

LABOUR RELATIONS REFORM BILL 2002

Standing Orders Suspension

MR KOBELKE (Nollamara - Minister for Consumer and Employment Protection) [1.41 pm]: I seek leave to move notice of motion No 2 in an amended form

Leave granted.

Mr KOBELKE: I move -

That so much of the standing orders be suspended as is necessary to allow clause 4 and part 6 of the Labour Relations Reform Bill 2002 to be reconsidered in detail and for postponed clauses 97, 103 and 104 to be considered after the order of the day for the Bill is read and before the further consideration in detail is resumed.

This will mean that clause 4 and part 6 of the Bill, to which the Opposition wishes to return, will be dealt with before the House moves to other matters. The member for Kingsley has rightly pointed out that clauses 97, 103 and 104 have been postponed, and that I need to answer questions on matters relating to those clauses. If we do not deal with those clauses early in the debate, the sessional order might come into play before I have the opportunity, through the normal process, to answer the member for Kingsley's questions. Therefore, the variation to standing orders will allow those parts of the Bill to be brought on for debate earlier in the process.

Question put and passed.

Time Management

MR KOBELKE (Nollamara - Minister for Consumer and Employment Protection) [1.42 pm]: I move, without notice -

That the following item of business be completed up to and including the stage specified at 3.00 pm on Thursday, 28 March 2002 -

Labour Relations Reform Bill 2002	All remaining stages
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This is in fulfilment of the matter relating to the sessional order, on which there has been some considerable debate. I will not add to that debate.

Question put and passed.

Consideration in Detail

Resumed from 26 March.

Debate was adjourned after part 7, as amended, had been agreed to.

Clause 4: Part VID inserted -

Mr KOBELKE: I move -

Page 3, line 12 - To delete "and" and substitute a comma.

This will fix a typographical error.

Amendment put and passed.

Mr KOBELKE: I move -

Page 3, line 13 - To insert after "Subdivision 1" the following -
and sections 97YA(1)(a) and 97YB(2)(a)

This is a consequential amendment that has been included in several places. The result will be to include "industrial agreement" in the definition of "award". This relates to the issue of not excluding employer-employee agreements. It has been adjusted in a number of places to maintain consistency with that point of principle.

Amendment put and passed.

Mrs EDWARDES: I move -

Page 13, lines 28 to 30 - To delete the lines.

This will remove the requirement for an independent witness to witness the signature of the independent adult acting for the person under the age of 18 years.

Mr KOBELKE: We have already debated this. The proposed subsection has been included to provide extra security for people under the age of 18 years. It is not a particularly burdensome provision. It simply means that

people under the age of 18 years must discuss their agreement with a range of adults who are able to offer an opinion. That will be proved by those adults countersigning the agreement. We wish to retain the proposed subsection.

Amendment put and negatived.

Mr KOBELKE: I move -

- Page 34, line 6 - To delete “for public information.” and substitute the following -
- and -
- (a) in a newspaper circulating throughout the State; or
 - (b) on an internet website maintained by the Commission.

This will correct an oversight in the drafting. The Bill restricts the Western Australian Industrial Relations Commission to one method of publication for its guidelines and principles. We are now able to provide information through, for example, the Internet and the circulation of newspapers. This amendment will broaden the scope in which the information can be distributed, so that rather than simply require matters to appear in the *Industrial Gazette*, it will allow the delivery of information by other more effective means using modern communications technology.

Amendment put and passed.

Mr KOBELKE: I move -

- Page 36, line 12 - To delete “and address”.

This was one of a number of good points referred to by the member for Kingsley to which the Government is happy to accede. Formerly, there was the potential for a person to acquire the address of a senior public servant who had entered an employer-employee agreement. That information would have been made available on the public record because a clause in public sector EEAs requires that information to be publicly available. We do not intend a senior public servant’s address to be publicly available because it could lead to some inconvenience or even worse. By deleting the word “address”, the name but not the residential or personal address of a public servant who is party to an EEA would still be publicly available.

Amendment put and passed.

Mr KOBELKE: I move -

- Page 36, after line 17 - To insert the following -
- (c) the address of the employee under an EEA.

- Page 36, line 18 - To insert after “(1)” the following -
- (a) and (b)

- Page 60, line 13 - To insert before “The” the following -

Subject to any restriction on inspection imposed by the regulations,

The intent of these amendments relates to EEAs and people with mental disabilities. We have gone to some lengths to protect people with mental disabilities who are employed under EEAs. Some concerns have been raised that people who have utilised this clause might be stigmatised or access to their name and/or address could be used improperly. Where there is any suggestion of abuse of that form, we are providing regulations that would restrict the inspection of records relating to those people.

Amendments put and passed.

Clause, as amended, put and a division taken with the following result -

Ayes (25)

Mr Andrews	Mr Hill	Ms McHale	Mr Templeman
Mr Bowler	Mr Kobelke	Mr McRae	Mr Watson
Mr Brown	Mr Kucera	Mr Marlborough	Mr Whitely
Mr Carpenter	Mr Logan	Mrs Martin	Ms Quirk (<i>Teller</i>)
Mr Dean	Ms MacTiernan	Mr Murray	
Mr D'Orazio	Mr McGinty	Mr Quigley	
Dr Edwards	Mr McGowan	Mr Ripper	

Noes (14)

Mr Ainsworth	Mr Grylls	Mr Masters	Ms Sue Walker
Mr Board	Ms Hodson-Thomas	Mr Barron-Sullivan	Mr McNee (<i>Teller</i>)
Mr Day	Mr House	Mr Sweetman	
Mrs Edwardes	Mr Johnson	Mr Waldron	

Clause, as amended, thus passed.

Debate interrupted, pursuant to standing orders.

[Continued on page 9048.]