M. Castrilli
Ms M.J. Davies
Mr J.H.D. Day
Ms E. Evangel
Mr J.M. Francis

Mr S.G.J. Godfrey
Dr K.D. Hames
Mrs L.M. Harvey
Mr C.D. Hatton
Mr A.P. Jacob
Dr G.G. Jacobs
Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
Mr J.E. McGrath

Mr P.T. Miles
Ms A.R. Mitchell
Mr N.W. Morton
Dr M.D. Nahan
Mr J. Norberger
Mr D.T. Redman
Mr A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

New Part 1C thus negatived.

Clauses 13 to 38 agreed to.

Clause 39.

The Minister for Environment moved,

Page 33, line 23 – To insert after “under”:

“ section ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 40 and 41 agreed to.

Clause 42.

Mr C.J. Tallentire moved,

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.

”.

Amendment put and negatived.

Clause agreed to.

Clauses 43 and 44 agreed to.

Clause 45.

Mr C.J. Tallentire moved,

Page 38, line 3 – To delete “instrument” and substitute:

“ order ”.

Mr C.J. Tallentire moved,

Page 38, line 8 – To delete “instrument” and substitute:

“ order ”.

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

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

Amendments put and negatived.

Clause agreed to.

Clause 46 agreed to.

Clause 47.

Mr C.J. Tallentire moved,

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.

”.

Amendment put and negatived.

Clause agreed to.

Clauses 48 to 258 agreed to.

Clause 259.

Mr C.J. Tallentire moved,

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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”

Amendment put and negatived.

Clause agreed to.

Clauses 260 to 320 agreed to.

Schedule agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Environment moved,

That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

Question put.

The Assembly divided.

Ayes (27)

Mr P. Abetz	Mrs G.J. Godfrey	Ms A.R. Mitchell
Mr F.A. Alban	Dr K.D. Hames	Mr N.W. Morton
Mr C.J. Barnett	Mr C.D. Hatton	Dr M.D. Nahan
Mr I.C. Blayney	Mr A.P. Jacob	Mr J. Norberger
Mr I.M. Britza	Mr S.K. L'Estrange	Mr D.T. Redman
Ms M.J. Davies	Mr R.S. Love	Mr A.J. Simpson
Mr J.H.D. Day	Mr W.R. Marmion	Mr M.H. Taylor
Ms E. Evangel	Mr J.E. McGrath	Mr T.K. Waldron
Mr J.M. Francis	Mr P.T. Miles	Mr A. Krsticevic (<i>Teller</i>)

Noes (12)

Ms L.L. Baker	Mr F.M. Logan	Ms R. Saffioti
Mr R.H. Cook	Mr M. McGowan	Mr C.J. Tallentire
Mr W.J. Johnston	Ms S.F. McGurk	Mr B.S. Wyatt
Mr D.J. Kelly	Mr P. Papalia	Mr D.A. Templeman (<i>Teller</i>)

Question thus passed.

17. Adjournment

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 5.35 p.m. until Tuesday, 28 June 2016 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Mr V.A. Catania, Mr M.J. Cowper, Ms J. Farrer and Ms M.M. Quirk.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly