

# LEGISLATIVE ASSEMBLY

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## NOTICES AND ORDERS OF THE DAY

No. 96

THURSDAY, 1 NOVEMBER 2018, 9.00 am

Acknowledgement of Country

Prayers ★

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements ★

Questions Without Notice ★

— approximately 2.00 pm each day

Matter of Public Interest

— one per week on any day

Private Members' Business

— 4.00 pm to 7.00 pm Wednesday

Grievances

— approximately 9.00 am Thursdays

Private Members' Statements

— 12.50 pm Thursdays

*\* Note: When the Assembly meets at 2.00 pm Brief Ministerial Statements and Questions Without Notice will follow Prayers.*

*Memorandum: The Assembly's Questions on Notice booklet is available at  
[www.parliament.wa.gov.au](http://www.parliament.wa.gov.au)*

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### BUSINESS OF THE ASSEMBLY – NOTICES OF MOTION

**1. Joint Standing Committee on Delegated Legislation – Membership**  
(Notice given – 31/10/18)

The Leader of the House: To move –

- (1) That the Member for Geraldton be discharged from the Joint Standing Committee on Delegated Legislation and the Member for Kalgoorlie be appointed in his place; and
- (2) That the Legislative Council be acquainted accordingly.

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### GOVERNMENT BUSINESS – ORDERS OF THE DAY

**1. Betting Tax Assessment Bill 2018** (Minister for Finance) (No. 94, 2r. – 10/10/18)

To be read a third time.

**2. \*Strata Titles Amendment Bill 2018** (Minister for Lands) (No. 80, 2r. – 28/6/18)

Consideration in detail of Legislative Council Message No. 58.

**3. Reserves (Tjuntjuntjara Community) Bill 2018** (Minister for Lands)  
(No. 73, 2r. – 27/6/18)

Second reading. Adjourned debate (Mr D.R. Michael).

**4. Gender Reassignment Amendment Bill 2018** (Attorney General) (No. 85, 2r. – 14/8/18)

Second reading. Adjourned debate (Ms L. Mettam).

**5. Consumer Protection Legislation Amendment Bill 2018**

(Minister for Commerce and Industrial Relations) (No. 96, 2r. – 10/10/18)

Second reading. Adjourned debate (Ms L. Mettam).

**6. Child Support (Commonwealth Powers) Bill 2018** (Attorney General)

(No. 79, 2r. – 27/6/18)

Second reading. Adjourned debate (Ms L. Mettam).

**7. Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018**

(Attorney General) (No. 87, 2r. – 14/8/18)

Second reading. Adjourned debate (Ms L. Mettam).

**8. Administration Amendment Bill 2018** (Attorney General) (No. 77, 2r. – 27/6/18)

Second reading. Adjourned debate (Ms L. Mettam).

**9. Industrial Relations Amendment Bill 2018**

(Minister for Commerce and Industrial Relations) (No. 98, 2r. – 10/10/18)

Second reading. Adjourned debate (Ms L. Mettam).

**10. Premier's Statement** (last debated 14/8/18)

Adjourned debate (Mr D.R. Michael) on the question, That the Premier's Statement be noted.

**11. Legal Profession Amendment (Professional Indemnity Insurance Management Committee) Bill 2018** (Attorney General) (No. 102, 2r. – 17/10/18)

Second reading. Adjourned debate (Ms L. Mettam).

**12. Residential Parks (Long-stay Tenants) Amendment Bill 2018**

(Minister for Commerce and Industrial Relations) (No. 99, 2r. – 17/10/18)

Second reading. Adjourned debate (Mr Z.R.F. Kirkup).

**13. Sentence Administration Amendment (Multiple Murderers) Bill 2018**

(Attorney General) (No. 101, 2r. – 18/10/18)

Second reading. Adjourned debate (Mr P.A. Katsambanis).

