

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 65

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

TUESDAY, 5 APRIL 2022

1. Meeting of Assembly

The Assembly met at 2.00 pm pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Speaker's Statement – Parliamentary Education Office Virtual Tour Project

The Speaker advised that the Parliamentary Education Office is developing a virtual tour to allow school groups to access Parliament House online from the classroom from term 2. Permission has been granted for staff to take photographs of chamber proceedings from the Public and Press Galleries this afternoon.

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the death of David Irvine AO, one of Australia's most senior respected public servants.

The Premier on the appointment of Hon Matthew Swinbourn MLC as a Parliamentary secretary to the Minister for Mines and Petroleum; Energy; Corrective Services; Industrial Relations, and changes to arrangements for the representation of ministers between the Houses.

Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Premier –

Premier – Ministers' Representation in the Legislative Council – Allocation of Portfolios as of 31 March 2022 (1075).

The Minister for Culture and the Arts on the retirement of Margaret Allen PSM, Chief Executive Officer and State Librarian, State Library of Western Australia.

The Minister for Sport and Recreation on Western Australia's men's cricket team winning the Sheffield Shield final.

The Minister for Racing and Gaming on the appointments of Colin Murphy and Dr Michael Schaper to the Gaming and Wagering Commission.

4. Questions

Questions without Notice were taken.

Questions on Notice Nos 457 to 508 were asked.

Questions on Notice Nos 356 to 373 were answered.

Paper tabled by the Premier; Treasurer; Minister for Public Sector Management; Federal-State Relations –

Question on Notice No. 359 – Expenditure on regular passenger and charter flights for inter and intrastate travel by all Ministers and their ministerial offices for the financial years 2017–2018 to 2020–2021 (1074).

5. Community Development and Justice Standing Committee – Extension of Reporting Date

The Speaker advised that the Community Development and Justice Standing Committee had extended its reporting date on its inquiry into sexual harassment against women in the FIFO mining industry to 23 June 2022.

6. Message from the Governor

Message No. 9 from His Excellency the Governor was reported assenting to the following bills –

Administration Amendment Bill 2021, Act No. 5 of 2022.

Wittenoom Closure Bill 2021, Act No. 6 of 2022.

Mutual Recognition (Western Australia) Amendment Bill 2021, Act No. 7 of 2022.

7. Papers

The following papers were presented and ordered to lie upon the Table of the House –

By the Clerk –

Auditor General, Office of the – Information Systems Audit Report 2022 – State Government Entities, Report No. 13, 31 March 2022 (Received by the Clerk of the Legislative Assembly and deemed tabled on 31 March 2022) (1053).

Australian Children’s Education and Care Quality Authority – Annual Report 2020–21 (1054).

Biodiversity Conservation Act 2016 – Regulations (Biodiversity Conservation Amendment Regulations 2022 G.G. 25/03/2022) (1055).

Cat Act 2011 – Local Laws (City of Kwinana Cat Local Law 2022 G.G. 29/03/2022) (1056).

Conservation and Parks Commission – Annual Report 2020–2021 (1057).

Economic Regulation Authority – Electricity Generation and Retail Corporation regulatory scheme: 2020 effectiveness review – Report to the Minister for Energy, 16 December 2021 (1058).

Fair Trading Act 2010 – Regulations (Fair Trading (Retirement Villages Code) Regulations 2022 G.G. 25/03/2022) (1059).

Firearms Act 1973 – Regulations (Firearms Amendment Regulations 2022 G.G. 25/03/2022) (1060).

Liquor Control Act 1988 – Regulations (Racing and Gaming Regulations Amendment (Liquor Control) Regulations 2022 G.G. 25/03/2022) (1061).

Local Government Act 1995 – Local Laws (City of Joondalup Fencing Amendment Local Law 2021 G.G. 29/03/2022) (1062).

Local Government Act 1995 – Local Laws (Shire of Dowerin Local Laws 2022 – Correction 2022 G.G. 29/03/2022) (1063).

Local Government Act 1995 – Local Laws (Shire of Williams Bush Fire Brigades Local Law 2022 G.G. 24/03/2022) (1064).

Local Government Act 1995 – Local Laws (Shire of Williams Dogs Local Law 2022 G.G. 24/03/2022) (1065).

Local Government Act 1995 – Local Laws (Shire of Williams Repeal Local Law 2022 G.G. 24/03/2022) (1066).

Local Government Act 1995 – Local Laws (Town of Port Hedland Public Places and Local Government Property Amendment Local Law 2022 G.G. 25/03/2022) (1067).

