

MUTUAL RECOGNITION (WESTERN AUSTRALIA) AMENDMENT BILL 2021

Second Reading

Resumed from 23 March.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [10.50 am]: Madam Acting Speaker —
The ACTING SPEAKER (Ms A.E. Kent): Are you speaking on this bill, Leader of the Opposition?

Several members interjected.

Ms M.J. DAVIES: Yes, I can do that. Apologies for the confusion. I thought the bill had only been first read. I rise to speak to the Mutual Recognition (Western Australia) Amendment Bill, after that brief moment of confusion on my behalf! Thank you, Minister for Transport, for stepping in.

The National–Liberal alliance supports this legislation. I do not intend to take much of the house’s time for this debate. I understand that the business of the house has been shuffled this morning, as this bill went through the Legislative Council last week. According to the commonwealth, there is a time imperative and time lines are required to be met. I was not aware of that at the time of the briefing, but, nevertheless, here we are to talk about this piece of legislation.

This bill is a good example of our federated nation working together. Too often we hear of challenges with professions, occupations or businesses that are trying to conduct their duties across borders. Those cross-border issues are quite often raised as being unnecessary red tape. Therefore, when we can find ways to reduce or streamline that, it is always a welcome opportunity for our Parliament. I imagine that, in particular, businesses that operate on the east coast on a regular basis and are close to the borders of New South Wales, Victoria, Queensland and the Australian Capital Territory find that very frustrating. Nonetheless, in a world in which people shift professions and follow work and big projects, we certainly can do more to make it easier to ensure that people have a seamless transition. That is important, particularly given some of the challenges that we are facing at the moment with worker shortages. It will be a welcome opportunity to see some of those changes come in to make it easier to attract people with those skills that we need here in Western Australia.

As I have said, this bill is an example of cooperative federalism. The states have all determined that it is appropriate to enable a more seamless transition of occupational mobility across our borders. Clearly, there has been less activity over the last couple of years, but, as I have touched on, now that the borders are open and we are seeing skill shortages that are impacting our state, I am hopeful that, given the time lines, some of this will come into play to make it easier for us to attract the workers that we need in Western Australia, albeit that we will be in competition with other states in the nation.

In December 2020, Western Australia signed an intergovernmental agreement to establish the automatic mutual recognition, or AMR, scheme for occupational registration, along with all other jurisdictions, with the exception of the Australian Capital Territory. I am not sure why it has not signed up, and perhaps someone else can enlighten me on that. I understand that that will not alter the schemes that are already in place. Several of those were highlighted in the debate in the Legislative Council, such as those for doctors and lawyers. This bill seeks to enhance those arrangements that are already in place, not replace them.

The commonwealth Mutual Recognition Act 1992 already includes certain occupations, such as animal welfare, health and environment officers; land valuers; crowd controllers; architects; builders; mine surveyors; real estate agents; plumbers; painters; electricians; gasfitters; and land surveyors. It also includes various professions and occupations in the racing and gaming industry, and a number of others. I understand this list will remain unaltered. I am very happy for the Premier to confirm that in his response.

The bill also provides for the automatic recognition of workers’ credentials. That is important, because it will free the workforce to move across Australia, while keeping in place a set of mutually agreed standards so that there will be uniformity, but there will not be a reduction in or erosion of any of the standards in Western Australia.

Safeguards are built into the bill to ensure that there will be no undermining of the standards in Western Australia if workers come into Western Australia from other jurisdictions that might have different credentials, training or licences. That is important. The bill requires that workers who are here in Western Australia to adhere to the standards of the jurisdiction in which they are working. That will be across the board. Workers can only undertake activities that are authorised by the licence of their home state; they cannot move up just because they are in another state that enables them to do that. Workers from other jurisdictions will always have to adhere to relevant WA licensing laws. Workers who are subject to disciplinary civil or criminal action and who have had conditions placed on their home licence will also be excluded from the provisions of the bill. That is an important safeguard.

From a regulatory perspective, the legislation requires that regulators will be required to share information on cancelled or suspended registration and disciplinary proceedings. I am not sure what that entails, Premier. I imagine

that some behind-the-scenes work will need to be done to enable that sharing of information. I am not sure that it always happens as seamlessly as we would like, and certainly this will be on a much bigger scale than has previously been the case, but perhaps there are already databases and things that will be integrated to allow that to happen. The regulators will have to make sure that what is included in this bill comes into practice and they will need to be able to share that information behind the scenes.

I note that the legislation was subject to an inquiry by the Legislative Council Standing Committee on Uniform Legislation and Statutes Review. The two findings of note in the committee's review relate to a review clause, and also to what is commonly referred to as a Henry VIII clause. A remedy was put forward by the committee, via a proposed amendment, to preserve the sovereignty of Parliament by inserting a clause that would require both houses of Parliament to review a draft proclamation to terminate the adoption of any commonwealth legislation. That was one of the recommendations. The second recommendation was to insert a review clause, which was absent from the original bill. I understand that the Premier's response to this recommendation was that if a separate review mechanism at a state level were used by the government, that would result in duplication, and that no other jurisdiction has included a review clause in its referral or adoption legislation. Notwithstanding this, I can see from the proceedings in the Legislative Council that that recommendation was set aside and the government moved its own amendment on a review clause, which, given the numbers, has passed and is now part of the legislation that is being considered today. Perhaps the Premier could touch on this in his reply to explain why that was considered a more prudent course of action than the recommendation of the Standing Committee on Uniform Legislation and Statutes Review.

