

PILBARA PORT ASSETS (DISPOSAL) REPEAL BILL 2017

Introduction and First Reading

Bill introduced, on motion by **Hon Robin Chapple**, and read a first time.

Second Reading

HON ROBIN CHAPPLE (Mining and Pastoral) [10.05 am]: I move —

That the bill be now read a second time.

On Tuesday, 24 November 2015, notice of motion was given in the other place by the member for Cottesloe, the then Premier, to introduce the Pilbara Port Assets (Disposal) Bill 2015. The bill then proceeded to be debated in that chamber commencing on the following day.

The long-term lease of the Utah Point bulk handling facility, which was then a public asset vested in the Pilbara Ports Authority, was being prepared by the then government for divestment and sale. Utah Point, a part of the Port Hedland harbour, was one of the first assets announced for consideration as part of the then government's asset sales program.

The bill progressed through both houses of Parliament. In the Legislative Council, debate commenced via the second reading given by Hon Helen Morton, the then Minister for Mental Health, on Thursday, 25 February 2016, and was subsequently referred to the Standing Committee on Legislation by Hon Jacqui Boydell, member for Mining and Pastoral Region, on Tuesday, 22 March 2016. The committee was given the power to inquire into and report on the policy of the bill.

The committee was chaired by Hon Robyn McSweeney, MLC, and consisted of Hon Ken Baston, MLC; Hon Dave Grills, MLC; Hon Ken Travers, MLC, substituting for Hon Dr Sally Talbot, MLC; and me, substituting for Hon Lynn MacLaren, MLC. The committee invited submissions from interested parties on matters relating to the scope, purpose, policy and structure of the bill, and received nine public submissions. The Association of Mining and Exploration Companies, Dampier Salt Ltd, Atlas Iron Ltd, Brockman Mining Australia Pty Ltd, Consolidated Minerals Ltd and Mineral Resources Ltd raised many written concerns over the proposed sale.

In the public hearings, evidence was taken from a wide range of stakeholders with concerns over the proposed sale, with Mr Graham Short, national policy manager, Association of Mining and Exploration Companies, providing an overview of the mining industries' opposition to the legislation. After one extension of time to report, the Standing Committee on Legislation handed down its thirty-third report, "Pilbara Port Assets (Disposal) Bill 2015", on 25 August 2016.

The committee was not able to obtain conclusive information relating to various aspects of the disposal, including the retention value to be ascribed to the asset—that is, the estimated value of retaining a state asset compared with the amount obtained from disposing of the asset—and the details of the future access and pricing regime at the port, including port charges. The committee noted that these were important elements of the transaction and should be clarified prior to the disposal. The committee also identified specific clauses in the bill that should have been amended or clarified for the Legislative Council's information. The committee recommended that the bill be amended according to recommendations in its report. I urge all new members to review the legislation committee's thirty-third report on the Pilbara Port Assets (Disposal) Bill 2015 and the transcripts of industry evidence prior to debating this repeal bill. The report made 17 recommendations and three minority recommendations, and produced 12 findings.

After the handing down of the thirty-third report of the legislation committee on Thursday, 25 August 2016, the Legislative Council continued the second reading stage of the bill on Thursday, 15 September 2016, and went into Committee of the Whole on Tuesday, 20 September 2016, continuing until Thursday, 10 November 2016. The bill was read a third time on Wednesday, 16 November 2016, the day after the then Premier said in front of a large crowd gathered on the steps of Parliament that the government would take all its privatisation policies to the election.

The passage of the Pilbara Port Assets (Disposal) Bill 2015 took almost a year to debate and was then hurriedly passed, with the other place notifying the Legislative Council that it had agreed to the one government amendment made by the Council. That was on the last day the Legislative Council sat in the thirty-ninth Parliament. The Labor Party and the Greens opposed this privatisation legislation from the outset and unsuccessfully moved 18 amendments recommended by industry and the thirty-third report of the Standing Committee on Legislation, "Pilbara Port Assets (Disposal) Bill 2015".

The former Premier said he would take privatisation to the election and he subsequently lost that election, so it is only right that this draconian and industry-damaging piece of legislation, so roundly opposed by the current government and the Greens, be repealed.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and I table the explanatory memorandum.

[See paper 274.]

Debate adjourned, pursuant to standing orders.