

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 93

WEDNESDAY, JUNE 26 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. Papers

The following Papers were laid on the Table by -

Leader of the House

Leases -

CALM Lease No. 1988/100 - Between Department of Conservation and Land Management and the Mounts Bay Sailing Club for the Clubhouse at Matilda Bay Reserve, Crawley 1540

Minister for Racing and Gaming

Annual Reports - 2000-2001 -

Great Southern College of TAFE (Year Ending 31 December 2001)
(Date Received 25/6/2002) 1541

3. Standing Committee on Uniform Legislation and General Purposes - First Report - Offshore Minerals Bill 2001, Offshore Minerals (Registration Fees) Bill 2001 and Offshore Minerals (Consequential Amendments) Bill 2001

Hon Adele Farina presented the First Report of the Standing Committee on Uniform Legislation and General Purposes in relation to the Offshore Minerals Bill 2001, Offshore Minerals (Registration Fees) Bill 2001 and Offshore Minerals (Consequential Amendments) Bill 2001. (Table paper 1543).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

4. Health (Public Buildings) Amendment Regulations 2002 - Disallowance

Hon Giz Watson: To move on the next day of sitting -

That the *Health (Public Buildings) Amendment Regulations 2002* published in the *Gazette* on June 7 2002 and tabled in the Legislative Council on June 18 2002 under the *Health Act 1911*, be and are hereby disallowed.

5. Statement by President - Presentation of Petition from Mr B G Waller

The President made the following Statement -

I advise Members that Hon Giz Watson presented by delivery to the Clerk, a petition (Table paper 1542) from Mr B G Waller relying on SO 134(e) and which relates to an affidavit tabled in this House by Hon John Fischer during debate on the adjournment on June 18. Under SO 134(f)(iii), I have directed that the petition stand referred to the Standing Committee on Environment and Public Affairs.

6. Town of Cambridge - Parking Local Law, Local Government and Public Property Local Law, Trading in Public Places Local Law, Private Property Local Law and Animals Local Law - Disallowances - Discharge from Notice Paper

Hon Ray Halligan, moved, without notice -

That Order of the Day No. 197, *Town of Cambridge - Parking Local Law, Local Government and Public Property Local Law, Trading in Public Places Local Law, Private Property Local Law and Animals Local Law - Disallowances*, be discharged from the Notice Paper.

Question - put and passed.

7. 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.

8. Clauses 72(1) and 76(1) of the City of Belmont - Health Local Law 2002 - Disallowance - Discharge from Notice Paper

Hon Ray Halligan moved, without notice -

That Order of the Day No. 218, *Clauses 72(1) and 76(1) of the City of Belmont - Health Local Law 2002 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

9. Conservation and Land Management Regulations 2002 - Disallowance - Discharge from Notice Paper

Hon Ray Halligan, moved, without notice -

That Order of the Day No. 217, *Conservation and Land Management Regulations 2002*, be discharged from the Notice Paper.

Debate ensued.

Point of Order

Hon Ray Halligan moved the following Point of Order.

Hon Robin Chapple asked me whether he could quote the letter. I said yes, because the Committee had made it public. I believe now that the Member is unfortunately moving into the deliberations of the Committee, which are not public.

Deputy President's Ruling

The Deputy President ruled as follows -

The Standing Order is clear. If the letter to which Hon Ray Halligan refers has been made public, then Hon Robin Chapple is entitled to quote from that in this House. Clearly any discussion about the deliberations of the Committee would be a breach of the Standing Orders, on the assumption that the deliberations are as has been said. I think Hon Robin Chapple knows the rules, and now that it has been brought to his attention, I am sure he will speak accordingly.

Debate continued.

Question - put.

The House divided.

Ayes (28)

Hon Alan Cadby
Hon George Cash
Hon Kim Chance
Hon Murray Criddle
Hon Bruce Donaldson
Hon Kate Doust
Hon Sue Ellery
Hon Paddy Embry
Hon Adele Farina
Hon John Fischer
Hon Jon Ford
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 Ljiljanna Ravlich
Hon Barbara Scott
Hon Tom Stephens
Hon W N Stretch
Hon Derrick Tomlinson
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Noes (5)

Hon Dee Margetts
Hon Jim Scott
Hon Christine Sharp

Hon Giz Watson
Hon Robin Chapple (*Teller*)

Question thus passed.

10. 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 145.

Debate resumed.

Hon Ray Halligan moved -

Page 166, line 20 - To insert after "49I" -

" , the person must show and provide a copy of his or her authority to the occupier ".

Debate ensued.

Amendment - put and negatived.

Hon Dee Margetts moved -

Page 167, lines 3 and 6 - To delete "intentionally and".

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 167, after line 12 - To insert -

“

- (4) An authorised representative must not intentionally and unduly hinder an employee or employees during their working time.

”.

Debate ensued.

Amendment - put and negatived.

Question - That the Clause, as amended, be agreed to - 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 (16)

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 Derrick Tomlinson
Hon Bruce Donaldson (*Teller*)

Question thus passed.

Clause, as amended, agreed to.

Clauses 146 to 150 agreed to.

Clause 151.

Hon Ray Halligan moved -

Page 170, lines 7 to 12 - To delete the lines.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 170, after line 12 - To insert -

“

- (2) When a person, intending to commit an offence under Section 70, begins to put his intention into execution by doing an act that is more than merely preparatory to the commission of the offence but does not fulfil his intention to such an extent as to commit the offence, he is said to attempt to commit the offence.

”.

Debate ensued.

Amendment - put and negatived.

Clause agreed to.

Question - That Clauses 152 to 161 stand as printed - 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 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*)

Question thus passed.

Clauses agreed to.

Clauses 162 to 165 agreed to.

Clause 166.

Hon Dee Margetts moved -

Page 189, after line 29 - To insert -

“

- (2) The entitlement under subsection (1) includes those hours during which an employee is not actively engaged in work but is nonetheless required to remain at the workplace for a purpose wholly related to the work undertaken by the employee during his or her ordinary hours of employment.

”.

Debate ensued.

Amendment - put and negatived.

Hon Dee Margetts moved -

Page 190, line 8 - To delete "20%" and insert instead -

" 25% ".

Debate ensued.

Amendment - put and negatived.

Clause agreed to.

Clause 167 agreed to.

Clause 168.

Hon Dee Margetts moved -

Page 192, after line 32 - To insert the following subclause -

"

- (2) Any portion of an entitlement under subsection (1) that is not exhausted in 1 year is carried forward and is to be added to the entitlement for the following year and the same provision is to be made for each succeeding year during the currency of the contract of employment of that employee.

".

Debate ensued.

Amendment - put and negatived.

Clause agreed to.

Clause 169 agreed to.

Clause 170.

Hon Dee Margetts moved -

Page 194, lines 8 to 11 - To delete the lines.

Amendment - put and negatived.

Clause agreed to.

Clauses 171 and 172 agreed to.

Clause 173.

Hon Ray Halligan moved -

Page 195, lines 26 to 28 - To delete the lines.

Debate ensued.

Amendment - put and negatived.

Clause agreed to.

Clauses 174 to 176 agreed to.

Clause 177.

The Minister for Racing and Gaming moved -

Page 197, line 20 - To delete "the".

Amendment - put and passed.

The Minister for Racing and Gaming moved -

Page 197, line 20 - To insert after "regulations" -

" made by the Governor ".

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 178 and 179 agreed to.

Clause 180.

Hon Murray Criddle moved -

Page 199, lines 18 to 23 - To delete the lines.

Debate ensued.

Amendment - put and negatived.

Clause agreed to.

Question - That Clauses 181 to 183 stand as printed - 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 (16)

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 Derrick Tomlinson
Hon Bruce Donaldson (*Teller*)

Question thus passed.

Clauses agreed to.

Clause 184.

Debate ensued.

Hon Murray Criddle moved -

Page 208, line 27 to page 209, line 12 - To delete the lines.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 209, lines 13 to 20 - To delete the lines.

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 209, lines 21 to 31 - To delete the lines.

Debate ensued.

Amendment - put and negatived.

Clause agreed to.

Clause 185.

Hon Peter Foss moved -

Page 210, lines 6 to 14 - To delete the lines and insert instead -

“

- (1) Section 20(2) to (6) are repealed and the following subsection is inserted instead —

“

- (2) The offices of the members of the Commission, other than the President are to be regarded, for the purposes of the *Salaries and Allowances Act 1975* and any other written law, as having been prescribed for the purposes of section 6(1)(e) of that Act.

”.

”.

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.

Clause, as amended, agreed to.

Clauses 186 to 189 agreed to.

Clause 190.

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 (16)

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 Derrick Tomlinson
Hon Bruce Donaldson (*Teller*)

Question thus passed.

Clause agreed to.

Question - That Clauses 191 to 194 stand as printed - 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 (16)

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 Derrick Tomlinson
Hon Bruce Donaldson (*Teller*)

Question thus passed.

Clauses agreed to.

New Clause 100.

The Minister for Racing and Gaming moved -

Page 112, after line 12 - To insert the following new Clause -

“

100. Effect of certain provisions preserved

The provisions of section 4H and Part 2 Division 4 of the Act are to be regarded as continuing to have effect after the expiry of the Act as if they had not expired.

”.

New Clause - put and passed.

New Clause 133A.

