

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 92

TUESDAY, JUNE 25 2002

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### 1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

The President, Hon John Cowdell, took the Chair and read prayers.

### 2. Ministerial Statement - Dismissal of the South Perth City Council

The Minister for Local Government and Regional Development made a Ministerial Statement with respect to the dismissal of the South Perth City Council.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

### 3. Papers

The following Papers were laid on the Table by -

#### Leader of the House

##### *Management Plans -*

Fish Resources Management Act 1994 (Joint Authority Southern Demersal Gillnet and Demersal Longline Fishery Management Plan Amendment 2002 G.G. 21/06/2002 & West Coast Demersal Gillnet and Demersal Longline Fishery (Interim) Management Plan Amendment (No. 2) 2002 G.G. 21/06/2002) ..... 1530

#### Minister for Local Government and Regional Development

##### *Local Laws -*

Dog Act 1976 (Town of Cottesloe Dogs Local Law G.G. 18/06/2002)..... 1531

Local Government Act 1995 (Shire of Esperance - Parking and Parking Facilities Local Law G.G. 21/06/2002 & Town of Kwinana - Activities in Thoroughfares and Public Places and Trading Local Law G.G. 21/06/2002)..... 1532

#### Minister for Racing and Gaming

##### *Rules -*

Legal Practitioners Act 1893 (Legal Practice Board Amendment Rules 2002 G.G. 18/06/2002) ..... 1533

## **Parliamentary Secretary to the Minister for Health**

### *Local Laws -*

Health Act 1911 (The Shire of Waroona Health Local-Laws 2001 G.G. 19/06/2002) ..... 1534

### *Regulations -*

Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations  
2002 G.G. 18/06/2002 & Hospitals (Services Charges) Amendment Regulations (No. 2) 2002  
G.G. 18/06/2002)..... 1535

## **Parliamentary Secretary to the Minister for Planning and Infrastructure**

### *Ministerial Approvals -*

West Australian Land Authority Act 1992 - Atwell South Civil and Landscaping  
Works ..... 1536

West Australian Land Authority Act 1992 - Pilbara-Burrup Peninsula Industrial Lease .. 1537

## **4. Estimates Committee - 2002/2003 Budget Estimates Hearings - Presentation of Report**

Hon George Cash presented a Report of the Estimates Committee in relation to the 2002/2003 Budget Estimates Hearings Report. (Table paper 1538).

Hon George Cash moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

## **5. Order of Business**

Ordered - That Order of the Day No. 196, *Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2002-2003* be taken forthwith. (Leader of the House).

## **6. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2002-2003**

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Racing and Gaming, That the Consolidated Fund Estimates 2002-2003 be noted.

Debate resumed.

On the motion of Hon Bruce Donaldson the debate was adjourned to the next sitting.

## **7. Statement by President - Estimates Hearings Corrected Transcripts**

The President read the following letter -

Dear Mr President

*Legislative Council Estimates Committee corrected transcript*

I advise that the corrected transcript of the Legislative Council Estimates Committee will be delivered to the State Law Publisher on Wednesday, 26 June for publication.

However, corrected transcript in electronic format will be available to Members by 1.00pm Tuesday, 25 June. Members wishing to receive corrected transcript in soft copy should contact Helen Steven on ext 324.

Answers to prepared questions and supplementary information will appear in a separate volume to be published during the July recess.

Yours sincerely

C.R. Hall

Reporting Services Manager

# **8. Planning Appeals Amendment Bill 2001**

The Order of the Day for the consideration of this Bill, in Committee, having been read.

The President left the Chair.

## **In Committee**

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Hon Derrick Tomlinson moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and negatived.

Debate resumed.

Clause agreed to.

Clause 2.

Hon Derrick Tomlinson moved -

Page 2, lines 8 and 9 - To delete the lines.

Debate ensued.

Amendment - put and negatived.

Clause agreed to.

Clauses 3 and 4 agreed to.

Clause 5.

Hon Derrick Tomlinson moved -

Page 4, line 17 - To insert after "may" -

“

within 60 days after the refusal is communicated, or the permit is granted

”.

Debate ensued.

Amendment - put and negatived.

Hon Derrick Tomlinson moved -

Page 5, line 5 - To insert after "may" -

“

within the period specified in the notice, such period not being less than 30 days

”.

Debate ensued.

Amendment - put and negatived.

Clause agreed to.

Clauses 6 to 8 agreed to.

Clause 9.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved -

Page 10, lines 6 and 7 - To delete “responsible authority” and insert instead -

“ local government ”.

Amendment - put and passed.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved -

Page 10, line 14 - To delete “If” and insert instead -

“

The Minister may determine not to take any action in response to the representations or, if

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved -

Page 14, line 23 - To delete “or rules”.

Debate ensued.

Amendment - put and negatived.

Hon Derrick Tomlinson moved -

Page 14, lines 22 and 23 - To delete the lines.

Debate ensued.

Amendment - put.

The Committee divided.

#### Ayes (21)

Hon Alan Cadby  
Hon George Cash  
Hon Robin Chapple  
Hon Murray Criddle  
Hon Paddy Embry  
Hon John Fischer  
Hon Peter Foss  
Hon Ray Halligan  
Hon Frank Hough  
Hon Barry House  
Hon Robyn McSweeney

Hon Dee Margetts  
Hon N F Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon Jim Scott  
Hon Christine Sharp  
Hon W N Stretch  
Hon Derrick Tomlinson  
Hon Giz Watson  
Hon Bruce Donaldson (*Teller*)

**Noes (12)**

Hon Kim Chance  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Jon Ford  
 Hon Graham Giffard

Hon Nick Griffiths  
 Hon Louise Pratt  
 Hon Ljiljanna Ravlich  
 Hon Tom Stephens  
 Hon Ken Travers  
 Hon Ed Dermer (*Teller*)

Amendment thus passed.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved -

Page 14, line 24 - To delete “an appeal”.

Debate ensued.

Amendment - put and passed.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved -

Page 14, line 30 - To delete “or rules”.

Amendment - put and negatived.

Hon Derrick Tomlinson moved -

Page 14, line 30 - To delete the line.

Amendment - put and passed.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved -

Page 15, line 28 - To insert after “may” -

“ , with the written approval of the Minister, ”.

Debate ensued.

Amendment - put and passed.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved -

Page 15, line 29 - To insert after “any” -

“ senior ”.

Amendment - put and passed.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved -

Page 15, line 29 - To delete “or class of member” and insert instead -

“ or to all senior members or the Deputy President ”.

Debate ensued.

Amendment - put and passed.

Hon Jim Scott moved -

Page 19, after line 2 - To insert -

“

(2) An objector defined in section 57(2) is a person entitled to notice under subsection (1)(b).

”.

Hon Jim Scott moved -

That further consideration of the amendment be postponed until after consideration of amendment 10/11 to Clause 11.

Question - put and passed.

Hon Murray Criddle moved -

Page 19, after line 22 - To insert -

“

(4) A final determination of an appeal is to be made within the following timeframes after the applicant gives notice of an appeal to the Tribunal:

(a) Single Member Tribunal (Simple Appeal) 90 days;

(b) Three Member Tribunal (Complex Appeal) 180 days.

”.

Debate ensued.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved, That progress be reported and leave asked to sit again.

Question - put and passed.

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The President resumed the Chair.

The Chairman reported, That the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

## **9. Questions Without Notice**

Questions without notice were asked by Hon Peter Foss, Hon Robin Chapple, Hon Frank Hough, Hon Jim Scott, Hon Barry House, Hon Bill Stretch, Hon Murray Criddle, Hon Barbara Scott, Hon George Cash, Hon Dee Margetts, Hon Norman Moore, Hon Giz Watson, Hon Robyn McSweeney, Hon Christine Sharp, Hon Alan Cadby and Hon Simon O'Brien.

The Minister for Racing and Gaming tabled documents in relation to the Government's action, in the short term, to give immediate relief to the building industry and in particular small operators in response to a question without notice asked by Hon Robyn McSweeney. (Tabled paper 1539).

## **10. Labour Relations Reform Bill 2002**

The Order of the Day for the further consideration of this Bill, in Committee, having been read.

The President left the Chair.

### **In Committee**

(Hon George Cash in the Chair)

Clause 139.

Debate resumed.

Clause agreed to.

Clause 140.

Hon Ray Halligan moved -

Page 156, after line 11 - To insert -

“

- (3) Subject to section 90, an appeal lies to the Court in the manner prescribed from any decision of the Full Bench, pursuant to sections 23, 23A, 23B, 29 and 29AA, on the ground that the decision is erroneous in law or is in excess of jurisdiction but upon no other ground.

”.

Debate ensued.

Amendment - put and negatived.

Clause agreed to.

Postponed Clause 132.

Section 42G.

Debate resumed on the amendment moved by Hon Ray Halligan as follows -

Page 141, line 31 - To insert after “(2)” -

“

except on the grounds that the order exceeds the matters agreed to be dealt with under subsection (1)(c) or there has been an error of law

”.

Debate ensued.

Amendment - put and negatived.

Clause, as amended, agreed to.

Clauses 141 to 144 agreed to.

Clause 145.

Hon Murray Criddle moved -

Page 158, lines 24 to 26 - To delete the lines.

Page 159, lines 3 and 4 - To delete the lines.

Page 159, line 6 - To delete the line.

Debate ensued.

Amendments - put.

The Committee divided.

#### Ayes (15)

Hon Alan Cadby  
Hon George Cash  
Hon Murray Criddle  
Hon John Fischer  
Hon Peter Foss  
Hon Ray Halligan  
Hon Frank Hough  
Hon Barry House

Hon Robyn McSweeney  
Hon N F Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon W N Stretch  
Hon Derrick Tomlinson  
Hon Bruce Donaldson (*Teller*)

**Noes (16)**

Hon Kim Chance  
 Hon Robin Chapple  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Jon Ford  
 Hon Graham Giffard  
 Hon Nick Griffiths

Hon Dee Margetts  
 Hon Louise Pratt  
 Hon Ljiljana Ravlich  
 Hon Jim Scott  
 Hon Tom Stephens  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Ed Dermer (*Teller*)

Amendments thus negatived.

Hon Ray Halligan moved -

Page 160, line 13 - To insert before "An" -

" Subject to the conditions set out in subsection (5), "

Hon Ray Halligan moved -

That further consideration of amendment 73/145 be postponed until after consideration of amendment 76/145.

Question - put and passed.

Hon Ray Halligan moved -

Page 160, line 28 - To insert after "records" -

"

provided always that the relevant person shall pay such amount for the provision of copies as the employer requires (provided that such amount shall not exceed the rate for copying prescribed by Regulation) and shall not disrupt the employer's business in relation to the taking of extracts of the records.

".

Debate ensued.

Amendment - put and negatived.

Hon Simon O'Brien, by leave, amended the amendment standing in his name by deleting the words "from allowing" and insert instead "prohibiting".

Hon Simon O'Brien then moved -

Page 161, after line 6 - To insert -

"

(3) An employee —

- (a) not being a member of a union registered in the registry of the Commission may issue a notice in writing to his/her employer prohibiting the employer from providing access to the employee's time and wages records to a state registered union or authorised representative;



- (b) may issue a notice in writing to his/her employer prohibiting the employer from providing access to the employee's time and wages records to a state registered union or authorised representative which the employee considers is confidential;
  - (c) may withdraw the notice in writing to his/her employer prohibiting a state registered union access or authorised representative to his/her time and wages records by issuing a notice in writing to the employer revoking the first notice but the employee may still require the employer by writing to not allow the state registered union or authorised representative access to information the employee considers confidential.
- (4) A state registered union or authorised representative on having gained access to an employee's time and wages records shall not divulge the information contained within the employee's time and wages records without first having obtained the approval of the employee concerned beforehand in writing nor shall he threaten to divulge information.

”.

Debate ensued.

Amendment - put.

The Committee divided.

#### Ayes (15)

Hon Alan Cadby  
 Hon George Cash  
 Hon Murray Criddle  
 Hon John Fischer  
 Hon Peter Foss  
 Hon Ray Halligan  
 Hon Frank Hough  
 Hon Barry House

Hon Robyn McSweeney  
 Hon N F Moore  
 Hon Simon O'Brien  
 Hon Barbara Scott  
 Hon W N Stretch  
 Hon Derrick Tomlinson  
 Hon Bruce Donaldson (*Teller*)

#### Noes (16)

Hon Kim Chance  
 Hon Robin Chapple  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Jon Ford  
 Hon Graham Giffard  
 Hon Nick Griffiths

Hon Dee Margetts  
 Hon Louise Pratt  
 Hon Ljiljanna Ravlich  
 Hon Jim Scott  
 Hon Tom Stephens  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Hon Ray Halligan moved -

Page 161, after line 18 - To insert -

“

- (5) The obligation to produce records and permit entry pursuant to this section is subject to the following conditions —

- (a) production and inspection of records and access to premises be provided at reasonable times during normal business hours of the employer;
- (b) the employer in particular circumstances may make application to the Commission for relief from the obligation to comply with the requirements of this section if the request to produce or inspect is vexatious, frivolous or be unduly onerous, in which case the obligation to comply with this section shall be subject to such directions as the Commission deems fit after hearing the relevant person and the employer.

”.

Debate ensued.

Amendment - put.

The Committee divided.

#### Ayes (15)

Hon Alan Cadby  
 Hon George Cash  
 Hon Murray Criddle  
 Hon John Fischer  
 Hon Peter Foss  
 Hon Ray Halligan  
 Hon Frank Hough  
 Hon Barry House

Hon Robyn McSweeney  
 Hon N F Moore  
 Hon Simon O'Brien  
 Hon Barbara Scott  
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 Hon Nick Griffiths

Hon Dee Margetts  
 Hon Louise Pratt  
 Hon Ljiljanna Ravlich  
 Hon Jim Scott  
 Hon Tom Stephens  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Ed Dermer (*Teller*)

Amendment thus negatived.

The Chairman ruled as follows -

Amendment No. 73/145, which was postponed, will not be proceeded with.

Hon Ray Halligan moved -

Page 162, line 8 - To insert before “An” -

“ Subject to the section, ”.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 162, after line 13 - To insert -

“

- (2) The authorised representative may only enter the premises during working hours and may only hold the discussions during the employees' meal-time or other breaks.

”.

Debate ensued.

Amendment - put.

The Committee divided.

#### Ayes (15)

Hon Alan Cadby  
Hon George Cash  
Hon Murray Criddle  
Hon John Fischer  
Hon Peter Foss  
Hon Ray Halligan  
Hon Frank Hough  
Hon Barry House

Hon Robyn McSweeney  
Hon N F Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon W N Stretch  
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Hon Bruce Donaldson (*Teller*)

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Hon Nick Griffiths

Hon Dee Margetts  
Hon Louise Pratt  
Hon Ljiljanna Ravlich  
Hon Jim Scott  
Hon Tom Stephens  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

Amendment thus negated.

Hon Ray Halligan moved -

Page 162, lines 16 to 22 - To delete the lines and insert instead -

“

then the conditions regarding provision of notice in respect to exercise of right of entry specified in that award, order or industrial agreement shall apply.

”.

Debate ensued.

Amendment - put and negated.

Hon Ray Halligan moved -

Page 162, line 23 - To delete “If subsection (2) does not apply”.

Debate ensued.

Amendment - put and negated.

Hon Ray Halligan moved -

Page 162, after line 27 - To insert -

“

- (4) Any entry to premises pursuant to this section shall be subject to the following conditions —
- (a) discussions shall be held in non working areas during break periods applicable to the relevant employees;
  - (b) there shall be no description to the ordinary performance of work or conduct of the employer's business;
  - (c) entry is subject to the authorised representative complying with the employer's directions in respect to workplace safety; and
  - (d) entry is permissible no more than once per week unless otherwise agreed between the employer and the authorised representative.

”.

Hon Ray Halligan, by leave, amended his amendment by deleting the word “description” in paragraph (b) and inserting instead “disruption”.

Amendment, as amended - put.

The Committee divided.

#### Ayes (15)

Hon Alan Cadby  
Hon George Cash  
Hon Murray Criddle  
Hon John Fischer  
Hon Peter Foss  
Hon Ray Halligan  
Hon Frank Hough  
Hon Barry House

Hon Robyn McSweeney  
Hon N F Moore  
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Hon Nick Griffiths

Hon Dee Margetts  
Hon Louise Pratt  
Hon Ljiljana Ravlich  
Hon Jim Scott  
Hon Tom Stephens  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Hon Ray Halligan moved -

Page 162, line 29 - To insert before “An” -

“ Subject to the section ”.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 162, line 31 - To delete “relevant”.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 162, line 31 - To insert after “work” -

“

who are members of the organisation of which the person is an authorised representative of an organisation

”.

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 163, lines 2 and 3 - To delete the words “the *Occupational Safety and Health Act 1984*”.

Debate ensued.

Amendment - put and negatived.

The Minister for Racing and Gaming moved -

Page 163, line 3 - To insert after “1984” -

“ , the *Mines Safety and Inspection Act 1994* ”.

Debate ensued.

Amendment - put and passed.

Hon Ray Halligan moved -

Page 163, line 5 - To insert after “employee” -

“ , which suspected breach shall be notified to the employer ”.

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 163, after line 5 - To insert -

“

(2) Prior to exercising any right of entry pursuant to this section —

- (a) the authorised representative must give the employer reasonable notice in writing of the suspected breach including sufficient particularity to allow for natural justice, and the employer must have had at least 14 days from the receipt of such notice to respond in writing;
- (b) the authorised representative must notify the individual employees concerned that investigation is being undertaken and such employees must be given the opportunity to object to such access being granted.

”.

Debate ensued.

Amendment - put.

The Committee divided.

**Ayes (15)**

Hon Alan Cadby  
Hon George Cash  
Hon Murray Criddle  
Hon John Fischer  
Hon Peter Foss  
Hon Ray Halligan  
Hon Frank Hough  
Hon Barry House

Hon Robyn McSweeney  
Hon N F Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon W N Stretch  
Hon Derrick Tomlinson  
Hon Bruce Donaldson (*Teller*)

**Noes (16)**

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Hon Dee Margetts  
Hon Louise Pratt  
Hon Ljiljanna Ravlich  
Hon Jim Scott  
Hon Tom Stephens  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Debate ensued.

Hon Dee Margetts moved -

Page 163, line 8 - To delete "(3) and".

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 163, lines 12 to 14 - To delete "any employment records of employees or other documents, other than workplace agreements" and insert instead -

" any time sheets or any pay sheets ".

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 163, line 19 - To insert after "breach" -

"

provided that the employer may charge a reasonable amount for the provision of copies (not exceeding the rate prescribed by Regulation);

".

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 164, line 29 - To insert after "certificate" -

" , stating the reasons for the grant of such certificate, ".

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 165, line 1 - To delete "apparently".

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 165, after line 3 - To insert -

“

- (9) The Commission may on the application of an employer suspend the obligation to grant entry pursuant to this clause or give direction regarding conditions of entry and in the event of such application being made, the right of entry pursuant to this clause shall be suspended until the Commissioner has heard submissions from the authorised representative and the employer.
- (10) Any information obtained pursuant to this clause shall be kept confidential and be used only for the purpose of conducting an investigation pursuant to this clause, and shall not be used for any other purposes, and information obtained shall not be admissible in any legal proceedings except in relation to proceedings in respect to a breach alleged in a notice given pursuant to subsection (1A).

”.

Debate ensued.

Amendment - put.

The Committee divided.

#### Ayes (15)

Hon Alan Cadby  
Hon George Cash  
Hon Murray Criddle  
Hon John Fischer  
Hon Peter Foss  
Hon Ray Halligan  
Hon Frank Hough  
Hon Barry House

Hon Robyn McSweeney  
Hon N F Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon W N Stretch  
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Hon Jon Ford  
Hon Graham Giffard  
Hon Nick Griffiths

Hon Dee Margetts  
Hon Louise Pratt  
Hon Ljiljanna Ravlich  
Hon Jim Scott  
Hon Tom Stephens  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Hon Alan Cadby moved -

Page 165, line 5 - To insert before "The Registrar" -

" Subject to subsection (1a) ".

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 165, line 7 - To insert after "person" -

" , being an officer or employee of the organization, ".

Debate ensued.

Amendment - put and negatived.

Hon Dee Margetts moved -

Page 165, lines 9 to 29 - To delete the lines.

Debate ensued.

Amendment - put and negatived.

Hon Dee Margetts moved -

Page 165, line 30 - To delete "may" and insert instead "must".

Debate ensued.

Amendment - put and negatived.

Hon Murray Criddle, by leave, amended his amendment by deleting where it appears "(11)" and insert instead "(1)".

Hon Murray Criddle then moved -

Page 166, after line 11 - To insert -

"

(10) The rights empowered on a representative of an organisation in sections 49E, 49H and 49I shall not apply where —

- (a) all the employees employed in the workplace are employed by an employer who holds a current certificate of exemption issued under section 49J(1); and
- (b) none of the employees employed in the workplace is a member of a union; and
- (c) there are no more than 20 employees employed to work in the workplace.

(11) The Registrar may —

- (a) for purposes of section 49J(1), issue a certificate of exemption to an employer who is an individual if the Registrar is satisfied that the employer is a practicing member of a religious society or order whose doctrines or beliefs preclude membership of any other organisation or body other than the religious society or order of which the employer is a member.
- (b) revoke a certificate of exemption if —
  - (i) the employer to whom it has been issued agrees; or



- (ii) it was issued in error; or
- (iii) the Registrar is satisfied that the employer has ceased to be a person eligible to be issued with the certificate.

”.

Debate ensued.

Amendment - put.

The Committee divided.

#### Ayes (15)

Hon Alan Cadby  
 Hon George Cash  
 Hon Murray Criddle  
 Hon John Fischer  
 Hon Peter Foss  
 Hon Ray Halligan  
 Hon Frank Hough  
 Hon Barry House

Hon Robyn McSweeney  
 Hon N F Moore  
 Hon Simon O'Brien  
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#### Noes (16)

Hon Kim Chance  
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 Hon Louise Pratt  
 Hon Ljiljanna Ravlich  
 Hon Jim Scott  
 Hon Tom Stephens  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Ed Dermer (*Teller*)

Amendment thus negated.

Hon Simon O'Brien moved -

Page 166, after line 11 - To insert -

“

#### **49JA. Provision of entry permits**

- (1) Any entry permit issued by the Registrar to a union official shall have a term of 2 years only.
- (2) All permits must be renewed at the end of or no more than 3 months prior to the nominated expiration date.
- (3) The Registrar shall not issue a replacement permit unless satisfied the nominee is a fit and proper person to be issued with a permit. The Registrar is to conduct a police check of the nominee as part of the issuing of a permit and renewal of permit exercise.
- (4) The Registrar must not issue a permit to a union official unless the Registrar is satisfied the nominated union official is of sufficiently good character.

A conviction for any of the following offences will debar any person from being issued with an entry permit by the Registrar —

- (a) assault;
  - (b) conspiracy;
  - (c) contempt of court;
  - (d) corruption;
  - (e) drug supplying/dealing/manufacturing;
  - (f) going armed in public to cause terror;
  - (g) illegal possession of firearms;
  - (h) making threats;
  - (i) manslaughter;
  - (j) murder;
  - (k) stealing as a servant;
  - (l) unlawful possession/dealing/detonation of explosives; or
  - (m) unlawfully discharging a firearm.
- (5) Should the Registrar become aware a state union official who holds a current entry permit has been convicted of one of the named offences, the Registrar must issue a notice to the person to surrender the permit within 7 days.
- (6) An Industrial Officer may make application to the WAIRC to seek the revocation of a permit.

”.

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 166, after line 16 - To insert -

“

**49L. Information not to be disclosed**

- (1) An authorised representative under this Division must not, directly or indirectly, record, disclose or make use of information obtained in the exercise of the power under section 49I except —
- (a) in the exercise of that power;
  - (b) or required or allowed by this Act or any other written law;
  - (c) for the purposes of proceedings in the Commission; or
  - (d) with the written authority of each person to whom the information relates.

Penalty: \$20 000

”.

Debate ensued.

Amendment - put and negatived.

*Interruption of Debate* [SO 61(c)].

**11. Censorship Amendment Bill 2002**

The President reported the receipt of Message No. 116 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House, on behalf of the Minister for Racing and Gaming moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House, on behalf of the Minister for Racing and Gaming moved, That the Bill be now read a second time.

On the motion of Hon Bruce Donaldson the debate was adjourned to the next sitting.

**12. Adjournment**

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

Question - put and passed.

The House adjourned at 11.16pm until Wednesday, June 26 2002 at 11.00am.

**Members present during the day's proceedings**

Attendance: Present all Members.

**L B MARQUET**  
Clerk of the Legislative Council

**HON JOHN COWDELL**  
President of the Legislative Council