

Minutes of Proceedings



LEGISLATIVE COUNCIL

TUESDAY, 22 MARCH 2022

2.00pm

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Message from His Excellency the Governor — Assent to Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill —

21 March 2022 — Message No. 8

Act No.

Small Business Development Corporation Amendment
(COVID-19 Response) Bill 2022

4 of 2022

3. Papers

The following Papers were laid on the Table by —

Leader of the House

Local Laws —

Cat Act 2011 (Shire of Leonora Cat Local Law 2022 G.G. 16/03/2022) 1147

Cemeteries Act 1986 (Shire of Dowerin Cemeteries Local Law 2022 G.G. 17/03/2022)
..... 1148

Local Government Act 1995 (Shire of Dowerin Activities in Thoroughfares and Public
Places and Trading Local Law 2022 G.G. 17/03/2022, Shire of Dowerin
Fencing Local Law 2022 G.G. 17/03/2022, Shire of Dowerin Meetings
Procedures Local Law 2022 G.G. 17/03/2022, Shire of Dowerin Repeal Local
Law 2022 G.G. 17/03/2022, Shire of Leonora Dog Local Law 2022
G.G. 16/03/2022 and Shire of Leonora Public Places and Local Government
Property Local Law 2022 G.G. 16/03/2022)..... 1149

Regulations —

Western Australian Health Promotion Foundation Act 2016 (Western Australian
Health Promotion Foundation Amendment Regulations 2022
G.G. 15/03/2022) 1150

Reports —

Report of the Salaries and Allowances Tribunal — Remuneration of Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission (11 March 2022) 1151

Statutes —

Edith Cowan University Act 1984 (University Statute No. 15 - Advisory Board of the Western Australian Academy of Performing Arts G.G. 15/03/2022) 1152

Minister for Regional Development on behalf of the Minister for Emergency Services*Regulations —*

Contaminated Sites Act 2003 (Contaminated Sites Amendment Regulations 2022 G.G. 15/03/2022) 1153

Electricity Act 1945 (Energy Regulations Amendment (Electricity Licensing) Regulations 2022 G.G. 15/03/2022) 1154

Ticket Scalping Act 2021 (Ticket Scalping Regulations 2022 G.G. 15/03/2022) 1155

Reports —

Government Employees Superannuation Board (GESB) — Statement of Corporate Intent (2022-23) (March 2022) 1156

Parliamentary Secretary to the Attorney General*Reports —*

Statutory Review of Part 5A of the Criminal Appeals Act 2004 (WA) — Final Report (October 2021) 1157

4. Leave of Absence — Hon Stephen Pratt

The Leader of the House moved, without notice —

That leave of absence be granted to Hon Stephen Pratt for three sitting days due to urgent personal business.

Question — put and passed.

5. Legal Profession Uniform Law Application Bill 2021 and Legal Profession Uniform Law Application (Levy) Bill 2021

The Orders of the Day for the further consideration of these Bills, in Committee of the Whole House, having been read.

The President left the Chair.

In Committee

(Hon Jackie Jarvis in the Chair)

Legal Profession Uniform Law Application Bill 2021

Clause 216.

Debate resumed.

Clause agreed to.

Clause 217 agreed to.

Clause 218.

Debate ensued.

Clause agreed to.

Clause 219.
Debate ensued.
Clause agreed to.
Clauses 220 to 223 agreed to.
Clause 224.
Debate ensued.
Clause agreed to.
Clauses 225 and 226 agreed to.
Clause 227.
Debate ensued.
Clause agreed to.
Clauses 228 to 237 agreed to.
Clause 238.
Debate ensued.
Clause agreed to.
Clauses 239 to 242 agreed to.
Clause 243.
Debate ensued.
Clause agreed to.
Clauses 244 and 245 agreed to.
Clause 246.
Debate ensued.
Clause agreed to.
Clauses 247 to 250 agreed to.
Clause 251.
Debate ensued.
Clause agreed to.
Clauses 252 to 254 agreed to.
Clause 255.
Debate ensued.
Clause agreed to.
Clauses 256 to 260 agreed to.
Clause 261.
Debate ensued.

6. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 544 asked by Hon Donna Faragher will be provided on 24 March 2022.

The Minister for Regional Development representing the Minister for Forestry, in accordance with Standing Order 108(2), advised that answers to questions on notice 539 and 540 asked by Hon Dr Steve Thomas will be provided by 7 April 2022.

7. Legal Profession Uniform Law Application Bill 2021 and Legal Profession Uniform Law Application (Levy) Bill 2021

Resumption of consideration of the Bills in Committee of the Whole House (*see item 5 above*).
The President left the Chair.

In Committee

(Hon Peter Foster in the Chair)

Legal Profession Uniform Law Application Bill 2021

Clause 261.

Debate resumed.

Clause agreed to.