Hon Dee Margetts moved -

Page 147, after line 18 - To insert the following new clause -

“

133A. New sections 84AA, 84AB inserted

The principal Act is amended by inserting after section 84A the following sections —

“

84AA. Industrial action not to create civil liability

- (1) An organization or person is not civilly liable for any loss, injury, or damage caused or suffered as a consequence of industrial action that was initiated or taken by that organization or person, and it does not matter whether the loss, injury, or damage was suffered by a person or body engaged in the same industrial action or not.
- (2) Subsection (1) does not apply to a civil cause of action that arises from the conviction of an organization or person for an offence committed in the course of industrial action.

84AB. Injunctions etc not available

- (1) No Court or Judge is to issue any writ or order directed to an organization or person requiring that organization or person —
 - (a) to refrain from taking industrial action whether alone or in concert with another organization or person; or
 - (b) to cease industrial action already in progress, either permanently or for a specified time;
 - (c) to limit the type or extent of industrial action either generally or in relation to a specified person or body;
 - (d) not to renew industrial action on the same or related matter without leave of the Court or Judge.

- (2) Subsection (1) does not apply to a writ, order, or other direction that the Court or Judge is authorized to issue or make under an applicable law of the Commonwealth.

”.

”.

Debate ensued.

New Clause - put and negatived.

New Clause 140.

Hon Ray Halligan moved -

Page 155, after line 22 - To insert the following new clause -

“

140. Section 29AB inserted

After Section 29 the following section is inserted —

“

29AB. Unmeritorious or speculative proceedings

- (1) In this section —

“**adviser**” means:

- (a) a person engaged for fee or reward to represent an applicant or a respondent in an unfair dismissal application; or
- (b) a person who is an employee, official or agent of a registered organisation of employees and who represents an applicant or respondent in an unfair dismissal application in that capacity;

“**encourage, in relation to a course of action**”, means the promotion of that course of action as distinct from a failure to dissuade from that course of action;

“**unfair dismissal application**” means an application for relief under section 23A by an employee whose employment has been terminated, on the ground, or on the grounds that include the ground, that the termination was harsh, oppressive or unfair.

- (2)(a) An adviser must not encourage an employee to make or pursue an unfair dismissal application if, on the facts that have been disclosed or that ought reasonably to have been apparent to the adviser, the adviser should have been, or should have become, aware that there was no reasonable prospect of success in respect of the application;
- (b) an adviser must not encourage an employer to continue to oppose an unfair dismissal application if, on the facts that have been disclosed or that ought reasonably to have been apparent to the adviser, the adviser should have been, or should have become, aware that there was no reasonable prospect of the respondent defending the action.

Penalty: \$10 000

- (3)(a) An application may be made to the Industrial Magistrate’s Court for an order in respect of a contravention of section 29AB(2);

- (b) the application may be made by —
 - (i) the applicant in respect of an unfair dismissal application; or
 - (ii) a respondent to such an application; or
 - (iii) the Minister; or
 - (iv) the Registrar; or
 - (v) an organisation of employees or employers that represented a party in proceedings at first instance of the unfair dismissal application;
 - (c) an application under this section for an order in respect of a contravention of section 29AB(2) may only be made after the relevant unfair termination application has been determined, dismissed or discontinued;
 - (d) nothing in this Section implies that, for the purposes of an application under this section, the law relating to legal professional privilege is abrogated, or in any way affected.
- (4) In any proceedings for an order in respect of a contravention of section 29AB(2) in respect of an unfair dismissal application, the Court must not determine that there was no reasonable prospect of success in respect of the application or no reasonable prospect of the respondent defending the action unless it has had regard to the outcome of the application before the Commission.

Debate ensued.

New Clause - put.

The Committee divided.

Ayes (16)

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 Derrick Tomlinson
 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*)

New Clause thus negatived.

Schedule 1.

The Minister for Racing and Gaming moved -

Page 218, line 9 - To delete “for” and insert instead -

“ applicable at a particular time to ”.

Page 218, line 10 - To delete “\$413.40” and insert instead -

“

the rate for the minimum adult weekly award wage for employees who have reached 21 years of age and who are not apprentices or trainees, as provided for in the General Order made under section 51(2) of the *Industrial Relations Act 1979* that is in effect at that time

”.

Page 218, line 13 - To delete “for” and insert instead -

“ applicable at a particular time to ”.

Page 218, line 15 - To delete “as” and insert instead -

“ the percentage, ”.

Page 218, line 16 - To insert after “Table” -

“

of the rate referred to in clause 2 in effect at that time, rounded up to the nearest 10 cents

”.

Page 218, after line 17, in the Table - To delete “**Rate(\$)**” and insert instead -

“ **Percentage of 21 year old rate** ”.

Page 218, after line 17, in the Table - To delete “372.10” and insert instead -

“ 90% ”.

