

PROFESSIONAL STANDARDS AMENDMENT BILL 2009

Second Reading

Resumed from 24 March.

The PRESIDENT: I give the call to the Parliamentary Secretary representing the Attorney General for the continuation of his remarks in reply.

HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary) [2.31 pm]: — in reply: Thank you, Mr President. As it happens, yesterday when I spoke on this bill I had actually concluded my remarks, but you called time on me just before I could say so. So, on that note, I commend the bill to the house.

Hon Ken Travers: That does not mean that you could not go over it all again if you wanted to!

Hon MICHAEL MISCHIN: Yes, I will, if that is what the member would like! Shall I start with the second reading speech?

Hon Ken Travers: Start wherever you want to!

Hon MICHAEL MISCHIN: I thank the member, but I will pass.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon Matt Benson-Lidholm) in charge of the bill; Hon Michael Mischin (Parliamentary Secretary) in charge of the bill.

Clauses 1 to 23 put and passed.

Heading — Part 4: Amendments for consistency with the national model legislation and for other purposes —

Hon ADELE FARINA: I move —

Page 17, line 2 — To delete “**national model legislation**” and insert —
legislation in other jurisdictions

On the information provided to the Standing Committee on Uniform Legislation and Statutes Review, the only national model legislation for the purposes of the national professional standards scheme is the Professional Standards Amendment (Mutual Recognition) Bill 2007 of New South Wales. The clauses of part 4 of the bill do not implement that model legislation. The heading of part 4 is, therefore, incorrect. It is for that reason that I have moved this amendment.

Hon MICHAEL MISCHIN: The government can understand the rationale behind the proposed amendment. Strictly speaking, the clauses in part 4 do not refer to the national model legislation. The mistitling, at its highest, is of academic significance only; once this bill comes into law, it will fall away. The titles, in particular, within the bill will become irrelevant other than for academic and historical interest. No significance is attached to the title in this part of the bill. If we choose to amend this bill in that inconsequential way, it will have to be referred to the other place for approval of the amendment, which will only delay the process and the introduction of this important reform to bring us into line with professional standards legislation in other jurisdictions. The government will not be supporting the amendment.

Hon ADELE FARINA: The parliamentary secretary may think that this is academic, but what he is suggesting is that members in this place should adopt and support something that is clearly incorrect. I do not think the government should be asking this place to do that. We have an obligation to the people of Western Australia to serve them well and to ensure that the laws that we adopt are in good order. This is clearly not in good order, and even if it drops away once it is incorporated into the principal act, the bottom line is that this Parliament is being asked to consider the bill and the bill contains a blatant error. It is extraordinary to hear the parliamentary secretary state that the matter of whether it applies to national legislation or not is merely a technical matter and is not relevant, given the debate that is happening behind the scenes about the terms of reference of the Standing Committee on Uniform Legislation and Statutes Review and the application of uniform laws and national schemes.

The bottom line is that this place should not be supporting and endorsing a bill which clearly contains an error. This bill contains an error. The amendment seeks to correct that error.

Hon MICHAEL MISCHIN: In other circumstances, I might have some sympathy for the argument. At this stage, bearing in mind that it is simply a part heading that will fall away with the passage of this bill, it is of no moment and has no significance. It cannot influence the interpretation to be placed on the sections within part 4 of the legislation once those sections become incorporated into the principal act. If it was something that affected a part heading in the principal act, there could be some justification for a delay in the passage of this bill, but this is less than relevant. This is of absolutely no moment and will not survive the process of the passage of the legislation once this becomes a law. The government will not be supporting the amendment.

Amendment put and negatived.

Heading — Part 4 put and passed.

Clauses 24 to 29 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by **Hon Michael Mischin (Parliamentary Secretary)**, and passed.