Likewise, the government chose to reject the committee's proposed amendment on the Henry VIII clause. The chair of the committee noted in its report on the bill that the committee's view is that as the bill stands and is drafted, it will erode the Parliament's power to decide whether the adoption of commonwealth legislation should be extended. It appears to me that the explanation from the government on this point—perhaps the Premier can provide the house with an explanation—is that the government is simply taking a different policy position. Noting the good work that the committee has done, which it undertook on behalf of the Parliament, the government has chosen instead to take a different policy position and elected not to proceed on that. I had understood, as a matter of protocol, that our state, sometimes ferociously, protects those rights so that when legislation that is reliant on changes to occur at the commonwealth level come to our Parliament, we typically take a moment to review them and ensure that they are applicable from a Western Australian perspective, and that, as a Parliament, we have the opportunity to confer or debate any of those changes that come about as a result of agreements and harmonised legislation.

Those are the only issues that I can see that have arisen. As I stated at the outset, we support this legislation. We support the intent of what it is seeking to do. It is eminently sensible, and it is a good example of cooperative federalism, when so often we see barriers put up to make it more difficult or onerous for businesses and individuals to operate across our borders. Aside from that, those are the key issues that the opposition would like to raise about this legislation.

MR M. McGOWAN (Rockingham — Premier) [11.01 am] — in reply: I thank the opposition for its support of the Mutual Recognition (Western Australia) Amendment Bill 2021. This legislation builds on the outcome of an agreement that I entered into as part of the national cabinet process with most of the other states, territories, the commonwealth government and federal Treasurer, Josh Frydenberg. As the Leader of the Opposition outlined, this legislation is designed to allow for the more streamlined and easy movement between the states and territories of people with skills and qualifications so that they can take up opportunities more easily without artificial measures put in place to block the movement of labour across Australia. I think it means more to us than other states because it will make it easier for people to come to Western Australia to fulfil roles, jobs and positions. We were very keen to sign up to this agreement on that basis, and that it can help with the situation we confront at the moment of not having enough people to fill some of the positions available within Western Australia.

The existing system makes it difficult for people to move between the states for jobs, particularly people with skills and qualifications, because of some of the requirements placed upon them. The new system will allow for easier movement. There will be an exemption process should there be concerns about the standards in other states or concerns about particular occupations or what have you based upon individual circumstances. Also, there will be the opportunity, as the Leader of the Opposition outlined, for the termination of the adoption process. The reason for that is if the state needs to take decisive action within a short time frame to terminate the adoption in the interests of Western Australia, it may need to do so very quickly. Reasons for doing that would include: dealing with the automatic mutual recognition scheme; a significant event; questioning safeguards in place; or a legal challenge to the exemptions that Western Australia might put in place. If any of those things were to come to pass, the state would have to act quickly. That is the reason behind that; that is the advice I have on those matters. I understand that it may well be in line with what other jurisdictions have in place for those purposes, and I am very dubious that we will ever need to exercise that provision, but there is a prospect, depending on circumstances, that we may need to.

In terms of other states—I think the member mentioned Queensland and the ACT—they might have their own specific reasons for not signing up at this point. They may well just watch what occurs in other states before they sign up; I suspect that is the case. I expect all states and territories will be part of this agreement in due course. Apart from Queensland and the ACT, I understand that all the states, or at least most of them, have already put this agreement in place. We are not the first, so we have been able to look at what has occurred; I think some states have had it in place since the middle of last year. The legislation basically means that if a tradesperson or a professional in Sydney sees a job opportunity here, they can come here more easily—that is basically it—without some of the more onerous requirements put upon them to come and fill a role here. I know that industry is keen on this. It removes red tape and it will mean that we can more easily acquire people for the jobs we need to perform; hence, we want to get it through Parliament and in place as soon as we possibly can. I thank members for their support.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MR M. McGOWAN (Rockingham — Premier) [11.05 am]: I move —

That the bill be now read a third time.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [11.06 am]: I rise very briefly, off the back of my speech in the second reading debate.

Mr D.A. Templeman: I thought it was an outstanding summary!

Ms R. Saffioti: I reckon it was the best speech in the Parliament on the mutual recognition bill!

Ms M.J. DAVIES: Thank you, Minister for Transport! I think there were some raised eyebrows about the fact that we are not going into consideration in detail. I started my time as the Leader of the Opposition by saying that, given the numbers we have in this house, when there are noncontroversial bills that have been examined by our colleagues in the Legislative Council and they are eminently sensible, we would not waste the house's time by going into the nitty-gritty, clause by clause. This is a sensible bill, and the opposition supports it. We asked the Premier to touch on some of the issues that were raised during the debate. He has done so, and we are very happy to support the legislation progressing.

MR M. McGOWAN (Rockingham — Premier) [11.07 am] — in reply: That was one of the most outstanding contributions I have ever heard in this place! I thank the opposition for its support. As outlined before, we are participating in this national scheme with most of the other states and territories. Why Queensland and the ACT have not signed up might be because, in a sense, some states charge fees and it is a revenue issue—as minor as that is. If it is a revenue issue, it is hindering the movement of people to fill roles, and I do not think that is something that we want to participate in; that is not our intention. We just want to make sure that we have this scheme in place so that if we need tradespeople from Sydney, Melbourne, Adelaide or wherever it might be to come to Western Australia to work in our industries, we can make it happen as quickly as possible. That is the purpose behind the legislation. I thank the opposition for its support. We will get the legislation assented to as soon as possible and implemented, hopefully, by 1 July this year.

Question put and passed.

Bill read a third time and passed.