Metropolitan Redevelopment Authority Act 2011 – Ministerial Declaration under section 101 of the Act in relation to Metropolitan Redevelopment Authority Board members (1068).

National Education and Care Service Freedom of Information Commissioner, Privacy Commissioner and Ombudsman – Annual Report 2020–2021 (1069).

Professional Standards Act 1997 – Schemes (Law Institute of Victoria Limited Professional Standards Scheme (2022) G.G. 01/04/2022) (1070).

Professional Standards Act 1997 – Schemes (The South Australian Bar Association Professional Standards Scheme (2022) G.G. 01/04/2022) (1071).

Retirement Villages Act 1992 – Regulations (Retirement Villages Amendment Regulations 2022 G.G. 25/03/2022) (1072).

State Administrative Tribunal Act 2004 – Regulations (State Administrative Tribunal Amendment Regulations 2022 G.G. 25/03/2022) (1073).

8. Speaker's Statement – Parliamentary Research Program

The Speaker advised that the Parliamentary Research Program will run during the second university semester, with members required to register their interest to the Parliamentary Education Office by 8 April 2022.

9. Notices of Motion

10. Matter of Public Interest – Housing Shortages

The Speaker informed the Assembly that she was in receipt of a notice from Dr D.J. Honey that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Dr D.J. Honey moved,

That this House condemns the McGowan Government's failure to deliver adequate solutions to the State's critical housing shortages, leaving WA families vulnerable to an ever-deepening crisis.

Debate ensued.

Question put.

The Assembly divided.

Ayes (4)

Ms M.J. Davies
Dr D.J. Honey

Mr R.S. Love
Mr P.J. Rundle (*Teller*)

Noes (42)

Mr S.N. Aubrey
Ms L.L. Baker
Ms H.M. Beazley
Dr A.D. Buti
Mr J.N. Carey
Ms C.M. Collins
Mr R.H. Cook
Ms L. Dalton
Mr M.J. Folkard
Ms E.L. Hamilton
Ms M.J. Hammat
Ms J.L. Hanns
Mr M. Hughes
Mr W.J. Johnston

Mr H.T. Jones
Mr D.J. Kelly
Ms E.J. Kelsbie
Ms A.E. Kent
Dr J. Krishnan
Mr P. Lilburne
Mr M. McGowan
Ms S.F. McGurk
Mr D.R. Michael
Mr S.A. Millman
Mr Y. Mubarakai
Ms L.A. Munday
Mrs L.M. O'Malley
Mr P. Papalia

Mr S.J. Price
Mr D.T. Punch
Ms M.M. Quirk
Ms R. Saffioti
Ms A. Sanderson
Mr D.A.E. Scaife
Ms R.S. Stephens
Dr K. Stratton
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Ms C.M. Tonkin
Ms S.E. Winton
Ms C.M. Rowe (*Teller*)

Question thus negatived.

11. Notice of Motion after the Time Prescribed

The Leader of the House was granted leave to give a late notice of motion on behalf of the Attorney General.

12. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 2 be next considered.

13. Transport Legislation Amendment (Identity Matching Services) Bill 2021

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 26 agreed to.

Title agreed to.

Consideration in detail concluded.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for Transport moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and passed.

14. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 1 be next considered.

15. Legal Profession Uniform Law Application Bill 2021

The Order of the Day for the consideration in detail of Legislative Council Message No. 44 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the Legal Profession Uniform Law Application Bill 2021 subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Legal Profession Uniform Law Application Bill 2021

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 2nd row — To delete the row and insert:

s. 5(1) def. of independent children's lawyer s. 11(3a) def. of legal experience 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:

50A. Veterinary Practice Act 2021		
s. 3	def. of legal practitioner	

CONSIDERATION IN DETAIL

The Attorney General moved, That amendments Nos 1 to 7 be agreed to.

Amendments agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

16. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 4 be next considered.

17. Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Bill read a second time.

Ordered, That consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

18. Treasurer's Advance Authorisation Bill 2022

Message No. 47 dated 5 April 2022 from the Legislative Council was reported agreeing to the bill without amendment.

19. Adjournment

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 9.29 pm until Wednesday, 6 April 2022 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mr G. Baker, Mrs R.M.J. Clarke, Ms D.G. D’Anna, Ms K.E. Giddens, Mr K.J.J. Michel, Mrs J.M.C. Stojkovski and Mr R.R. Whitby.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly