WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 218

THURSDAY, 18 AUGUST 2016, 9.00 a.m.

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. Restoration of Bill (Notice given – 17/8/16)

Mr M.J. Cowper: To move –

That the *Taking of Property on Just Terms Bill 2014* be restored to the point it reached prior to its removal from the Notice Paper on Tuesday, 16 August 2016.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

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

Second reading. Adjourned debate (Mr W.J. Johnston – continuation of remarks).

2. Bush Fires Amendment Bill 2016 (Minister for Emergency Services) (No. 170, 2r. – 6/4/16)

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

3. Firefighters and Emergency Volunteers Legislation Amendment (Compensation) Bill 2016 (Minister for Emergency Services) (No. 188, 2r. – 11/5/16)

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

4. Taxi Amendment Bill 2016 (Minister for Transport) (No. 195, 2r. – 19/5/16)

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

5. Genetically Modified Crops Free Areas Repeal Bill 2015 (Minister for Agriculture and Food) (LC No. 167, 2r. – 29/6/16)

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

6. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2015 (Minister for Training and Workforce Development) (No. 137, 2r. – 18/6/15) (last debated – 16/6/16)

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

7. Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015 (Deputy Premier) (LC No. 114, 2r. – 24/2/16)

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

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

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

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

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

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

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

11. 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).

12. 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).

13. 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).

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

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

15. 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.

16. Fremantle Port Assets (Disposal) Bill 2016 (Treasurer) (No. 186, 2r. – 18/5/16)

Second reading. Adjourned debate (Mr W.J. Johnston).

17. Universities Legislation Amendment Bill 2016 (Deputy Premier) (No. 172, 2r. – 19/5/16)

Second reading. Adjourned debate (Ms R. Saffioti).

18. Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016 (Minister for Police) (No. 197, 2r. – 23/6/16)

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

19. *Sale of Land Amendment Bill 2016 (Minister for Lands) (No. 198, 2r. – 23/6/16)

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

20. Misuse of Drugs Amendment (Search Powers) Bill 2016 (Minister for Police) (No. 202, 2r. – 30/6/16)

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

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

1. 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.

2. 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.

3. Recent Acts of Terrorism (Notice given – 17/11/15, renewed 21/6/16)

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.

4. State Government's Expenditure Management (Notice given – 21/6/16)

Mr R.F. Johnson: To move –

That this House notes with gravest concern that the following have been caused by the State Government's reckless approach to expenditure management:

(a) the downgrade of the State's credit rating;

(b) a sizable annual interest bill;

(c) pressures to privatise a number of the State's assets;

(d) a significant increase in land tax and consequent hardship on:

(i) tenants; and

(ii) investors with unlet properties;

(e) the abandonment of key public transport projects;

(f) the breaking of the Government's promise to keep utility bill increases to CPI; and

(g) the diversion of resources away from law and order and road safety.

5. Liberal Party Candidates (Notice given – 21/6/16)

Mr R.F. Johnson: To move –

That this House express its concern that the Liberal Party is unable to select enough capable candidates for Parliament with the necessary skills to tackle this State's continued economic challenges because of the influence of factional powerbrokers and religious sects.

6. Metropolitan Region Scheme Amendment – Disallowance (Notice given – 28/6/16)

Mr B.S. Wyatt: To move –

That the Metropolitan Region Scheme Amendment 1210/41 "Rationalisation of Stirling Highway Reservation", under the *Planning and Development Act 2005*, a copy of which was laid upon the table of the House on Tuesday, 10 May 2016, is hereby disallowed.

7. Bus Services and Infrastructure (Notice given – 16/8/16)

Ms R. Saffioti: To move –

That this House calls on the Minister for Transport to immediately improve the provision of bus services and bus infrastructure in our suburbs.

8. Management of the House and the Leader of the House (Notice given – 26/11/15, renewed 16/8/16)

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.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

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

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

2. 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).

3. 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.

4. 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.

5. 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.

6. 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).

7. 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.

8. "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.

9. 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.

10. Private Sector Deals (Moved – 6/4/16)

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

> 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.

11. Criminal Laws (Domestic Violence) Amendment Bill 2016 (Mr M. McGowan) (No. 196, 2r. – 11/5/16)

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

12. Sentence Administration Amendment Bill 2016 (Mr J.R. Quigley) (No. 177, 2r. – 24/2/16) (last debated – 11/5/16)

To be read a third time.

13. Taxi Industry Concerns (Moved – 11/5/16) (last debated – 18/5/16)

Adjourned debate (Ms R. Saffioti – continuation of remarks) on the motion moved by Ms R. Saffioti –

> That this House calls on the Minister for Transport to immediately address the concerns and hardship being faced by the taxi industry.

14. Training Sector Management (Moved – 15/6/16)

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

> That this House condemns the Liberal National Government for its mismanagement of the state training providers resulting in significant job losses, fee increases, reductions in student contact hours and the increasing privatisation of the training sector.

15. Health Care Provision (Moved – 22/6/16)

Adjourned debate (Mr C.J. Tallentire – continuation of remarks) on the motion moved by Mr R.H. Cook –

> That this House reaffirms its support for free, accessible universal health care and also calls on the Commonwealth Government to reject any proposal to implement a co-payment for GP and pathology test services or the privatisation of Medicare, which would result in increased pressure on hospital emergency departments.

16. Bushfire Management (Moved – 29/6/16)

Adjourned debate (Minister for Emergency Services – continuation of remarks) on the motion moved by Ms M.M. Quirk –

> That this House calls on the Liberal National Government to advise on the immediate actions it intends to take on bushfire management prior to the 2016/17 fire season, and the funding of those outstanding recommendations from the Ferguson Report and those which are still unresolved from previous reports.

17. Increase in Crime and Methamphetamine Use (Moved – 17/8/16)

Adjourned debate (Ms M.M. Quirk – continuation of remarks) on the motion moved by Mrs M.H. Roberts –

> That this House condemns the Liberal National Government for its unprecedented increases in crime, and the shocking rate of Methamphetamine use in Western Australia.

***** 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

Committee	*Date Due*
Joint Standing Committee on Audit	
Review of the Department of Treasury's Report: Review of the *Financial Management Act (2006)*	
Public Accounts Committee:	22 September 2016
Inquiry into Information and Communications Technology (ICT) Procurement and Contract Management	
Education and Health Standing Committee:	17 November 2016
Inquiry into Aboriginal Youth Suicide	
Procedure and Privileges Committee:	17 November 2016
Inquiry into the Terms of Reference of the Joint Standing Committee on the Corruption and Crime Commission	
Joint Standing Committee on the Corruption and Crime Commission:	17 November 2016
Inquiry into the Efficiency and Timeliness of the Current Appointment Process for Commissioners and Parliamentary Inspectors of the Corruption and Crime Commission	
Joint Standing Committee on the Corruption and Crime Commission:	17 November 2016
Inquiry into the Corruption and Crime Commission Being Able to Prosecute its Own Charges	

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

Committee	*Ministers to Respond*	*Date Due*
Joint Standing Committee on the Commissioner for Children and Young People – Report No. 7: Everybody's Business. An examination into how the Commissioner for Children and Young People can enhance WA's response to child abuse	Minister representing the Attorney General; Minister representing the Minister for Education	16 September 2016
Economics and Industry Standing Committee – Report No. 7: The Western Australian Government's role in fostering innovation to expand and diversify the economy	Minister for Science; Minister for Innovation; Parliamentary Secretary to the Minister for Commerce; Minister for Small Business; Minister for Agriculture and Minister for Mines and Petroleum	30 September 2016
Community Development and Justice Standing Committee – Report No. 13: Cultivating promise - Building Resilience and Engagement for At-Risk Youth through Sport and Culture	Premier, Minister for Culture and the Arts; Minister representing the Minister for Aboriginal Affairs	15 November 2016
Education and Health Standing Committee – Report No. 8: IPS Report Card - The Report of the Inquiry into the Independent Public Schools initiative	Minister representing the Minister for Education	15 November 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 ".

Road Traffic Legislation Amendment Bill (No. 2) 2015 (No. 151–1B)

Clause 27.
The Minister for Road Safety: To move –
Page 18, line 15 – After "Penalty:" insert:

" a fine of ".

Clause 37.
The Minister for Road Safety: To move –
Page 22, line 28 – To delete "prescribed sample taker" and substitute:

" authorised drug tester ".

Clause 66.
The Minister for Road Safety: To move –
Page 42, line 14 – To delete "118A" and substitute:

" 117A ".

The Minister for Road Safety: To move –
Page 43, line 10 – To delete "from" and substitute:

" from, ".

The Minister for Road Safety: To move –
Page 44, line 18 – To delete "involving the driving of a vehicle,".

The Minister for Road Safety: To move –
Page 44, line 22 – To delete "the vehicle" and substitute:

" a vehicle ".

The Minister for Road Safety: To move –
Page 44, line 24 – To delete "the vehicle" and substitute:

" a vehicle ".

The Minister for Road Safety: To move –
Page 46, lines 1 to 21 – To delete the lines.

Clause 67.
The Minister for Road Safety: To move –
Page 46, line 23 – To delete "**Section 118A inserted**" and substitute:

" **Sections 117A to 117I inserted** ".

The Minister for Road Safety: To move –
Page 46, line 26 – To delete "**118A.**" and substitute:

" **117A.** ".

The Minister for Road Safety: To move –
Page 47, lines 7 and 8 – To delete "as defined in section 117(1)".

The Minister for Road Safety: To move –
Page 47, lines 18 and 19 – To delete "after the day on which the alleged offence took place;" and substitute:

" before the day on which the alleged offence was committed; ".

The Minister for Road Safety: To move –
Page 47, line 20 – To delete "day referred to in paragraph (c)," and substitute:

"

specified day referred to in paragraph (c) and on the day on which the alleged offence was committed,

".

The Minister for Road Safety: To move –
Page 48, lines 1 to 5 – To delete the lines and substitute:

"

(4) A certificate under subsection (2) is not admissible in evidence in a prosecution mentioned in section 117(6) unless a copy of the certificate and a copy of the relevant image are given to the accused at least 28 days before the day on which the proceedings begin or within a shorter period that is agreed by the accused.

".

The Minister for Road Safety: To move –
Page 48, lines 8 and 9 – To delete "or set out".

The Minister for Road Safety: To move –
Page 48, line 12 – After "proceedings" insert:

" begin ".

The Minister for Road Safety: To move –
Page 48, line 19 – To delete "described in" and substitute:

" under ".

The Minister for Road Safety: To move –
Page 48, after line 23 – To insert:

"

117B. Evidence of average speed as actual speed

(1) In this section and in sections 117C to 117I —

authorised person means —

(a) a police officer; or

(b) a person certified by the Commissioner of Police as being competent to install, set up, test or retrieve data from, an average speed detection system or produce images from the data;

average speed detection system means a system, comprising electronic equipment linked to an information technology system and computer programs, of a type approved by the Minister under section 117C;

carriageway means a portion of a road that is designed or ordinarily used for vehicular traffic;

detection points means the different points on a carriageway by reference to which the average speed of a vehicle is proposed to be calculated;

Minister means the Minister to whom the administration of the *Police Act 1892* is committed;

shortest practicable distance, that could be travelled by a vehicle on a carriageway between detection points, means the shortest distance between those points that a driver of the vehicle could have used to travel between the points without contravening any road law applicable to the driver.

(2) In a prosecution for an offence under any written law evidence may be given of —

(a) the use of an average speed detection system in respect of a particular location; and

(b) the identity of a vehicle as ascertained by that system at a particular time; and

(c) the average speed of a vehicle between detection points calculated in accordance with section 117D.

(3) The evidence referred to in subsection (2)(b) is prima facie evidence of the identity of the vehicle.

(4) The average speed of a vehicle referred to in subsection (2)(c) is prima facie evidence of the actual speed of the vehicle between the detection points.

(5) In a prosecution mentioned in subsection (2), evidence of the matters referred to in that subsection may be given in the form of an image of the vehicle on which is recorded —

(a) the location referred to in subsection (2)(a); and

(b) the time referred to in subsection (2)(b); and

(c) the average speed of the vehicle between detection points calculated in accordance with section 117D (which may have been calculated using an average speed detection system).

(6) In a prosecution mentioned in subsection (2), evidence by an authorised person that a system used in respect of a particular location was an average speed detection system is prima facie evidence of that fact.

(7) In a prosecution mentioned in subsection (2), a certificate purporting to be signed by the Commissioner of Police certifying that a specified person is, or was at the material time, an authorised person is prima facie evidence of the matters in the certificate, without proof of the signature of the person purporting to have signed it or proof that the purported signatory was the Commissioner.

(8) This section is in addition to, and does not derogate from, any other mode of proof of the speed of a vehicle.

117C. Average speed detection systems

(1) The Minister may, from time to time, by notice published in the *Gazette*, approve types of average speed detection systems for the purposes of —

(a) ascertaining the average speed of a vehicle between detection points; and

(b) recording —

(i) an image of the vehicle; and

(ii) the date on which the image was recorded; and

(iii) the time and location at which the image was recorded.

(2) The Minister may, by notice published in the *Gazette*, revoke an approval under subsection (1).

117D. How average speed is to be calculated

The average speed of a vehicle between detection points is to be calculated in accordance with the following formula and expressed in kilometres per hour rounded down to the next whole number —

$$\frac{D_T \times 3600}{T}$$

where —

D_T is the total shortest practicable distance, expressed in kilometres and rounded down to 2 decimal places, that could be travelled by a vehicle on a carriageway between the detection points;

T is the time, expressed in seconds, that elapsed between the vehicle passing the first and last detection points.

117E. How average speed limit is to be calculated

The average speed limit for a driver of a vehicle on a carriageway between detection points in circumstances where more than one speed limit applied to the driver between those points is to be

calculated in accordance with the following formula and expressed in kilometres per hour rounded up to the next whole number —

$$\frac{D_T}{\frac{D_1}{S_1} + \frac{D_2}{S_2} + \ldots \frac{D_n}{S_n}}$$

where —

D_T is the total shortest practicable distance, expressed in kilometres and rounded down to 2 decimal places, that could be travelled by a vehicle on a carriageway between the detection points;

$D_1, D_2 \ldots D_n$ are each part of the total shortest practicable distance D_T between the detection points, expressed in kilometres and rounded down to 2 decimal places, for the different speed limits $S_1, S_2 \ldots S_n$ that would have applied to the driver of the vehicle between the detection points;

$S_1, S_2 \ldots S_n$ are each of the speed limits, expressed in kilometres per hour, that would have applied to the driver of the vehicle if the vehicle were travelling along the shortest practicable distance D_T on a carriageway between the detection points.

117F. Evidence of, proceedings for, certain matters related to evidence of average speed

(1) The following provisions apply in a prosecution mentioned in section 117B(2) —

(a) for the purposes of calculating the vehicle's average speed and any average speed limit, the vehicle and any of its drivers are to be taken to have travelled between the detection points by means of the shortest practicable distance between those points regardless of the actual route taken by any of the drivers between the points;

(b) if more than one speed limit applied to a driver of a vehicle between detection points —

(i) the average speed limit for the driver on a carriageway between the points calculated in accordance with section 117E is to be taken (subject to section 117B(8)) to be the speed limit that applied to the driver at all times on the carriageway between those points; and

(ii) a driver of, and any responsible person for, the vehicle may be dealt with under a road law accordingly;

(c) if there was more than one driver of the vehicle between the detection points, each driver is to be taken to have driven the vehicle at the average speed of the vehicle calculated in accordance with section 117D, except as provided by subsection (2).

(2) Subsection (1)(c) does not apply to a driver —

(a) who satisfies the court that he or she did not, at any time whilst driving the vehicle between the detection points, drive at a speed that exceeded the speed limit applicable to that driver; or

(b) in prescribed circumstances.

(3) If there is evidence of the average speed of a vehicle between detection points calculated in accordance with section 117D, one or more drivers of the vehicle may be prosecuted for, and found guilty or convicted of, an offence in respect of which the evidence was given.

117G. Evidentiary provisions for images recorded by average speed detection systems

(1) If, in a prosecution mentioned in section 117B(2), evidence is given in the form of an image as described in section 117B(5) and the image is accompanied by a certificate under subsection (2), the image —

(a) is to be accepted as having been recorded as described in section 117B(5), unless there is evidence to the contrary; and

(b) is prima facie evidence of the matters shown in or recorded on the image.

(2) For the purposes of subsection (1), the certificate is a certificate purporting to be signed by the Commissioner of Police certifying that —

(a) the system, specified in the certificate, was an average speed detection system; and

(b) components of the system were tested by an authorised person, named in the certificate, in accordance with the approved procedure on a day, specified in the certificate, that was within the prescribed number of days (for each component) before the day on which the alleged offence was committed; and

(c) on the specified day referred to in paragraph (b) and on the day on which the alleged offence was committed, the components were operating properly and were accurate; and

(d) data obtained from the system was obtained by an authorised person, named in the certificate, in accordance with the approved procedure; and

(e) the image was produced by an authorised person, named in the certificate, in accordance with the approved procedure, from data obtained from the system.

(3) In subsection (2) —

approved means approved by the Commissioner of Police.

(4) A certificate under subsection (2) may also certify any one or more of the following matters —

(a) the average speed calculated in accordance with section 117D at which the vehicle travelled between detection points (which may have been calculated using the average speed detection system);

(b) if one speed limit applied to a driver of the vehicle between detection points (measured along the shortest practicable distance), the speed limit;

(c) if more than one speed limit applied to a driver of the vehicle between detection points (measured along the shortest practicable distance) —

(i) each distance for which each speed limit applied to the driver, expressed in kilometres and rounded down to 2 decimal places; and

(ii) the average speed limit calculated in accordance with section 117E that applied to the driver between the detection points (which may have been calculated using the average speed detection system).

(5) The certificate is prima facie evidence of the matters in it.

(6) In a prosecution mentioned in section 117B(2), it is to be presumed, in the absence of evidence to the contrary, that a certificate under subsection (2) purporting to have been signed by the Commissioner of Police was so signed, without proof of the signature of the person purporting to have signed it or proof that the purported signatory was the Commissioner.

117H. Certificate evidence as to shortest practicable distance

(1) In this section —

licensed surveyor has the meaning given in the *Licensed Surveyors Act 1909* section 3(1).

(2) In a prosecution mentioned in section 117B(2), a certificate purporting to be signed by a licensed surveyor certifying any one or more of the following matters is prima facie evidence of the matters that are certified, without proof of the signature of the person purporting to have signed it or proof that the purported signatory was a licensed surveyor —

(a) the shortest practicable distance, expressed in kilometres and rounded down to 2 decimal places, that could be travelled by a vehicle on a carriageway between detection points;

(b) if more than one speed limit between detection points applied (measured along the shortest practicable distance), each distance for which each speed limit applied, expressed in kilometres and rounded down to 2 decimal places.

117I. Certificate, image copies to be given before proceedings

(1) A certificate of the Commissioner of Police under section 117G is not admissible in evidence in a prosecution mentioned in section 117B(2) unless a copy of the certificate and a copy of the relevant image are given to the accused at least 28 days before the day on which the proceedings begin or within a shorter period that is agreed by the accused.

(2) A certificate of a licensed surveyor under section 117H is not admissible in evidence in a prosecution mentioned in section 117B(2) unless a copy of the certificate is given to the accused at least 28 days before the day on which the proceedings begin or within a shorter period that is agreed by the accused.

(3) If a copy of a certificate has been given as required by subsection (1) or (2), the accused cannot challenge or call into question a matter certified in the certificate unless —

(a) notice in writing of the accused's intention is given to the prosecutor at least 14 days before the proceedings begin; or

(b) the court, in the interests of justice, gives the accused leave to do so.

(4) A notice under subsection (3)(a) must specify the matter that is to be challenged or called into question.

".

New Clause 68.
The Minister for Road Safety: To move –
To insert:

"

68. Part 9 Division 2 replaced

Delete Part 9 Division 2 and insert:

Division 2 — Transitional provisions arising from certain amendments made by the *Road Traffic Legislation Amendment Act (No. 2) 2015*

166. Terms used

In this Division —

commencement day means the day on which the *Road Traffic Legislation Amendment Act (No. 2) 2015* section 66 comes into operation;

RT(A) Act means the *Road Traffic (Administration) Act 2008* as in force before commencement day.

167. Approval of apparatus for ascertaining vehicle speed

An approval under the RT(A) Act section 117(2) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be an approval for the purposes mentioned in section 117(2)(a).

168. Approval of apparatus for ascertaining distances on roads

An approval under the RT(A) Act section 117(3) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be an approval for the purposes mentioned in section 117(2)(b).

169. Certain authorised persons to be authorised persons for speed measuring and recording equipment, average speed detection systems

(1) In this section —

speed measuring equipment has the meaning given in the RT(A) Act section 117(1).

(2) A person who, immediately before commencement day, is a person certified by the Commissioner of Police as being competent to use speed measuring equipment is, on and from commencement day, to be taken to be a person certified by the Commissioner of Police as being competent to install, set up, test and retrieve data from speed measuring and recording equipment as defined in section 117(1) and produce images from the data.

(3) A person who, immediately before commencement day, is a person certified by the Commissioner of Police as being competent to use speed measuring equipment is, on and from commencement day, to be taken to be a person certified by the Commissioner of Police as being competent to install, set up, test and retrieve data from an average speed detection system as defined in section 117B(1) and produce images from the data.

".

Sale of Land Amendment Bill 2016 (No. 198–1)

Clause 8.
The Minister for Lands: To move –
Page 12, lines 20 to 29 – To delete the lines and substitute:

"

(1) If a vendor's condition in a future lot contract is not satisfied —

(a) the purchaser may terminate the contract by notice in writing to the vendor; or

(b) the vendor may terminate the contract by notice in writing to the purchaser but only if the vendor has complied with section 13G.

(2) If the vendor's condition is taken not to have been satisfied under section 13H(4), the purchaser may terminate the contract by notice in writing to the vendor.

(2A) To avoid doubt, nothing in this section confers on the vendor the right to terminate a future lot contract if the vendor's condition is taken not to have been satisfied under section 13H(4).

Page 12, lines 30 and 31 – To delete "subsection (2)(a) or (b)," and substitute:

" subsection (1)(a) or (b) or subsection (2), ".

KIRSTEN M. ROBINSON

Clerk of the Legislative Assembly