

PORTS LEGISLATION AMENDMENT BILL 2017

Council's Amendment — Consideration in Detail

The following amendment made by the Council now considered —

Clause 52

Page 57, line 26 to page 63, line 10 — To delete the clause.

Mr D.A. TEMPLEMAN: I move —

That the amendment made by the Council be agreed to.

This specific clause refers to the port of Derby special provisions. I need to highlight to the house that an agreement has been signed by the Shire of Derby–West Kimberley, and the provisions outlined in this clause are no longer required. These provisions were put in place when the pre-existing agreement was in place and these amendments were necessary. Advice was canvassed extensively about whether there would be any scenario in which there would be a requirement for these provisions, but because that agreement has been superseded already, they are not required now; hence, we are agreeing to the amendment agreed to in the other place. I understand Hon Simon O'Brien moved the amendment.

Mrs L.M. HARVEY: I have a couple of questions and I believe that the Nationals WA spokesperson for transport and ports wishes to have some input to this debate. Could the minister please explain a little more about what the provisions we are now deleting would have enabled in the legislation, so we can be certain what we are now disabling with this deletion.

I would like to point out that this legislation generally had the support of the opposition in both houses. We understand that this legislation started as a tranche of reform of the administrative arrangements around all of our ports to separate out responsibility for the various aspects and components of our port infrastructure from the Department of Transport, which still has responsibility for some of the ports, to the various port authorities and their boards that have jurisdiction. We would like to uncover, given it was a very administrative bill and there are clauses that were not examined in the Assembly—obviously, members in the other place have done their due diligence and forensically examined every clause in the legislation, which is sometimes not the way that things are necessarily conducted in the Assembly, with the tighter time frames required for these sorts of debates.

We understand that this legislation and this reform program started under the former government. Reform around these areas is often a slow process because it involves consultation with the various users of and vested interests in the port infrastructure. Could the minister please explain what these original provisions enabled so that we can get a better understanding of what we are deleting?

Mr D.A. TEMPLEMAN: I thank the Deputy Leader of the Opposition. I need to point out, Madam Deputy Speaker, that I am handling this bill because I now represent the Minister for Ports in this chamber. My extensive background in, and knowledge of, ports is well known. I am sure that if one were to look at my Wikipedia page, they would see that ports feature prominently in my extensive history.

Mr P.A. Katsambanis: I'm sure the pirates of Penzance end up in ports!

Mr D.A. TEMPLEMAN: I am, of course, very supportive of Mandurah becoming a significant Western Australian port, but I am not sure that fits in with the overall port infrastructure plans for the future. But it is an important question, and the Deputy Leader of the Opposition has highlighted that the Ports Legislation Amendment Bill 2017 was debated reasonably extensively in the other place. Through that debate it was decided that this clause and its provisions would no longer be required. Whilst there is a fervent search for the member for Roe who has gone AWOL, I will explain why! I am sure he will make it here; I am sure he wants to make some comment. I will demonstrate my extensive knowledge of this bill in the three minutes I have.

Member for Scarborough, the existing arrangements at the port of Derby contain a number of provisions that are now effectively inconsistent with the Port Authorities Act, which is an important consideration. Those special contingency provisions, which include proposed section 66A in clause 52, were built into the Ports Legislation Amendment Bill to enable the port to transfer, while eliminating inconsistencies between the existing contractual arrangements and the statutory requirements under the Port Authorities Act. The Department of Transport, the Kimberley Ports Authority and the shire have since negotiated alternative arrangements that are consistent with the Port Authorities Act. Deeds have been executed by the shire and the Minister for Transport that will enable these arrangements to take effect upon the transfer of that port to the Kimberley Ports Authority. That is why, effectively, the contingency provisions in the bill will not need to be proclaimed after the bill has passed and why we are in agreement with the Legislative Council amendment today.

Extract from Hansard

[ASSEMBLY — Tuesday, 19 February 2019]

p511b-512a

Mr David Templeman; Mrs Liza Harvey; Mr Bill Marmion; Mr Peter Rundle

Mr W.R. MARMION: While the member for Roe gathers his thoughts, I am familiar with Derby port but not the bill. When I lived in Derby the port was operational, but the minister might be able to get advice on that. I think the council got involved in managing the port at some stage. Perhaps the reason for the deletion of this clause is that at the time of this bill going through, the activity at Derby port—possibly because of the mining activity around there—has now got to a scale of being able to again operate as a reasonable sized port and it may now come under the purview of the Kimberley Ports Authority. I am a bit ignorant about this, and I am very interested to hear from the minister whether that is the reason behind it. Maybe the member for Roe might have a better idea than I, but I am very interested in the status of Derby port and who is in control of it.

Mr D.A. TEMPLEMAN: I am advised that the port is currently inactive. It is managed by the shire; however, interested parties have expressed interest in activating activity through that port in the future. That will be assessed and will be dealt with under due process.

Mr P.J. RUNDLE: I am not the transport spokesperson for the Nationals WA, but I would like to make a couple of points. Perhaps the minister and his adviser can help me with the clause that refers to the cleansing, repair, maintenance and preservation of jetties. Some clarity is also required on the ability to demolish a jetty, which I understand is part of this scenario. The minister knows that my interest lies more in the precinct of Esperance, where we have a port authority and a council that has a licence to maintain and operate the jetty. Two or three different entities are overlapping.

Mr D.A. TEMPLEMAN: Good try, member for Roe. I know he is very passionate about the old tanker jetty in Esperance, and I understand why. It is important to acknowledge that this aspect relates to those ports north of the midwest, so it falls neither within the scope of this amendment nor the transfer provisions. However, I give the member credit for taking opportunities. I did that whenever I had the opportunity. No matter how long the bow was, I was always, like the member, eager to do so. I appreciate his concern. Specifically, the member's query is outside the scope of this amendment, but the member knows that I am always open to his approaches and advocacy for the old tanker jetty in Esperance, and will continue to be so.

Mrs L.M. HARVEY: I thank the minister for the explanation of the deletion of this clause in the amendment that was sent from the Legislative Council. I thank the minister's adviser for providing us with that information. The Liberal opposition agrees to this amendment, and I do not believe we have any further comment.

Question put and passed; the Council's amendment agreed to.

The Council acquainted accordingly.