Page 218, after line 17, in the Table - To delete “330.80” and insert instead -

“ 80% ”.

Page 218, after line 17, in the Table - To delete “289.40” and insert instead -

“ 70% ”.

Page 218, after line 17, in the Table - To delete “248.10” and insert instead -

“ 60% ”.

Page 218, after line 17, in the Table - To delete “206.70” and insert instead -

“ 50% ”.

Page 218, after line 17, in the Table - To delete “165.40” and insert instead -

“ 40% ”.

Amendments - put and passed.

Schedule, as amended, agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendments.

The Minister for Racing and Gaming sought leave of the House to move that the Report be adopted at this day's sitting.

Leave denied.

Ordered - That consideration of the Committee's Report be made an Order of the Day for the next sitting.

11. Planning Appeals Amendment Bill 2001

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 11.

The Chairman of Committees left the Chair at 4.47pm

The President resumed the Chair at 5.00pm

12. Questions Without Notice

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

The Leader of the House tabled a report prepared by the Department of Agriculture on Genetic Modification Free Zones in response to a question without notice asked by Hon Dee Margetts. (Tabled paper 1544).

The Parliamentary Secretary to the Minister for Health tabled a list of non-Government organisations requiring funding, via contract, direct funding or other means, for providing services for drug rehabilitation and related purposes in response to a question without notice asked by Hon Simon O'Brien. (Tabled paper 1545).

The Leader of the House tabled a table illustrating trends in the production and use of sawn timber in response to a question without notice asked by Hon Barbara Scott. (Tabled paper 1546).

13. Hon Peter Foss - Personal Explanation - Question without Notice

Hon Peter Foss, by leave, made a personal explanation [SO 85] regarding a question without notice asked of the Minister for Racing and Gaming.

14. Minister for Racing and Gaming - Personal Explanation - Question without Notice

The Minister for Racing and Gaming, by leave, made a personal explanation [SO 85] regarding the response to the question without notice asked by Hon Peter Foss.

15. Planning Appeals Amendment Bill 2001

Pursuant to the Order of the House.

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 Kate Doust in the Chair)

Clause 11.

Debate resumed on the amendment moved by Hon Murray Criddle as follows -

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. |

”.

Amendment - put.

The Committee divided.

Ayes (16)

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 Derrick Tomlinson
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 Murray Criddle moved, That progress be reported and leave asked to sit again.

Question - put.

The Committee divided.

Ayes (16)

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 Derrick Tomlinson
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 Ljiljana Ravlich
Hon Jim Scott
Hon Christine Sharp
Hon Tom Stephens
Hon Ken Travers
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Question thus negatived.

Hon Jim Scott moved -

Page 19, after line 22 - To insert -

“

- (4) An order purporting to be made under this section is a nullity unless it is made on grounds —
 - (a) that were submitted or relied on by a party;
 - (b) adopted by the Tribunal by reference to evidence, documents or other information disclosed to each party;
 - (c) described in both paragraphs (a) and (b).

”.

Debate ensued.

Hon Derrick Tomlinson moved -

That further consideration of the amendment be postponed until after consideration of all amendments to Clause 11.

Question - put and passed.

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

Page 19, lines 27 and 28 - To delete “except to the extent that it adopts those rules”.

Debate ensued.

Amendment - put and passed.

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.

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.

16. Order of Business

Ordered - That Order of the Day No. 200, *Stamp Amendment (Budget) Bill 2002* be taken before Order of the Day No. 140, *Criminal Investigation (Exceptional Powers) and Fortification Removal Bill 2001*. (Leader of the House).

17. Stamp Amendment (Budget) 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.

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.

18. Totalisator Agency Board Betting (Modification of Operation) 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 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.

19. Betting Legislation Amendment Bill 2001

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.

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.

20. Treasurer's Advance Authorisation 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.

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.

21. Gene Technology Amendment Bill 2001

The President reported the receipt of Message No. 117 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House moved, without notice -

That pursuant to SO 230A(3), the *Gene Technology Amendment Bill 2001* be referred to the Standing Committee on Environment and Public Affairs.

Question - put and passed.

Ordered - That the second reading of the Bill be made an Order of the Day for the next sitting.

22. Hospitals and Health Services Amendment Bill 2002

The President reported the receipt of Message No. 119 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Minister for Health moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary to the Minister for Health 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.

23. Gene Technology Bill 2001

The President reported the receipt of Message No. 120 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House moved, without notice -

That pursuant to SO 230A(3), the *Gene Technology Bill 2001* be referred to the Standing Committee on Environment and Public Affairs.

Question - put and passed.

Ordered - That the second reading of the Bill be made an Order of the Day for the next sitting.

24. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 11.12pm until Thursday, June 27 2002 at 10.00am.

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