**14. Criminal Code Amendment (Child Marriage) Bill 2018** (Attorney General)

(No. 109, 2r. – 31/10/18)

Second reading. Adjourned debate (Ms L. Mettam).

**15. Appropriation (Recurrent 2017-18) Supplementary Bill 2018** (Treasurer)

(No. 104, 2r. – 31/10/18)

Second reading. Adjourned debate (Ms L. Mettam).

**16. Appropriation (Capital 2017-18) Supplementary Bill 2018** (Treasurer)

(No. 105, 2r. – 31/10/18)

Second reading. Adjourned debate (Ms L. Mettam).

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**PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION**

**1. Procedure and Privileges Committee and WA Police** (Notice given – 17/5/18)

Dr M.D. Nahan: To move –

That this House:

- (1) in response to the request of the Commissioner of Police to the Speaker dated 10 May 2018, directs the Procedure and Privileges Committee to provide WA Police the materials that the former member for Darling Range, Mr Barry Urban, gave to

the Committee which came into existence independent of any parliamentary proceedings; and

- (2) further directs the Procedure and Privileges Committee, that if the Commissioner of Police confirms that WA Police are investigating whether Mr Urban committed an offence or offences under section 57 of *The Criminal Code*, to provide to WA Police:
  - (a) all correspondence between the Committee and Mr Urban or his lawyers; and
  - (b) all evidence that Mr Urban gave to the Committee that is relevant to proving that Mr Urban knowingly gave a false answer to any lawful and relevant question put to him in the course of the Committee's inquiry.

**2. Major Infrastructure Projects** (Notice given – 7/11/17, renewed – 12/6/18)

Dr M.D. Nahan: To move –

That this House notes the failure of the McGowan Government to properly plan for major infrastructure projects, highlighted by the lack of funding in the budget for infrastructure, the blowout in costs of projects, the lack of business cases and the failure to identify the ongoing costs to be imposed on Western Australian taxpayers.

**3. Jobs and the Cost of Living in Western Australia** (Notice given – 21/11/17, renewed – 19/6/18)

Ms M.J. Davies: To move –

That this House condemns the McGowan Government for failing to deliver on jobs and increasing the cost of living because they refuse to pursue every available revenue source.

**4. Bay Village FIFO Camp** (Notice given – 19/6/18)

Mr V.A. Catania: To move –

That this House condemns the Minister for Lands for signing off on the 700-bed Bay Village FIFO camp in the heart of Karratha, thereby undermining regional development in Karratha.

**5. McGowan Government's Policy Decisions** (Notice given – 14/8/18)

Mr R.S. Love: To move –

That this House recognises the McGowan Labor Government's backflips on funding cuts to School of the Air, Gifted and Talented Education Programs, intake of level 3 teachers, Northam Residential College, the 'Follow the Dream' Program, Community Resource Centre Funding, and the implementation of SMART drum lines and calls on the Premier to reverse his cuts to Moora Residential College, Camp Schools and the Agricultural Farm Provisions Trust.

**6. Infrastructure Western Australia** (Notice given – 20/2/18, renewed – 21/8/18)

Dr M.D. Nahan: To move –

That this House calls on the McGowan Labor Government to ensure its proposed Infrastructure Western Australia reports directly to Parliament, rather than the Premier, and that all future infrastructure projects be assessed by Infrastructure Western Australia.

**7. Parliamentary Budget Office** (Notice given – 20/2/18, renewed – 21/8/18)

Dr M.D. Nahan: To move –

That this House calls on the McGowan Labor Government to introduce a Parliamentary Budget Office to provide independent advice to all Members of Parliament on costings of policies.

**8. Leadership in Government** (Notice given – 20/2/18, renewed – 21/8/18)

Dr M.D. Nahan: To move –

That this House notes the failure of the Premier to show leadership in his Government, highlighted by his acceptance of a culture of bullying in his Government and his failure to require the highest standards of integrity from members of his Government.

