

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 91

THURSDAY, JUNE 20 2002

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

2. Petition

Hon Barry House presented a petition from 92 residents of Western Australia opposing Western Power Corporation's proposed alignment of a 132KV Transmission Line between Waterloo and Busselton. (Table paper 1527).

3. Papers

The following Papers were laid on the Table by -

Leader of the House

Management Plans -

Fish Resources Management Act 1994 (Kimberley Prawn Fishery Management Plan
Amendment 2002 G.G. 11/06/02 & West Coast Purse Seine Fishery Management Plan
Amendment 2002 G.G. 14/06/02)..... 1515

Regulations -

Aerial Spraying Control Act 1966 (Aerial Spraying Control Amendment Regulations 2002
G.G. 11/06/02)..... 1516

Minister for Housing and Works

Local Laws -

Local Government Act 1995 (City of Stirling - Local Law Relating to the Prevention and
Abatement of Dust and Liquid Waste G.G. 11/06/02) 1517

Regulations -

Environmental Protection Act 1986 (Environmental Protection (Rural Landfill) Regulations 2002
G.G. 14/06/02 & Environmental Protection Amendment Regulations 2002 G.G. 14/06/02) 1518

Water Agencies (Powers) Act 1984 (Rights in Water and Irrigation Amendment Regulations
2002 G.G. 14/06/02)..... 1519

Parliamentary Secretary to the Minister for State Development

By-laws -

Evaporites (Lake Macleod) Agreement Act 1967 (Evaporites (Lake Macleod) (Cape Cuvier Berth) Amendment By-laws 2001 G.G. 14/06/02).....	1520
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Parliamentary Secretary to the Minister for Health

Local Laws -

Health Act 1911 (City of Wanneroo Health Amendment Local Law 2002 G.G. 11/06/02).....	1521
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Statutes -

Curtin University of Technology Act 1966 (Statute No. 25 - Convocation of Curtin University of Technology, Alumni Advisory Board G.G. 11/06/02).....	1522
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Ministerial Approvals -

East Perth Redevelopment Act 1991 - Northbridge Survey Plans	1503
East Perth Redevelopment Act 1991 - Subdivision application 00/02 - Survey plans 31661-31666 and 31954.....	1504

Regulations -

Jetties Act 1926 (Jetties Amendment Regulations 2002 G.G. 14/06/02 & Jetties Amendment Regulations (No. 2) 2002 G.G. 14/06/02)	1523
Marine Navigational Aids Act 1973 (Marine Navigational Aids Amendment Regulations 2002 G.G. 14/06/02)	1524
Shipping and Pilotage Act 1967 (Mooring Amendment Regulations 2002 G.G. 14/06/02, Ports and Harbours Amendment Regulations 2002 G.G. 14/06/02 & Navigable Waters Amendment Regulations (No. 2) 2002 G.G. 14/06/02)	1525
Western Australian Marine Act 1982 (W.A. Marine Amendment Regulations 2002 G.G. 14/06/02)	1526

4. City of Armadale - Environment, Animals and Nuisance Local Laws 2002 - Disallowance - Discharge from Notice Paper

Hon Ray Halligan, moved, without notice -

That Order of the Day No. 186, *City of Armadale - Environment, Animals and Nuisance Local Laws 2002 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

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.

On the motion of Hon Bruce Donaldson the debate was adjourned to a later stage of this day's sitting.

6. 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 Barry House in the Chair)

Clause 132.

Debate resumed.

Hon Ray Halligan moved -

Page 138, line 5 - To insert after "bargaining" -

“

excluding commercially sensitive information unless agreed to by
the negotiating parties

”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negated.

Hon Ray Halligan moved -

Page 138, lines 10 to 13 - To delete the lines.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (13)

Hon Alan Cadby
Hon George Cash
Hon Murray Criddle
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 (14)

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 Tom Stephens
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Hon Dee Margetts moved -

Page 138, after line 17 - To insert -

“

- (i) refraining from offering employees options that would supersede or negate the provisions or intent of the proposed industrial agreement.

”.

Debate ensued.

Amendment - put and negatived.

Debate ensued.

The Minister for Racing and Gaming moved -

Page 139, line 29 - To insert after “code ” -

“ or any revocation of a code”.

Amendment - put and passed.

Debate ensued.

Hon Ray Halligan moved -

Page 139, line 15 to page 140, line 3 - To delete the lines.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 140, line 11 - To delete “**and arbitration**”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (13)

Hon Alan Cadby
Hon George Cash
Hon Murray Criddle
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 (14)

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 Tom Stephens
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Hon Ray Halligan moved -

Page 140, line 13 - To delete "may exercise its powers" and insert instead -

" may only exercise its conciliation powers ".

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (13)

Hon Alan Cadby
Hon George Cash
Hon Murray Criddle
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 (14)

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 Tom Stephens
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Hon Ray Halligan moved -

Page 140, line 23 - To insert after “thing” -

“ related to the obligation in section 42B(1) to bargain in good faith ”.

Debate ensued.

Want of Quorum

There not being a quorum present, the Chairman of Committees gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negatived.

Hon Ray Halligan moved -

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.

The Minister for Racing and Gaming moved -

That further consideration of Clause 132 Section 42G be postponed until after consideration of Clause 140.

Question - put and passed.

Hon Ray Halligan moved -

Page 142, line 2 - To insert after “party” -

“ and after providing the parties a reasonable opportunity to be heard ”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negatived.

Hon Ray Halligan moved -

Page 142, line 5 - To insert after "faith" -

" and not engaged in industrial action and the claim is not unreasonable ".

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negatived.

Hon Ray Halligan moved -

Page 142, line 13 - To insert after “(1)” -

“ except on the ground that there has been an error of law ”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negated.

Hon Ray Halligan moved -

Page 142, line 24 - To insert after “(2)” -

“ and after providing the parties a reasonable opportunity to be heard ”.

Debate ensued.

Amendment - put and negated.

Hon Ray Halligan moved -

Page 143, lines 3 and 4 - To delete “and reasonable” and insert instead -

“ , reasonable and in the public interest ”.

Want of Quorum

There not being a quorum present, the Chairman of Committees gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Amendment - put and negated.

Hon Ray Halligan moved -

Page 144, after line 2 - To insert -

“

- (5) To avoid doubt, the provisions of section 26 apply and the Commission must also apply any principles established under section 51.

- (6) A matter may not be included in an enterprise order if it could not reasonably have been expected to be agreed between the parties.
- (7) To avoid doubt, an appeal lies under section 49 against an enterprise order.
- (8) Other than in the exercise of its power of conciliation, an application under this section for an enterprise order must be heard and determined by a Commission in Court Session.
- (9) The Commission shall not make an enterprise order under this section if the Commission is of the view that the applicant for that order failed to bargain in good faith as required under section 42B.

”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negatived.

Hon Ray Halligan moved -

Page 145, after line 20 - To insert -

“

- (7) To avoid doubt, an enterprise order does not affect an employer-employee agreement.

”.

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 146, lines 16 to 21 - To delete the lines and insert instead -

“ After its expiry date the enterprise order ceases to have any effect. ”.

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 146, after line 28 - To insert -

- “
- (c) in any other case, immediately a party who has initiated a bargaining period under section 42(1) against an intended party, initiates a bargaining period against the same or substantially the same party under Division 8 of the *Workplace Relations Act 1996* (*Commonwealth*).

”.

7. Questions Without Notice

Questions without notice were asked by Hon Peter Foss, Hon Christine Sharp, Hon Frank Hough, Hon Jim Scott, Hon Giz Watson, Hon George Cash, Hon Dee Margetts, Hon Barbara Scott, Hon Norman Moore and Hon Robin Chapple.

The Leader of the House tabled a list of people and organisations who have received a copy of a Forest Products Commission document titled ‘Development of the 2002 Forest Management Plan’ in response to a question without notice asked by Hon Christine Sharp. (Tabled paper 1528).

8. Message from His Excellency the Governor - Assent to Bill

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

June 19 2002 - Message No. 5

Act No.

Machinery of Government (Planning and Infrastructure) Amendment Bill 2002

7 of 2002

9. Labour Relations Reform Bill 2002

The President left the Chair.

In Committee

(Hon Simon O’Brien in the Chair)

Clause 132.

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

Page 146, after line 28 - To insert -

- “
- (c) in any other case, immediately a party who has initiated a bargaining period under section 42(1) against an intended party, initiates a bargaining period against the same or substantially the same party under Division 8 of the *Workplace Relations Act 1996* (*Commonwealth*).

”.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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 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 146, after line 28 - To insert -

“

42M. Threats and Intimidation

A person must not by threat or intimidation persuade or attempt to persuade another person into, or not to enter into -

- (a) an industrial agreement; or
- (b) an industrial agreement that contains or does not contain particular provisions.

Penalty: \$20 000.

42N. Misinformation

A person must not make or give to another person any misleading statement or information with intent to persuade that other person to enter into, or not enter into -

- (a) an industrial agreement; or
- (b) an industrial agreement that contains or does not contain particular provisions.

Penalty: \$20 000.

”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negatived.

Clauses 133 and 134 agreed to.

Clause 135.

Hon Ray Halligan moved -

Page 147, after line 26 - To insert -

“

(a) insert after the word “person” the following —

“ (excluding corporations) ”;

”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negatived.

Clause agreed to.

Clause 136.

Debate ensued.

Question - put.

The Committee divided.

Ayes (15)

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

Noes (14)

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 Bruce Donaldson (*Teller*)

Question thus passed.

Clause agreed to.

Clause 137.

Hon Dee Margetts moved -

Page 149, after line 25 - To insert the following subsection -

“

- (1a) For the purposes of subsection (1), there is a presumption that dismissal of an employee who engaged in industrial action, whether or not the industrial action was taken against, or affected, the employer is harsh, oppressive or unfair unless the employer demonstrates that dismissal was for a reason unconnected with the employee's participation in industrial action or, if connected, was reasonable in the circumstances.

”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (4)

Hon Dee Margetts
Hon Jim Scott

Hon Giz Watson
Hon Robin Chapple (*Teller*)

Noes (25)

Hon Alan Cadby
Hon George Cash
Hon Kim Chance
Hon Murray Criddle
Hon Bruce Donaldson
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon John Fischer
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 Ken Travers
Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Debate continued.

Hon Ray Halligan moved -

Page 149, line 28 to page 150, line 4 - To delete the lines and insert instead -

“

not consider an application from an employee who has been employed for a period of probation of less than 3 months or for such other period of probation agreed between the employer and employee in writing or otherwise.

”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negatived.

Hon Ray Halligan moved -

Page 150, lines 10 to 15 - To delete the lines.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negatived.

Hon George Cash moved -

Page 150, after line 29 - To insert -

“

- (7) An interim order under subsection (6) may only be made if the applicant satisfies the Commission there is an arguable case and the balance of convenience favours the granting of the interim order and an undertaking as to costs is given by the applicant.

”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negatived.

Hon Ray Halligan moved -

Page 151, after line 6 - To insert -

“

(b) any amount paid to the employee by, or for, the employer on the dismissal;

”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negatived.

Debate continued.

Hon Ray Halligan moved -

Page 151, line 14 - To insert after "under" -

" subsection (5) and "

Debate ensued.

Amendment - put and negatived.

Hon Dee Margetts moved -

Page 151, line 15 - To delete "6" and insert instead "12".

Debate ensued.

Amendment - put and negatived.

Hon Dee Margetts moved -

Page 151, lines 20 to 23 - To delete the lines.

Debate ensued.

Amendment - put and negatived.

Debate continued.

Hon Ray Halligan moved -

Page 152, line 1 to page 153, line 9 - To delete the lines.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negatived.

Question - That Clause 137 stand as printed - put.

Debate ensued.

Question - put.

The Committee divided.

Ayes (15)

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

Noes (14)

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 Bruce Donaldson (*Teller*)

Question thus passed.

Clause agreed to.

Clause 138.

Hon Murray Criddle moved -

Page 153, lines 21 to 24 - To delete the lines.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negated.

Clause agreed to.

Clause 139.

Debate ensued.

Hon Ray Halligan moved -

Page 155, after line 3 - To insert -

“

- (5) A claim for harsh, oppressive or unfair dismissal cannot be made through section 44.
- (6) The Commission must not determine a claim of harsh, oppressive or unfair dismissal if the employee's employment was subject to an Award, Order, Certified Agreement of Australian Workplace Agreement made under the *Workplace Relations Act 1996 (Cwth)*.
- (7) The Commission must not determine a claim of harsh, oppressive, or unfair dismissal based on the ground of an inadequate redundancy or notice payment.

”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

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 Bruce Donaldson (*Teller*)

Noes (15)

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

Amendment thus negatived.

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 Deputy 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.

10. Totalisator Agency Board Betting (Modification of Operation) Amendment Bill 2002

The Deputy President reported the receipt of Message No. 101 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.

11. Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Bill 2002

The Deputy President reported the receipt of Message No. 109 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for State Development moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for State Development moved, That the Bill be now read a second time.

The Parliamentary Secretary representing the Minister for State Development tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 1529).

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

12. National Crime Authority (State Provisions) Amendment Bill 2002

The President reported the receipt of Message No. 110 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.

13. Royal Commission (Police) Bill 2002

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 115

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Royal Commission (Police) Bill 2002*.

Dianne Guise

Deputy Speaker

Legislative Assembly Chamber

Perth, 20 June 2002

14. Conservation and Land Management Amendment Bill 2002

The President reported the receipt of Message No. 111 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Housing and Works moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Housing and Works, sought leave to have the second reading speech incorporated into *Hansard*.

Leave denied.

The Minister for Housing and Works 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.

15. Occupational Safety and Health Amendment Bill 2002

The President reported the receipt of Message No. 114 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.

16. Adjournment

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

Debate ensued.

17. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, June 25 2002 at 2.00pm and that the House meets for the dispatch of business on Wednesday, June 26 2002 at 11.00am and on Thursday, June 27 2002 at 10.00am and that the House continue to sit until 11.00pm on each day.

Question - put and passed.

18. Adjournment

Debate resumed on motion of the Leader of the House (cf item 16 above).

Question - That the House do now adjourn - put and passed.

The House adjourned at 11.58pm until Tuesday, June 25 2002 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford and Hon Derrick Tomlinson.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council