

# LEGISLATIVE COUNCIL

---

## MINUTES OF PROCEEDINGS

No. 90

WEDNESDAY, JUNE 19 2002

---

**1. Meeting of Council**

The Council assembled at 11.00am pursuant to order.

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

**2. Petition**

Hon Simon O'Brien presented a petition, by delivery to the Clerk, [SO 130], from 84 residents of Western Australia requesting that an MRI scanner be installed at both Fremantle and Princess Margaret Hospitals. (Table paper 1505).

**3. Ministerial Statement - Business of the House**

The Leader of the House made a Ministerial Statement with respect to the Business of the House.

**4. Papers**

The following Papers were laid on the Table by -

**President**

*Auditor General's Papers -*

Serving The Public Interest, Performance Examination: Level Pegging: Managing  
Mineral Titles in Western Australia Report No. 1 (June 2002) ..... 1500

Curtin University of Technology Interim Report (Year Ending 31 December 2001)  
(Date Received 18/6/2002) ..... 1501

**Minister for Racing and Gaming**

*Annual Reports - 2000-2001 -*

Eastern Pilbara College of TAFE (Year Ending 31 December 2001)  
(Date Received 18/6/2002) ..... 1502

**5. 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.

Hon Jim Scott, by leave, tabled documents in relation to the City of South Perth Inquiry. (Table paper 1506)

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

## **6. Royal Commission (Police) Bill 2002**

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

Debate resumed.

Question - put and passed.

Bill read a second time.

The President left the Chair.

---

### **In Committee**

(Hon George Cash in the Chair)

Clause 1 agreed to.

Clause 2.

Hon Peter Foss moved -

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

#### *Point of Order*

Hon Peter Foss moved the following Point of Order -

To understand the reason for this amendment, we need to look forward in the Bill. The lines that I propose to delete are those subclauses that enable Clauses 37 and 40 to be proclaimed. I have indicated to the Chamber that I intend to move that Clauses 37 and 40 be defeated. I believe that an action may happen before that, because it appears logically impossible under the Standing Orders of this House that we can proceed with those two Clauses. Even though I understand the scheme that is intended to be used in this Bill - that is, to enact these provisions, put them into another Act and then, by way of proclamation, remove them again when the time has expired - it leads to a logical impossibility, because the net result is that Clauses 36 and 39 enact and Clauses 37 and 40 repeal. I do not believe that, because of the way in which this Chamber operates, we can have an Act which in one Clause provides that this is the law and which in the next provides that it is not. It is contrary to Standing Orders and procedures. Even though I understand the logical possibilities of all that may happen, the net effect is that the one Clause is seeking to both enact and repeal. I do not believe that is possible.

#### *Chairman's Ruling*

Chairman of Committee ruled as follows -

I have given some consideration to this matter, as it was raised in part during the second reading stage of the Bill. Members will note that it is proposed to amend this Bill and I have referred to Supplementary Notice Paper No. 111. Apart from the amendment to Clause 7, which deals with the powers of the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers for which parliamentary privilege may be an issue, the amendments have a procedural basis and, if agreed to, will not affect the legislative intent. Without amendments being made, I would be obliged to rule out Clauses 37 and 40 of the Bill for the reasons that they are a complete contradiction of Clauses 36 and 39.

In the Committee of the Whole, it is not in order to put a question, whether original as here or by way of amendment, which is inconsistent with or which negates those provisions of the Bill that the Committee has already agreed shall form part of the Bill. As *Erskine May* puts it when dealing with the various categories of inadmissible evidence -

- (3) An amendment (or an original question) must not be inconsistent with, or contrary to, the bill as so far agreed to by the committee, nor must it be inconsistent with a decision of the committee upon a former amendment.

Clauses 36 and 39 amend Acts by inserting new Sections. Clauses 37 and 40 state that what has been inserted by each of the previous Clauses is repealed. Insert and repeal are direct opposites and cannot stand together. I am aware that subclauses (2) and (3) of Clause 2 provide for the repeals to have effect on proclamation some time in the future. However, the Committee is not concerned with discretionary issues that may or may not happen as the Government of the day may decide. The Committee is solely concerned with words and the effect a form of words may have on the words that have already been passed by the Committee. I repeat my earlier statement Clauses 37 and 40 are unsound on procedural grounds, and not because of their legislative effect upon proclamation.

That is a very clear statement and it may have some bearing on the way in which the Minister frames a proposed amendment in due course. For the time being, I am interested in the words in the Bill, and we will deal with the words in the Bill until we are required to consider the words of a proposed amendment.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 3.

Hon Peter Foss moved -

Page 4, after line 3 - To insert -

“

- (3) At the time the Commission ends under subsection (2), section 4B of the *Surveillance Devices Act 1998*, as inserted by section 36, and section 3A of the *Telecommunications (Interception) Western Australia Act 1996*, as inserted by section 39, shall each expire.

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 and 6 agreed to.

Clause 7.

Hon Peter Foss moved -

Page 7, after line 22 - To insert -

“

- (5) If the exercise or intended exercise, or the manner and form of the exercise or intended exercise, of a power referred to in this section would contravene or cause another to contravene, or conflict with any right or privilege conferred by a provision of the *Parliamentary Privileges Act 1891*, or prevent or interfere with the exercise of such right or privilege then, to that extent, the power is hereby expressly not conferred and its exercise in such circumstances is forbidden.

”.

Debate ensued.

Amendment - put.

The Committee divided.

#### Ayes (14)

Hon Alan Cadby  
Hon George Cash  
Hon Murray Criddle  
Hon Paddy Embry  
Hon John Fischer  
Hon Peter Foss  
Hon Ray Halligan

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

#### Noes (16)

Hon Kim Chance  
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 Christine Sharp  
Hon Tom Stephens  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

Amendment thus negatived.

The Minister for Racing and Gaming moved -

Page 7 line 12 - To delete "The" and insert instead -

" Subject to subsection (5), the ".

Page 7, after line 22 - To insert -

"

(5) Nothing in this section affects the operation of the *Parliamentary Privileges Act 1891*.

".

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 8 to 36 agreed to.

Clause 37 put and negatived.

Clauses 38 and 39 agreed to.

Clause 40 put and negatived.

Clauses 41 to 50 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendments.

Leave was granted to proceed forthwith through all remaining stages of the Bill at this day's sitting.

The Minister for Racing and Gaming moved, That the report be adopted.

Question - put and passed.

The Minister for Racing and Gaming moved, That the Bill be now read a third time.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

**7. Criminal Code Amendment (Corruption Penalties) Bill 2002**

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

Debate resumed.

**8. Part 4 and Clause 5.2(2) of the City of Wanneroo - Private Property Local Law 2001 - Disallowance**

Hon Ray Halligan: To move on the next day of sitting -

That the *Part 4 and Clause 5.2(2) of the City of Wanneroo - Private Property Local Law 2001* published in the *Gazette* on April 30 2002 and tabled in the Legislative Council on May 7 2002 under the *Local Government Act 1995*, be and are hereby disallowed.

**9. Conservation and Land Management Regulations 2002 - Disallowance**

Hon Ray Halligan: To move on the next day of sitting -

That the *Conservation and Land Management Regulations 2002* published in the *Gazette* on May 3 2002 and tabled in the Legislative Council on May 7 2002 under the *Conservation and Land Management Act 1985*, be and are hereby disallowed.

**10. Clauses 72(1) and 76(1) of the City of Belmont - Health Local Law 2002 - Disallowance**

Hon Ray Halligan: To move on the next day of sitting -

That *Clauses 72(1) and 76(1) of the City of Belmont - Health Local Law 2002* published in the *Gazette* on April 18 2002 and tabled in the Legislative Council on May 7 2002 under the *Health Act 1911*, be and are hereby disallowed.

**11. Criminal Code Amendment (Corruption Penalties) Bill 2002**

Debate resumed on the second reading of this Bill (cf item 7 above).

Question - put and passed.

Bill read a second time.

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

The Minister for Racing and Gaming moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

**12. Labour Relations Reform Bill 2002**

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

The Deputy President left the Chair.

**In Committee**

(Hon George Cash in the Chair)

Clause 114.

Debate resumed on the question that the Clause stand as printed.

Clause agreed to.

Clause 115.

Debate ensued.

Question - put.

The Committee divided.

**Ayes (17)**

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 Christine Sharp  
Hon Tom Stephens  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

**Noes (15)**

Hon Alan Cadby  
Hon George Cash  
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 N F Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon W N Stretch  
Hon Bruce Donaldson (*Teller*)

Question thus passed.

Clause agreed to.

Clause 116.

Debate ensued.

Question - put.

The Committee divided.

**Ayes (17)**

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 Christine Sharp  
Hon Tom Stephens  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

**Noes (14)**

Hon Alan Cadby  
 Hon George Cash  
 Hon Murray Criddle  
 Hon Paddy Embry  
 Hon John Fischer  
 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 Bruce Donaldson (*Teller*)

Question thus passed.

Clause agreed to.

Clause 117.

Debate ensued.

Hon Ray Halligan moved -

Page 124, lines 1 to 23 - To delete the lines and insert instead -

“

**117. Section 40B inserted**

After section 40 the following section is inserted —

”.

Amendment - put.

The Committee divided.

**Ayes (15)**

Hon Alan Cadby  
 Hon George Cash  
 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 N F Moore  
 Hon Simon O'Brien  
 Hon Barbara Scott  
 Hon W N Stretch  
 Hon Bruce Donaldson (*Teller*)

**Noes (17)**

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 Christine Sharp  
 Hon Tom Stephens  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Hon Dee Margetts moved -

Page 124, after line 20 - To insert -

“

- (1a) A party to an award may apply to vary the award to incorporate standards for remuneration and the terms and conditions of employment on the basis that those standards are prevalent in the industry to which the award relates and, despite subsection (1)(c), the Commission may vary the award accordingly if it is satisfied that such standards exist and can be ascertained.

”.

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 125, line 3 - To insert after “than” -

“ or conflict with ”.

Debate ensued.

Amendment - put and negatived.

Hon Dee Margetts moved -

Page 125, line 11 - To insert after “updating” -

“

or that conflict, or are inconsistent with, any relevant statutory provision or requirement.

”.

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 125, line 21 - To insert after “them” -

“

, and any employer bound by the award that gives notice to the Commission of a desire to be heard,

”.

Debate ensued.

Amendment - put.

The Committee divided.

#### Ayes (15)

Hon Alan Cadby  
Hon George Cash  
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 N F Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon W N Stretch  
Hon Bruce Donaldson (*Teller*)



**Noes (17)**

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 Christine Sharp  
 Hon Tom Stephens  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Debate ensued.

Clause agreed to.

Clause 118 agreed to.

Clauses 119 and 120 agreed to.

Clause 121.

Debate ensued.

Clause agreed to.

Clause 122.

Debate ensued.

Question - put.

The Committee divided.

**Ayes (17)**

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 Christine Sharp  
 Hon Tom Stephens  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Ed Dermer (*Teller*)

**Noes (15)**

Hon Alan Cadby  
 Hon George Cash  
 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 N F Moore  
 Hon Simon O'Brien  
 Hon Barbara Scott  
 Hon W N Stretch  
 Hon Bruce Donaldson (*Teller*)

Question thus passed.

Clause agreed to.

Clause 123.

Debate ensued.

Clause agreed to.

Clause 124.

Debate ensued.

Question - put.

The Committee divided.

#### **Ayes (17)**

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 Christine Sharp  
Hon Tom Stephens  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

#### **Noes (15)**

Hon Alan Cadby  
Hon George Cash  
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 N F Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon W N Stretch  
Hon Bruce Donaldson (*Teller*)

Question thus passed.

Clause agreed to.

Clause 125.

Debate ensued.

Question - put.

The Committee divided.

#### **Ayes (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 Christine Sharp  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

**Noes (15)**

Hon Alan Cadby  
 Hon George Cash  
 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 N F Moore  
 Hon Simon O'Brien  
 Hon Barbara Scott  
 Hon W N Stretch  
 Hon Bruce Donaldson (*Teller*)

Question thus passed.

Clause agreed to.

Clause 126.

Hon Ray Halligan moved -

Page 131, lines 14 to 16 - To delete the lines.

Debate ensued.

Amendment - put.

The Committee divided.

**Ayes (15)**

Hon Alan Cadby  
 Hon George Cash  
 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 N F Moore  
 Hon Simon O'Brien  
 Hon Barbara Scott  
 Hon W N Stretch  
 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 Christine Sharp  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Hon Ray Halligan moved -

Page 131, lines 25 and 26 - To delete "employers, employees and organisations" and insert instead -

" employers and employees ".

Debate ensued.

Amendment - put.

The Committee divided.

**Ayes (15)**

Hon Alan Cadby  
Hon George Cash  
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 N F Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon W N Stretch  
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 Christine Sharp  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Question - That Clause 126 stand as printed - put.

The Committee divided.

**Ayes (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 Christine Sharp  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

**Noes (15)**

Hon Alan Cadby  
Hon George Cash  
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 N F Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon W N Stretch  
Hon Bruce Donaldson (*Teller*)

Question thus passed.

Clause agreed to.

Clause 127.

Debate ensued.

### 13. Questions Without Notice

Questions without notice were asked by Hon Peter Foss, Hon Robin Chapple, Hon Dee Margetts, Hon Jim Scott, Hon Giz Watson, Hon Christine Sharp, Hon Murray Criddle, Hon Paddy Embry, Hon Barbara Scott, Hon Simon O'Brien and Hon Barry House.

The Leader of the House tabled a list of members including qualifications, experience and background of each member of the Gene Technology Advisory Committee in response to a question without notice asked by Hon Dee Margetts. (Tabled paper 1507).

The Leader of the House tabled documents in relation to the Forest Products Commission on Australian forest and wood products statistics in response to a question without notice asked by Hon Barbara Scott. (Tabled paper 1508).

### 14. Labour Relations Reform Bill 2002

The President left the Chair.

#### In Committee

(Hon Kate Doust in the Chair)

Clause 127.

Debate resumed.

Clause agreed to.

Clauses 128 and 129 agreed to.

Clause 130.

Hon Ray Halligan moved -

Page 133, line 28 to page 134, line 8 - To delete the lines.

Debate ensued.

Amendment - put.

The Committee divided.

#### Ayes (15)

Hon Alan Cadby  
Hon George Cash  
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 N F Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon W N Stretch  
Hon Bruce Donaldson (*Teller*)

#### Noes (16)

Hon Kim Chance  
Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Graham Giffard  
Hon Nick Griffiths  
Hon Dee Margetts

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

Amendment thus negatived.

Hon Ray Halligan moved -

Page 134, after line 8 - To insert -

“

(2) Section 41(6) is amended by inserting after “award” —

“ or an EEA ”.

”.

Debate ensued.

Amendment - put.

The Committee divided.

#### Ayes (11)

Hon Alan Cadby  
Hon Murray Criddle  
Hon Paddy Embry  
Hon Ray Halligan  
Hon Barry House  
Hon Robyn McSweeney

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

#### Noes (16)

Hon Kim Chance  
Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Graham Giffard  
Hon Nick Griffiths  
Hon Dee Margetts

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

Amendment thus negatived.

Clause agreed to.

Clause 131.

Debate ensued.

Question - put.

The Committee divided.

#### Ayes (16)

Hon Kim Chance  
Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Graham Giffard  
Hon Nick Griffiths  
Hon Dee Margetts

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

**Noes (15)**

Hon Alan Cadby  
 Hon George Cash  
 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 N F Moore  
 Hon Simon O'Brien  
 Hon Barbara Scott  
 Hon W N Stretch  
 Hon Bruce Donaldson (*Teller*)

Question thus passed.

Clause agreed to.

Clause 132.

Hon Ray Halligan moved -

Page 136, after line 3 - To insert -

“

- (e) the consequences under section 42I(1)(a) and (b) if the bargaining fails or if the employer refuses or does not respond to the notice within 21 days;
- (f) full details, with particularity, of the claim;
- (g) a claim that an employer could reasonably be expected to agree to; and
- (h) a claim that is not substantially the same as a claim made against another employer in the same industry.

”.

Amendment - put.

The Committee divided.

**Ayes (15)**

Hon Alan Cadby  
 Hon George Cash  
 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 N F Moore  
 Hon Simon O'Brien  
 Hon Barbara Scott  
 Hon W N Stretch  
 Hon Bruce Donaldson (*Teller*)

**Noes (16)**

Hon Kim Chance  
 Hon Robin Chapple  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Graham Giffard  
 Hon Nick Griffiths  
 Hon Dee Margetts

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

Amendment thus negated.

Debate ensued.

Hon Ray Halligan moved -

Page 136, lines 4 to 6 - To delete the lines and insert instead -

“

- (4) If there is no applicable industrial agreement or enterprise order in force, and provided that no bargaining period has been initiated or is in force under Division 8 of the *Workplace Relations Act 1996 (Commonwealth)*, a bargaining period may be initiated under sub-section (1) at any time.

”.

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 136, line 10 - To delete “90” and insert instead -

“ 30 ”.

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 137, line 3 - To delete “7” and insert instead -

“ 28 ”.

Debate ensued.

Amendment - put and negatived.

The Minister for Racing and Gaming moved, That progress be reported and leave asked to sit again.

Question - put and passed.

---

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.

## **15. Order of Business**

Ordered - That Order of the Day No. 192, *Prostitution Amendment Bill 2002* be taken forthwith. (Leader of the House).

## **16. Prostitution Amendment Bill 2002**

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

Debate resumed.

Question - put.

The House divided.



**Ayes (24)**

Hon Alan Cadby  
 Hon George Cash  
 Hon Kim Chance  
 Hon Bruce Donaldson  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Paddy Embry  
 Hon Adele Farina  
 Hon Peter Foss  
 Hon Graham Giffard  
 Hon Nick Griffiths  
 Hon Ray Halligan

Hon Frank Hough  
 Hon Barry House  
 Hon Robyn McSweeney  
 Hon N F Moore  
 Hon Simon O'Brien  
 Hon Louise Pratt  
 Hon Ljiljana Ravlich  
 Hon Barbara Scott  
 Hon Tom Stephens  
 Hon W N Stretch  
 Hon Ken Travers  
 Hon Ed Dermer (*Teller*)

**Noes (4)**

Hon Robin Chapple  
 Hon Dee Margetts

Hon Giz Watson  
 Hon Jim Scott (*Teller*)

Question thus passed.

Bill read a second time.

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

The Minister for Racing and Gaming moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

**17. Order of Business**

Ordered - That Order of the Day No. 140, *Criminal Investigation (Exceptional Powers) and Fortification Removal Bill 2001* be taken forthwith. (Leader of the House).

**18. Criminal Investigation (Exceptional Powers) and Fortification Removal Bill 2001**

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

*The Deputy President left the Chair at 8.33pm*

*The Deputy President resumed the Chair at 8.35pm*

Debate resumed.

Question - put.

The House divided.

**Ayes (24)**

Hon Alan Cadby  
 Hon George Cash  
 Hon Kim Chance  
 Hon Bruce Donaldson  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Paddy Embry  
 Hon Adele Farina  
 Hon Peter Foss  
 Hon Graham Giffard  
 Hon Nick Griffiths  
 Hon Ray Halligan

Hon Frank Hough  
 Hon Barry House  
 Hon Robyn McSweeney  
 Hon N F Moore  
 Hon Simon O'Brien  
 Hon Louise Pratt  
 Hon Ljiljana Ravlich  
 Hon Barbara Scott  
 Hon Tom Stephens  
 Hon W N Stretch  
 Hon Ken Travers  
 Hon Ed Dermer (*Teller*)

**Noes (4)**

Hon Dee Margetts  
 Hon Jim Scott

Hon Giz Watson  
 Hon Robin Chapple (*Teller*)

Question thus passed.

Bill read a second time.

The Deputy President left the Chair.

**In Committee**

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

The Minister for Racing and Gaming moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The Deputy 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.

**19. Machinery of Government (Planning and Infrastructure) Amendment Bill 2001**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 99

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Machinery of Government (Planning and Infrastructure) Amendment Bill 2001*.

Hon Tony McRae  
 Acting Speaker

Legislative Assembly Chamber  
 Perth, 11 June 2002

## **20. Pay-roll Tax Assessment Bill 2001**

The Deputy President reported the receipt of Message No. 102 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.

The Leader of the House tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 1509).

On the motion of Hon Alan Cadby the debate was adjourned to the next sitting.

## **21. Pay-roll Tax Bill 2001**

The Deputy President reported the receipt of Message No. 103 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.

The Leader of the House tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 1510).

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

## **22. Land Tax Assessment Bill 2001**

The Deputy President reported the receipt of Message No. 104 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.

The Leader of the House tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 1511).

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

## **23. Land Tax Bill 2001**

The Deputy President reported the receipt of Message No. 105 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.

The Leader of the House tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 1512).

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

#### **24. Debits Tax Assessment Bill 2001**

The Deputy President reported the receipt of Message No. 106 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.

The Leader of the House tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 1513).

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

#### **25. Debits Tax Bill 2001**

The Deputy President reported the receipt of Message No. 107 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.

The Leader of the House tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 1514).

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

#### **26. Appropriation (Consolidated Fund) Bill (No. 1) 2002**

The Deputy President reported the receipt of Message No. 112 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.

#### **27. Appropriation (Consolidated Fund) Bill (No. 2) 2002**

The Deputy President reported the receipt of Message No. 113 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.

## **28. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.35pm until Thursday, June 19 2002 at 10.00am.

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

Attendance: Present all Members except Hon Derrick Tomlinson.

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

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