**9. Education Cuts** (Notice given – 20/2/18, renewed – 21/8/18)

Mrs L.M. Harvey: To move –

That this House calls on the McGowan Labor Government to reverse all of its cuts to education, which are being used to fund Labor's unfunded and unaffordable election commitments and do not contribute to debt or deficit repair.

**10. Roe 8 Project Funding** (Notice given – 20/2/18, renewed – 21/8/18)

Mrs L.M. Harvey: To move –

That this House calls on the McGowan Labor Government to table all tender information and contracts associated with the redistribution of funding originally allocated to the Roe 8 project to other infrastructure projects.

**11. Committees and Inquiries** (Notice given – 20/2/18, renewed – 21/8/18)

Mr Z.R.F. Kirkup: To move –

That this House notes the McGowan Government has convened more than 70 committees, inquiries, reviews and the like in the 10 months since it was elected, showing it is a party that had a plan to get in to government, but no plan to govern.

**12. McGowan Government's First Year** (Notice given – 13/3/18, renewed – 11/9/18)

Dr M.D. Nahan: To move –

That this House condemns the McGowan Government for its failures in its first year of government, including its backflips, bumbles and broken promises.

**13. Regional WA** (Notice given – 13/3/18, renewed – 11/9/18)

Mr P.J. Rundle: To move –

That this House condemns the McGowan Labor Government for its attack on regional WA during their first year in office.

**14. Referral to the Economics and Industry Standing Committee** (Notice given – 11/9/18)

Mr D.T. Redman: To move –

That this House refers to the Economics and Industry Standing Committee an inquiry into the risks to consumers and operators of non-registered and non-compliant accommodation utilising online booking platforms such as Airbnb.

**15. Outer Harbour Proposal** (Notice given – 11/9/18)

Mrs L.M. Harvey: To move –

That this House condemns the McGowan Government for its ill-conceived Outer Harbour proposal that cannot be justified on economic, social or environmental grounds.

**16. Education Portfolio** (Notice given – 11/9/18)

Mrs L.M. Harvey: To move –

(1) That this House condemns the McGowan Government's bumbles and backflips in the education portfolio including:

- (a) the backflip on Moora Residential College;
- (b) the backflip on Perth Modern School;
- (c) the backflip on the high rise high school in Northbridge;
- (d) the backflip on School of the Air;
- (e) the backflip on the Gifted and Talented Program;

- (f) the backflip on Northam Residential College;
  - (g) the backflip on freezing the intake of Level 3 teachers;
  - (h) the backflip on Bunbury Baptist College;
  - (i) the bungling of Canning and Tuart College;
  - (j) the bungling of Landsdale Farm School;
  - (k) the bungling of camp school funding; and
  - (l) other bungling and backflips.
- (2) That this House condemns the McGowan Government for its failure to properly fund:
- (a) Trust funds for agriculture schools;
  - (b) Kidsport;
  - (c) Herdsman Wildlife Education Centre;
  - (d) Community Kindergartens; and
  - (e) its mean-spirited increases to VacSwim.

**17. First Responders** (Notice given – 11/9/18)

Mr P.A. Katsambanis: To move –

That this House:

- (a) extends its support and gratitude to the officers of the Western Australian Police Force, our fire and emergency services personnel, our paramedics and all first responders for their ongoing support and protection of our community; and
- (b) in particular, acknowledges the many difficult and tragic incidents they must attend to on behalf of the community which would have a lasting toll on their mental health and wellbeing.

**18. Housing Industry in Western Australia** (Notice given – 11/9/18)

Mr D.C. Nalder: To move –

That this House condemns the McGowan Government for its attack on the housing industry, home values and construction jobs, including reducing demand by introducing the foreign investment tax and cuts to the first home owner grant boost.

**19. Minister for Corrective Services** (Notice given – 11/9/18)

Mr Z.R.F. Kirkup: To move –

That this House condemns the Minister for Corrective Services for his consistent failures in leadership and public accountability, in particular ongoing corruption issues, prison breakouts, drugs entering the prison system and prison officer misconduct, including allowing paedophiles to be unsupervised in public.

**20. Government Accountability** (Notice given – 20/3/18, renewed – 18/9/18)

Mrs L.M. Harvey: To move –

That this House condemns the Premier of Western Australia for gagging Parliamentary debate and refusing to be open and accountable in relation to the rebadged Barnett Government Forrestfield Airport Link.

**21. Landgate Sale** (Notice given – 8/5/18, renewed – 16/10/18)

Mr V.A. Catania: To move –

That this House condemns the McGowan Labor Government's plan to sell Landgate to fund its extravagant election promises, posing a risk to Western Australia's \$36 billion property transaction market and the security of the public's land title registry.

## **PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY**

### **1. Perth Children's Hospital (Moved – 1/11/17)**

Adjourned debate (Treasurer – continuation of remarks) on the motion moved by Mr W.R. Marmion –

That this House expresses its deep concern at the premature acceptance of practical completion of the Perth Children's Hospital by the McGowan Government, and the inability of the McGowan Government to resolve the outstanding issues to open the hospital.

### **2. Victims of Child Sex Abuse (Moved – 8/11/17)**

Adjourned debate (Attorney General – continuation of remarks) on the motion moved by Dr M.D. Nahan –

That this House:

- notes the failure of the McGowan Government to introduce legislation to remove the statute of limitations for victims of child sex abuse, which it said was a priority; and
- calls on the Attorney General to apologise for raising the expectations of victims of child sex abuse when he was in Opposition, and failing to deliver now that he is in Government.

### **3. Financial Election Commitments (Moved – 22/11/17)**

Adjourned debate (Treasurer – continuation of remarks) on the motion moved by Ms M.J. Davies –

That this House condemns the McGowan Government for misleading the people of Western Australia during the March 2017 State Election, specifically:

- having no plan for financial management;
- increasing taxes;
- privatising assets;
- increasing household fees and charges; and
- cutting Royalties for Regions.

### **4. First Parliamentary Year of the McGowan Government (Moved – 29/11/17)**

Adjourned debate (Mr I.C. Blayney – continuation of remarks) on the motion moved by Dr M.D. Nahan –

That this House expresses concern over the failures of the McGowan Government in its first parliamentary year.

### **5. Local Projects, Local Jobs (Moved – 21/2/18)**

Adjourned debate (Mr R.R. Whitby – continuation of remarks) on the motion moved by Mr D.C. Nalder –

That this House notes the failures of the McGowan Labor Government in project and financial management including Local Projects, Local Jobs, proper tendering processes, and undermining the intent of its own Infrastructure WA initiative.

### **6. Education and Health Standing Committee Referral (Moved – 14/3/18)**

Adjourned debate (Minister for Sport and Recreation – continuation of remarks) on the motion moved by Mr R.S. Love –

That this House directs the Education and Health Standing Committee to inquire into the Labor Government's cuts to education, announced 13 December 2017, to determine:

- (1) The educational impacts of the closure of Moora Residential College, closure or privatisation of six camp schools, cuts to the WA Agricultural Colleges Trust Fund, and increased fees for Vacswim; and

- (2) The appropriateness of the decision-making process behind the cuts, including any consultation that was undertaken.

**7. Minister for Transport's Portfolios** (Moved – 21/3/18)

Adjourned debate (Mr D.C. Nalder – continuation of remarks) on the motion moved by Mrs L.M. Harvey –

That this House notes that after one year in office, the Minister for Transport has not progressed any of Labor's Metronet projects, has failed to fully disclose information to the public about the progress of the Forrestfield Airport Link, has failed to accept \$1.2 billion in federal funding to improve road safety and productivity, and has awarded contracts without going to tender and providing a fair opportunity for businesses to bid for work.

**8. Management of the Tourism Portfolio** (Moved – 11/4/18)

Adjourned debate (Minister for Tourism – continuation of remarks) on the motion moved by Ms L. Mettam –

That this House condemns the Minister for Tourism for his gross mismanagement of the tourism portfolio, including intentionally misleading the people of Western Australia on falling international visitor numbers, blaming bureaucrats for his poor decision-making and his range of policies that are causing long-term damage to this important sector.

**9. Services in Regional Western Australia** (Moved – 9/5/18)

Adjourned debate (Mr I.C. Blayney – continuation of remarks) on the motion moved by Ms M.J. Davies –

That this House condemns the McGowan Government for its cuts to Royalties for Regions, CRCs, regional health, regional policing, regional education and other essential regional services, leading to the loss of jobs and services in regional WA.

**10. McGowan Government** (Moved – 16/5/18)

Adjourned debate (Treasurer – continuation of remarks) on the motion moved by Mr S. L'Estrange –

That this House condemns the McGowan Government for its savage cuts to frontline services, its increases to cost of living imposed on struggling Western Australian households and its failure to deliver a comprehensive plan for delivering long term, full time jobs.

**11. Cost of Living and Frontline Services** (Moved – 13/6/18)

Adjourned debate (Mr S. L'Estrange – continuation of remarks) on the motion moved by Dr M.D. Nahan –

That this House highlights the impact the McGowan Government is having on the people of Darling Range through massive increases to the cost of living, cuts to frontline services and for its failure to fund critical infrastructure.

**12. Regional Development Agenda** (Moved – 20/6/18)

Adjourned debate (Minister for Tourism – continuation of remarks) on the motion moved by Mr D.T. Redman –

That this House expresses its lack of confidence in the Minister for Regional Development for failing to stand up for regional WA, given the McGowan Government's continual undermining of the regional development agenda, including the demise of Royalties for Regions.

**13. Darling Range By-Election Result** (Moved – 27/6/18)

Adjourned debate (Minister for Mines and Petroleum – continuation of remarks) on the motion moved by Dr M.D. Nahan –

That this House calls on the McGowan Government to listen to the loud message sent by the people of Darling Range, including a commitment to lower the cost of living for struggling households, reverse the cuts to regional education and to commit to funding its infrastructure commitments, including Tonkin Highway Extension and the Byford Rail Line

**14. Minister for Agriculture and Food** (Moved – 15/8/18)

Adjourned debate (Mr P.J. Rundle – continuation of remarks) on the motion moved by Mr P.J. Rundle –

That this House condemns the Premier for his continued support of the Minister for Agriculture and Food, despite her lack of knowledge of the industry and refusal to support WA's farmers.

**15. McGowan Government's Economic and Financial Policies** (Moved – 22/8/18)

Adjourned debate (Minister for Mines and Petroleum – continuation of remarks) on the motion moved by Mr D.C. Nalder –

That this House condemns the McGowan Government for their short-sighted economic and financial policies that have damaged the economy by undermining business and investment confidence, reducing consumer discretionary expenditure and hurting international education and tourism.

**16. Cost of Living in Western Australia** (Moved – 12/9/18)

Adjourned debate (Minister for Mines and Petroleum – continuation of remarks) on the motion moved by Dr M.D. Nahan –

That this House condemns the McGowan Government's crippling cost of living increases on struggling Western Australian households at a time of stagnant wages and for its failure to lower electricity prices through introducing retail competition and for using the Water Corporation as a taxing mechanism.

**17. Major Events (Ticket Scalping) Bill 2018** (Mr J.E. McGrath) (No. 97, 2r. – 19/9/18)

Second reading. Adjourned debate (Ms L. Mettam).

**18. Frontline Services and Critical Service Delivery** (Moved – 19/9/18)

Adjourned debate (Minister for Tourism – continuation of remarks) on the motion moved by Dr M.D. Nahan –

That this House condemns the McGowan Government's budget cuts to frontline services and the associated impact on critical service delivery to the people of Western Australia.