Clauses 262 to 287 agreed to.

Clause 288.

Debate ensued.

Clause agreed to.

Clauses 289 to 328 agreed to.

Clause 329.

The Parliamentary Secretary to the Attorney General moved —

Page 180, line 4 — To delete “of this” and insert:

to this

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 330.

Debate ensued.

Clause agreed to.

Clause 331 agreed to.

Clauses 332 to 356 agreed to.

New Part 17 Division 8A.

The Parliamentary Secretary to the Attorney General moved —

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.

Debate ensued.

New Part — put and passed.

Clauses 357 to 420 agreed to.

Clause 421.

The Parliamentary Secretary to the Attorney General moved —

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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Amendment — put and passed.

The Parliamentary Secretary to the Attorney General moved —

Page 213, the Table item 22 — To delete "s. 112A(3)".

Amendment — put and passed.

The Parliamentary Secretary to the Attorney General moved —

Page 221, the Table after item 50 — To insert:

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

Amendment — put and passed.

Clause, as amended, agreed to.

Title agreed to.

Legal Profession Uniform Law Application (Levy) Bill 2021

Clause 1 agreed to.

Clauses 2 to 4 agreed to.

Title agreed to.

The Acting President resumed the Chair.

The *Legal Profession Uniform Law Application Bill 2021* reported with amendments.

The *Legal Profession Uniform Law Application (Levy) Bill 2021* reported without amendment.

The Parliamentary Secretary to the Attorney General, by leave, moved, That the report be adopted.

Report adopted.

Ordered — That the third reading of the Bills be made an Order of the Day for the next sitting.

8. Administration Amendment Bill 2021

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate ensued.

Question — put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Hon Nick Goiran moved —

Page 3, line 15 — To delete “\$472 000” and insert:

\$483 500

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (8)

Hon Martin Aldridge
 Hon Peter Collier
 Hon Nick Goiran
 Hon James Hayward

Hon Tjorn Sibma
 Hon Neil Thomson
 Hon Dr Brian Walker
 Hon Colin de Grussa (*Teller*)

Noes (18)

Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Kate Doust
 Hon Sue Ellery
 Hon Peter Foster
 Hon Lorna Harper
 Hon Jackie Jarvis
 Hon Alannah MacTiernan

Hon Ayor Makur Chuot
 Hon Kyle McGinn
 Hon Shelley Payne
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Question, That the clause stand as printed — put and passed.

Clause 5 agreed to.

New Clause 6.

Hon Nick Goiran moved —

Page 7, after line 29 — To insert:

6. Section 145 inserted

At the end of Part VI insert:

145. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review —
 - (a) as soon as practicable after the 5th anniversary of the day on which the *Administration Amendment Act 2021* section 6 comes into operation; and
 - (b) after that, at intervals of not more than 5 years.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary or the expiry of the period of 5 years, as the case may be.

Debate ensued.

New Clause — put.

The Committee divided.

Ayes (8)

Hon Martin Aldridge
 Hon Peter Collier
 Hon Nick Goiran
 Hon James Hayward

Hon Tjorn Sibma
 Hon Neil Thomson
 Hon Dr Brian Walker
 Hon Colin de Grussa (*Teller*)

Noes (18)

Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Kate Doust
 Hon Sue Ellery
 Hon Peter Foster
 Hon Lorna Harper
 Hon Jackie Jarvis
 Hon Alannah MacTiernan

Hon Ayor Makur Chuot
 Hon Kyle McGinn
 Hon Shelley Payne
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Pierre Yang (*Teller*)

New Clause thus negatived.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Parliamentary Secretary to the Attorney General moved, That the Bill be read a third time.

The Acting President announced that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

9. Wittenoom Closure Bill 2021

The Order of the Day having been read for the adjourned debate on the second reading of this Bill. Debate ensued.

Hon Neil Thomson, by leave, tabled a letter to the Banjima Native Title Aboriginal Corporation from the Department of Water and Environmental Regulation, providing a formal notice of classification of a known or suspected contaminated site. (Tabled Paper 1158).

Debate resumed.

Interruption pursuant to order.

10. Members' Statements

Statements were taken.

11. Treasurer's Advance Authorisation Bill 2022

The President reported the receipt of Message No. 55 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House on behalf of the Minister for Emergency Services representing the Treasurer moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House on behalf of the Minister for Emergency Services representing the Treasurer moved, That the Bill be read a second time.

The Leader of the House on behalf of the Minister for Emergency Services representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1159).

Debate stands adjourned.

12. Adjournment

The Council adjourned at 9.58pm until Wednesday, 23 March 2022 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Stephen Dawson, Hon Donna Faragher, Hon Sophia Moermond (*suspended*), Hon Stephen Pratt (*by leave*) and Hon Rosetta Sahanna.

SAM HASTINGS

Acting Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council