

**LEGAL PROFESSION UNIFORM LAW APPLICATION BILL 2021**

*Council's Amendments — Consideration in Detail*

The following amendments made by the Council now considered —

No 1

Clause 2, page 2, after line 7 — To insert —

(aa) section 356B(2) —

- (i) if the *Industrial Relations Legislation Amendment Act 2021* section 69 comes into operation on or before the day fixed under paragraph (b) — on the day fixed under paragraph (b); or
- (ii) otherwise — immediately after the *Industrial Relations Legislation Amendment Act 2021* section 69 comes into operation;

No 2

New clause 10A, page 10, after line 12 — To insert —

**10A. Tabling of amending Act taken to be publication for Standing Orders**

(1) In this section —

*parliamentary committee* means a committee established by either or both of the Houses of Parliament.

- (2) If a Standing Order of a House of Parliament provides that on the publication of an instrument under a written law the instrument is referred to a parliamentary committee for consideration, the laying of an amending Act before the House under section 8 is taken to be publication of the amending Act for the purposes of the Standing Order.
- (3) This section does not apply if the Standing Orders of the House provide specifically for an amending Act to be considered by a parliamentary committee.

No 3

Clause 329, page 180, line 4 — To delete “of this” and insert —  
to this

No 4

New Part 17, Division 8A, page 187, after line 27 — To insert —

**Division 8A — *Industrial Relations Act 1979* amended**

**356A. Act amended**

This Division amends the *Industrial Relations Act 1979*.

**356B. Section 112A amended**

- (1) In section 112A(3) delete “For the purposes of section 12 of the *Legal Profession Act 2008*” and insert:

Despite the *Legal Profession Uniform Law (WA)* section 10,

- (2) Delete section 112A(3B) and insert:

(3B) In subsection (3A) —

*disqualified person* —

(a) means —

- (i) a disqualified person as defined in the *Legal Profession Uniform Law (WA)* section 6(1); or
- (ii) a person whose name has been removed from an official roll of lawyers (whether admitted, practising or otherwise) kept in a foreign country (a *foreign roll*);

but

(b) does not include —

- (i) a person whose name has, for reasons unconnected with disciplinary action, been removed from a foreign roll or a Supreme Court roll as defined in the *Legal Profession Uniform Law (WA)* section 6(1); or
- (ii) a person whose Australian practising certificate (as defined in the *Legal Profession Uniform Law (WA)* section 6(1)) has, for reasons unconnected with disciplinary action, been suspended or cancelled.

No 5

Clause 421, page 211, the Table item 17 the 2<sup>nd</sup> row — To delete the row and insert —

s. 5(1) def. of <i>independent children's lawyer</i> s. 11(3a) def. of <i>legal experience</i> par. (a) s. 219AK(2)(b)	an Australian legal practitioner	a legal practitioner
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No 6

Clause 421, page 213, the Table item 22 — To delete “s. 112A(3)”.

No 7

Clause 421, page 221, the Table after item 50 — To insert —

<b>50A.     <i>Veterinary Practice Act 2021</i></b>		
s. 3	def. of <i>legal practitioner</i>	

**Mr J.R. QUIGLEY** — by leave: I move —

That the amendments made by the Council be agreed to.

**Ms M.J. DAVIES:** I think this is only about the second time I have dealt with messages coming back from the Legislative Council in relation to amendments. I am not planning on speaking at length.

**Mr J.R. Quigley** interjected.

**Ms M.J. DAVIES:** That is right! I am not entirely sure of the process, I will be the first to admit. I do not intend to spend a great deal of the chamber's time, other than to point to the fact that there was a considerably detailed interrogation of this in the Legislative Council by the shadow Attorney General, and there were a number of concerns raised. I understand that it also went through the Standing Committee on Uniform Legislation and Statutes Review.

**Mr J.R. Quigley:** That's report 36.

**Ms M.J. DAVIES:** It is in my hand, Attorney General. From my perspective, I am very comfortable that, as a significant piece of legislation that has been in the making for some time, it has had the eyes of both the Standing Committee on Uniform Legislation and Statutes Review and the shadow Attorney General in the Legislative Council. I am very comfortable with the amendments that have come back to this place, and commend those changes and the bill to the house.

**Mr J.R. QUIGLEY:** I thank the Leader of the Opposition for those comments.

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

**The Council acquainted accordingly.**