**19. Health Portfolio** (Moved – 10/10/18)

Adjourned debate (Ms L. Mettam – continuation of remarks) on the motion moved by Mr S. L'Estrange –

That this House condemns the Health Minister's handling of the health portfolio, placing our health system on a trajectory of cost cutting that is stripping away frontline health and mental health services in a similar manner to that which led to the chaos experienced under the last State Labor Government.



**20. Fly-in Fly-out Work Practices** (Moved – 17/10/18)

Adjourned debate (Mr R.S. Love – continuation of remarks) on the motion moved by Ms M.J. Davies –

That this House recognises that fly in fly out work practices can be detrimental to regional communities through the reduction of economic and social opportunities for development and calls on the McGowan Government to:

- (1) acknowledge the positive impact the Liberal-National Government made in improving the liveability of the Pilbara through Royalties for Regions investment;
- (2) ensure that all fly-in fly-out work arrangements are limited to genuinely remote and temporary operations and that workers are provided with genuine choice over where they live; and
- (3) ensure that key stakeholders, including Local Government, are engaged where the project will be located to address social and community infrastructure requirements.

**21. Parliamentary Budget Officer Bill 2018** (Dr M.D. Nahan) (No. 106, 2r. – 31/10/18)

Second reading. Adjourned debate (Mr D.R. Michael).

**22. Trust in the McGowan Government** (Moved – 31/10/18)

Adjourned debate (Mr T.J. Healy – continuation of remarks) on the motion moved by Dr M.D. Nahan –

That this House confirms the McGowan Government cannot be trusted because of its lack of accountability, broken promises, new taxes and failure to deliver on gold standard transparency.

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\* 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.

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**COMMITTEES TO REPORT**

<b>Committee</b>	<b>Date Due</b>
<b>Economics and Industry Standing Committee:</b> Inquiry into Western Australia's automotive smash repair industry.	29 November 2018
<b>Community Development and Justice Standing Committee:</b> Inquiry into the protection of crowded places in Western Australia from terrorist acts.	28 March 2019
<b>Economics and Industry Standing Committee:</b> Inquiry into the emergence and impact of electricity microgrids and associated technologies in Western Australia.	28 March 2019
<b>Joint Standing Committee on the Corruption and Crime Commission:</b> Inquiry into public sector procurement of goods and services and its vulnerability to corrupt practice.	30 April 2019
<b>Education and Health Standing Committee:</b> Inquiry into Type 2 diabetes.	30 April 2019
<b>Joint Standing Committee on Audit:</b> Review of the Treasurer's Review of the <i>Financial Management Act 2006</i> .	

**GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS**

<b>Committee</b>	<b>Ministers to Respond</b>	<b>Date Due</b>
Public Accounts Committee: Report No. 3: PCH – A long wait	Premier; Minister for Finance; Minister for Commerce and Industrial Relations	22 June 2018 [non-compliance reported 26/6/18]
Joint Select Committee on End of Life Choices: Report No. 1: My Life, My Choice	Premier; Minister for Health; Attorney General	23 November 2018
Joint Standing Committee on the Commissioner for Children and Young People: Report No. 2: Talking to the Experts	Minister representing the Minister for Education and Training	13 December 2018
Joint Standing Committee on the Corruption and Crime Commission: Report No. 8: The More Things Change...: Matters arising from the Corruption and Crime Commission's report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke	Minister for Police	20 December 2018
Public Accounts Committee: Report No. 6: No (More) Time to Waste: The ongoing implementation of Western Australia's Waste Strategy	Parliamentary Secretary representing the Minister for Environment	11 January 2019

## NOTICES AND AMENDMENTS

### ***Strata Titles Amendment Bill 2018 (No. 80–2)***

Message No. 58

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Strata Titles Amendment Bill 2018* 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 Strata Titles Amendment Bill 2018*

#### **No. 1**

Clause 83, page 134, lines 6 and 7 — To delete the lines and insert:

- (7) When a strata title for a lot in a freehold scheme comes into existence it confers on the owner of the lot —

#### **No. 2**

Clause 83, page 134, lines 21 and 22 — To delete the lines and insert:

- (8) When a strata title for a lot in a leasehold scheme comes into existence it confers on the owner of the lot, subject to Part 4 Division 5 —

#### **No. 3**

Clause 83, page 166, lines 13 and 14 — To delete “its function of managing and controlling” and insert:

section 91(1)(c) in relation to

#### **No. 4**

Clause 83, page 217, line 21 — To delete “monitoring” and insert:

enforcing

#### **No. 5**

Clause 83, page 225, line 17 — To insert before “14 days’ notice”:

for a resolution passed other than at a general meeting,

**No. 6**

Clause 83, page 263, lines 23 to 28 — To delete the lines and insert:

- (i) provide, in accordance with the regulations, details of proposed arrangements for obtaining independent advice or representation referred to in section 190; and

**No. 7**

Clause 83, page 264, line 5 — To delete “section 175” and insert:

section 174

**No. 8**

Clause 83, page 265, lines 1 to 7 — To delete the lines and insert:

- (2) The *Planning and Development Act 2005* applies to the application subject to —
  - (a) the modification that a reference to subdivision is to be read as including a reference to termination of a strata titles scheme; and
  - (b) any other appropriate modifications.

**No. 9**

Clause 83, page 266, after line 22 — To insert:

**178A. Reference of full proposal to independent advocate**

- (1) In this section —  
*independent advocate* means a person to whom a full proposal is referred under subsection (2).
- (2) A strata company to which a full proposal is submitted under section 178 must refer the proposal for review and assessment to a person who —
  - (a) is independent of the strata company and the proponent of the termination proposal; and
  - (b) satisfies any requirements of the regulations regarding experience or qualifications.
- (3) The independent advocate must, in accordance with the regulations —
  - (a) review the full proposal; and
  - (b) provide the strata company with an independent assessment of the full proposal; and
  - (c) at a time and place arranged with the strata company, make a presentation of its assessment open to the persons mentioned in section 178(4)(a), conducted so as to take account of the needs of any of those persons who have sensory or mobility disabilities.

- (4) The independent advocate must, in accordance with the regulations —
  - (a) endeavour to identify any owners of lots for whom arrangements for fuller or more extensive advice or representation are to be made under regulations made under section 190(1)(b); and
  - (b) advise those owners of their entitlements under regulations made under section 190; and
  - (c) if requested by those owners, refer them to independent providers of the advice or representation which they are to obtain; and
  - (d) if requested by those owners, assist them in obtaining benefits under the trust referred to in section 190(2).
- (5) In any proceedings before the Tribunal under Part 13 in which there is a dispute about whether an owner of a lot in the strata titles scheme is entitled to fuller or more extensive advice or representation under regulations made under section 190(1)(b) or is entitled to benefit under a trust referred to in section 190(2), the independent advocate may, in accordance with the regulations, represent the owner in the proceedings.
- (6) The regulations may prescribe how a person's independence is to be determined for the purposes of subsection (2)(a).
- (7) The strata company —
  - (a) must pay the remuneration of, and reimburse the expenses incurred by, the independent advocate; and
  - (b) may charge fees under section 189 to cover the cost of paying those fees and reimbursing those expenses.

#### **No. 10**

Clause 83, page 270, lines 10 to 12 — To delete the lines and insert:

- (4) The regulations must prescribe matters relating to the determination of the market value of a lot for a termination valuation report, including a valuation methodology that takes account of —
  - (a) relevant recent sales history; and
  - (b) the highest and best use of the lot; and
  - (c) the value attributable to the owner's interest in the common property of the strata titles scheme.

#### **No. 11**

Clause 83, page 273, line 26 — To delete the words “the independent person must”.

#### **No. 12**

Clause 83, page 275, lines 23 to 27 — To delete the lines and insert:

- (b) if all or part of the parcel of the strata titles scheme is or is included in a retirement village within the meaning of the *Retirement Villages Act 1992* — serve notice of the application on the Commissioner within the meaning of that Act; and

**No. 13**

Clause 83, page 281, after line 29 — To insert:

- (17A) If the Tribunal orders a person under subsection (17)(c) to take steps for the discharge, withdrawal or removal of an estate, interest or right the Tribunal may order the proponent or the owner of a lot in the strata titles scheme to make a payment to that person in respect of the discharge, withdrawal or removal of the estate, interest or right.
- (17B) If the whole or part of the parcel of a strata titles scheme is subject to a residential tenancy agreement within the meaning given in the *Residential Tenancies Act 1987* section 3, the Tribunal may order that on the termination of the strata titles scheme —
  - (a) the tenant and the lessor must terminate the residential tenancy agreement under that Act; and
  - (b) the premises subject to the residential tenancy agreement are taken for the purposes of section 69 of that Act to cease to be lawfully usable as a residence; and
  - (c) if the tenant is given notice of termination under section 69 of that Act, then despite section 69(2) of that Act the period of notice must be not less than a period specified by the Tribunal; and
  - (d) the proponent or the owner of a lot in the scheme is to make a payment to the tenant under the residential tenancy agreement in respect of the termination of the residential tenancy agreement.
- (17C) If the whole or part of the parcel of a strata titles scheme is subject to a retail shop lease within the meaning given in the *Commercial Tenancy (Retail Shops) Agreements Act 1985* section 3(1), then despite anything in that Act the Tribunal may order that —
  - (a) the retail shop lease is terminated on the termination of the strata titles scheme; and
  - (b) the proponent or the owner of a lot in the scheme is to make a payment to the tenant under the retail shop lease in respect of the termination of the retail shop lease.
- (17D) If the whole or part of the parcel of a strata titles scheme is subject to a lease or licence not referred to in subsection (17B) or (17C), the Tribunal may, subject to any other written law, order that —
  - (a) the lease or licence is terminated on the termination of the strata titles scheme; and
  - (b) the proponent or the owner of a lot in the scheme is to make a payment to the lessee or licensee in respect of the termination of the lease or licence.

**No.14**

Clause 83, page 282, line 26 — To delete the line and insert:

appropriate modifications.

**No.15**

Clause 83, page 286, lines 5 to 17 — To delete the lines and insert:

- (1) The regulations —
  - (a) must require the proponent of a termination proposal to enter into specified arrangements for the owners of lots in the strata titles scheme proposed to be terminated to obtain independent advice or representation in connection with the proposal; and
  - (b) must specify arrangements for obtaining fuller or more extensive advice or representation for a class or classes of owner identified in or under the regulations as vulnerable, having regard to —
    - (i) age, illness, trauma, disability or other factors that may impair the ability of an owner to consider and make an informed decision in relation to a termination proposal; or
    - (ii) financial disadvantage which would significantly impair the ability of the owner to bear the cost of obtaining appropriate professional advice in relation to a termination proposal.
- (2) Without limitation, the arrangements may include a requirement for the proponent of a termination proposal to pay an amount to a trustee to be held in trust for owners to obtain independent legal advice or representation, valuation advice or reports or financial or taxation advice in connection with the proposal.
- (3) The regulations may specify terms of a trust referred to in subsection (2).

**No. 16**

Clause 83, page 287, lines 1 to 8 — To delete the lines and insert:

- (2) The *Planning and Development Act 2005* applies to the required approval subject to —
  - (a) the modification that a reference to subdivision is to be read as including a reference to termination of a strata titles scheme; and
  - (b) any other appropriate modifications.

**No. 17**

Clause 166, page 385, lines 20 to 23 — To delete the lines.

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**KIRSTEN M. ROBINSON**

Clerk of the Legislative Assembly