

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 63

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

WEDNESDAY, 23 MARCH 2022

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Deputy Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Petition

Crime and Anti-Social Behaviour in Carnarvon – Mr V.A. Catania presented a petition from 468 people asking for the immediate deployment of an interagency task force to ensure that necessary changes to procedures, policies and resourcing allocations occur to effectively address antisocial issues in Carnarvon. (P. 30).

3. Administration Amendment Bill 2021

Message No. 43 dated 22 March 2022 from the Legislative Council was reported agreeing to the bill without amendment.

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Commerce on a consumer protection warning regarding Rapid Antigen Tests.

The Minister for Tourism on the Western Australian winners at the Qantas Australian Tourism Awards.

The Minister for Energy on the Independent Review into the Christmas 2021 Power Outages.

Paper

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

By the Minister for Energy –

Energy, Minister for – Independent Review of Christmas 2021 Power Outages, Final Report, March 2022 (1037).

The Minister for Citizenship and Multicultural Interests on the war in Ukraine and the measures to show support and solidarity with the people of Ukraine.

The Minister for Health on the Voluntary Assisted Dying scheme.

5. Mutual Recognition (Western Australia) Amendment Bill 2021

The Premier, pursuant to notice, moved,

That a bill for “An Act to amend the *Mutual Recognition (Western Australia) Act 2020* and to make consequential amendments to other Acts.” be introduced and read a first time.

Question put and passed.

The Premier presented an explanatory memorandum and bill read a first time.

The Premier moved, That the bill be now read a second time.

Mr P.J. Rundle moved, That the debate be adjourned.

Question put and passed.

6. Railway (METRONET) Amendment Bill 2022

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

Debate resumed.

Debate interrupted by the Chair (Mr T.J. Healy speaking) and adjourned until a later stage of the sitting.

7. Questions

Questions without Notice were taken.

Questions on Notice Nos 355 and 374 to 376 were answered.

8. Suspension of Standing Orders

Ms M.J. Davies, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

That this Parliament condemns the Minister for Communities for failing to address the ongoing crisis impacting the Department of Child Protection, presiding over a toxic and combative culture and silencing those that speak out.

The Leader of the House moved, To add to the motion –

“

, subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members.

”.

Amendment put and passed.

On the question, That the motion, as amended, be agreed to,

Question put.

The Deputy Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion, as amended, to be carried with the concurrence of an absolute majority of the whole number of members of the House.

9. Minister for Communities

Ms M.J. Davies, pursuant to the foregoing motion, moved,

That this Parliament condemns the Minister for Communities for failing to address the ongoing crisis impacting the Department of Child Protection, presiding over a toxic and combative culture and silencing those that speak out.

Debate ensued.

Question put.

The Assembly divided.

Ayes (6)

Mr V.A. Catania
Ms M.J. Davies

Dr D.J. Honey
Mr R.S. Love

Ms L. Mettam
Mr P.J. Rundle (*Teller*)

Noes (46)

Mr S.N. Aubrey
Mr G. Baker
Ms L.L. Baker
Ms H.M. Beazley
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Ms C.M. Collins
Mr R.H. Cook
Mr M.J. Folkard
Ms E.L. Hamilton
Ms M.J. Hammat
Ms J.L. Hanns
Mr T.J. Healy
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 M. McGowan
Ms S.F. McGurk
Mr D.R. Michael
Mr K.J.J. Michel
Mr S.A. Millman
Mr Y. Mubarakai
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley

Ms M.M. Quirk
Ms R. Saffioti
Ms A. Sanderson
Mr D.A.E. Scaife
Ms J.J. Shaw
Mrs J.M.C. Stojkovski
Dr K. Stratton
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Ms C.M. Tonkin
Mr R.R. Whitby
Ms S.E. Winton
Ms C.M. Rowe (*Teller*)

Question thus negatived.

10. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

11. Railway (METRONET) Amendment Bill 2022

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

Debate resumed.

Debate interrupted by the Chair (Minister for Transport speaking in reply) and adjourned until a later stage of the sitting.

12. Variation to the Order of Business

Ordered, That Private Members' Business Notices of Motion Nos 7 and 13 be next considered.

13. State-Owned Electricity Networks

Dr D.J. Honey, pursuant to notice, moved,

That this House condemns the McGowan Labor Government's failure to properly maintain State-owned electricity networks, leading to major blackouts across WA and inflicting hardship and financial loss for thousands of Western Australians.

Debate ensued.

Debate interrupted by the Chair (Ms J.J. Shaw speaking) and adjourned until a later stage of the sitting.

14. Legal Profession Uniform Law Application Bill 2021

Message No. 44 dated 23 March 2022 from the Legislative Council was reported 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 <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 |
|---|----------------------------------|----------------------|

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. <i>Veterinary Practice Act 2021</i> | | |
| s. 3 | def. of <i>legal practitioner</i> | |

Ordered, That consideration in detail of Legislative Council Message No. 44 be made an Order of the Day for the next sitting of the Assembly.

15. Messages from the Legislative Council

Messages from the Legislative Council were reported returning the following bills without amendment –

23 March 2022

Legal Profession Uniform Law Application (Levy) Bill 2021 (Message No. 45).

Wittenoom Closure Bill 2021 (Message No. 46).

16. Adjournment

Ms E.L. Hamilton moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 7.01 pm until Thursday, 24 March 2022 at 9.00 am.

Members present during any part of the day's proceedings – All the members except Ms L. Dalton, Ms D.G. D’Anna, Ms K.E. Giddens, Mr P. Lilburne, Ms L.A. Munday, Mrs M.H. Roberts and Ms R.S. Stephens.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly