

**ADJOURNMENT OF THE HOUSE**

**HON KIM CHANCE (Agricultural - Leader of the House)** [10.01 pm]: I move -

That the house do now adjourn.

*Australian Workplace Agreements - Adjournment Debate*

**HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition)** [10.01 pm]: I will say a few words tonight about Australian workplace agreements. I appeal to the Labor Party to tell us what it is going to do with Australian workplace agreements because I, like most people who take an interest in this matter, am completely confused. If we go back into the history of this matter in recent times, the federal coalition government created Australian workplace agreements before the WorkChoices legislation was introduced. They were a follow on from the state workplace agreements we had in Western Australia, which were abolished by this government in 2001. We then found that Mr Beazley, the then federal leader of the Labor Party, said that WorkChoices was going lock, stock and barrel - the whole thing was going to be thrown out the door. That particular point of view has been consistently argued by his successor, Mr Rudd, and, indeed, in a more strident way by the opposition spokesperson on industrial relations, Julia Gillard. I understand that at the Labor Party's federal conference, the decision was taken to support the views of Julia Gillard that Australian workplace agreements would go along with WorkChoices legislation. It seems pretty clear to me that what we will get in Western Australia and Australia generally - if, in the unlikely event, the Labor Party wins federally - is a new industrial relations system that will be based on collective bargaining and the reintroduction of the influence of unions in determining the working conditions of individual employees in Australia. However, we read in *The West Australian* only yesterday that Mr Carpenter, the Premier, has expressed some concern about what impact the eradication of AWAs would have on the resource sector in Western Australia. The government does not always agree with what is written in *The West Australian*, so I waited until the Chamber of Minerals and Energy of Western Australia lunch yesterday to listen to the Premier speak about this matter. He again indicated to the resource sector that he had some concern about the eradication of AWAs on the resource sector, even though he did not indicate his alternative. He talked in the sort of language that he is wont to these days: if we sit around and talk about it, we might be able to convince the Labor Party at the federal level into going down a particular path. Then today, the state Minister for Employment Protection, Michelle Roberts, said that as far as she is concerned, Australian workplace agreements are on their way out and that she has a view different from that of the Premier.

There is a simple solution to this. If the Premier is right, and his Labor colleagues agree with him, that workplace agreements in the resource sector are desirable and should remain, then in the event of a federal Labor government, the solution lies in the hands of the state government; that is, it needs to bring in legislation to provide for state workplace agreements. The Leader of the Opposition yesterday put forward a proposition to the government that if the Premier is concerned about what Mr Rudd might do, given a chance, then the solution is in the Premier's hands; namely, reintroduce the state workplace agreements that were in place when the present government came into office in 2001. The Premier made some garbled response to that proposition. Therefore, today I asked the Leader of the Opposition representing the Premier a question without notice of which some notice had been given, so that the Premier would have a chance to contemplate the question. I asked whether, in view of the concern the Premier had expressed about the Labor Party's position on Australian workplace agreements, he would bring in some state workplace agreements legislation to cover the concerns he had expressed. In the answer to that question, I was told that the Premier refers me to his well-publicised comments on this issue yesterday. The Premier's well-publicised comments have left everybody that I know of in complete confusion. Nobody knows what is going on. That confusion was added to by the report on tonight's news in which Michelle Roberts took a view different from that of the Premier.

I could be cynical and say that the point of view expressed by the Premier yesterday, when he indicated some support for the resource sector, was predicated upon the fact that he was making a speech at lunchtime to the Chamber of Minerals and Energy. His audience, made up of all those people in the mining industry who want Australian workplace agreements, would want him to say something that they would like to hear. That is what he did, even though the applause was muted and marginal. They are still trying to work out what he meant, but have taken some comfort from the fact that he has expressed the view that the removal of workplace agreements in the resource sector could be detrimental to that sector.

I am becoming increasingly irritated by the complete and utter furphies that are being spread around by organisations such as the Australian Education Union, which runs the most outrageous advertisements about workplace agreements and WorkChoices, and the most outrageous arguments about the federal funding of schools.

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I will not get into the federalism argument right now, but it needs to take place, after today's answer from the Leader of the House about feral dogs, in which he said that Western Australia had spent \$11 million and the federal government had not spent anything. It is the state government's responsibility, and it should accept that responsibility instead of saying that it is somebody else's fault, as the Leader of the House is wont to do. That is the way this government is operating.

**Hon Kim Chance:** Did I say it wasn't the state's responsibility?

**Hon NORMAN MOORE:** No, the Leader of the House did not, but he is blaming the federal government for not spending any money. The Leader of the House should read his answer.

**Hon Kim Chance:** The claim was that the federal government had put up \$100 000 and we had not matched it.

**Hon NORMAN MOORE:** I do not care what the federal government did. In my opinion, it is none of its business; it is the business of the state government.

**Hon Kim Chance:** You are misrepresenting what I said; you have misled the house, Mr Leader of the Opposition.

**Hon NORMAN MOORE:** The Leader of the House should get up and take some action if he wants to. The Premier has absolutely and totally misled the mining industry.

**Hon Kim Chance:** That's your view.

**Hon NORMAN MOORE:** I know it is.

**The DEPUTY PRESIDENT (Hon Ken Travers):** Order! Members should steer clear of accusing other members of misleading the house, unless they wish to do so by way of a substantive motion. That goes for both members who were speaking or interjecting.

**Hon NORMAN MOORE:** The Leader of the House said that the state government had spent \$11 million and the federal government had not spent anything, or words to that effect. I said that it was his responsibility, and he agreed. As far as I am concerned, the state government should take responsibility, and the federal government should get out of it and do the things it is supposed to do, such as defending the country. Let us get back to some commonsense in terms of federalism. If the state governments consistently blame the federal government for their own shortcomings, there will be a breakdown in the federal system, and the federal government will intervene in state issues because it feels that it has to because of the incompetence of state governments.

I do not have anything more to say than this. Hon Sally Talbot answered a question today on behalf of the Minister for the Environment. It was a question asked by one of my colleagues about lead levels in Esperance. The answer was that an answer could not be given because a parliamentary inquiry is going on. That is not an acceptable answer. This is a house of Parliament and the government is obliged to answer questions irrespective of whether an inquiry is going on. It is not sub judice, if the government wants to try that argument, and it is not an issue involving the private deliberations of a committee of the other house. The committee has held public inquiries. All the evidence that has been given is public and, to my knowledge, there has not been any deliberation of that committee that would prevent anybody from answering questions pertaining to that issue in this house. It is just another way in which this government is seeking to avoid answering questions.

**Hon Sally Talbot:** They are still hearing evidence.

**Hon NORMAN MOORE:** I do not care. That does not preclude this house from asking questions. Is the parliamentary secretary saying that because the Assembly is having an inquiry, we cannot ask any questions about the issue it is investigating? Come off the grass! The parliamentary secretary should get her facts right and understand how Parliament works. When the parliamentary secretary is asked a question and she does not answer it properly, she should be held accountable for her answer. To give the answer she gave to that question is simply not acceptable. It is almost like some of the other furbies that are trotted out from time to time when government ministers and parliamentary secretaries refuse to answer questions, such as "commercial confidentiality", which pops up every five minutes.

**Hon Kim Chance:** What?

**Hon NORMAN MOORE:** Every time members opposite do not want to answer a question, it is commercially confidential.

**Hon Kim Chance:** When did you last hear that?

**Hon NORMAN MOORE:** About every second day.

**Hon Kim Chance:** We used to get it from you every day.

**Hon NORMAN MOORE:** In conclusion, I say to the Labor Party in respect of the first issue that I raised: would it please tell the community of Western Australia, particularly the resource sector, which is so significant

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in the state's economic growth and boom times, what it will do about its workplace circumstances so that the sector knows what it must do in future to maintain the prosperity that is keeping this government alive?

*Child Abuse - Adjournment Debate*

**HON ROBYN MCSWEENEY (South West)** [10.12 pm]: Today I asked a question about a 16-month sentence given to Jason David Ogier, who admitted burning his three-year-old boy with a cigarette lighter, pulling off a fingernail with pliers, rubbing chilli powder on his back until it blistered, kicking him with steel-cap boots and slapping his head repeatedly. Sixteen months in jail for a crime like that is not enough. Are we saying that a person can do this to a three-year-old and get away with a 16-month sentence? His wife was given a six-month suspended sentence for assaulting and neglecting the little fellow, leaving him physically scarred, malnourished and developmentally retarded. I went on Sky Channel, which introduced this as the worst case of child abuse in Western Australia that the channel's representatives had heard of. They went on to say that he got only a 16-month sentence. I could not defend that.

The mother admitted failing to protect the little fellow by denying him food, letting him get seriously sunburnt, leaving him unsupervised near a swimming pool causing him to nearly drown and failing to seek medical assistance when required. The father and mother also pleaded guilty to breaching a 12-month community-based order imposed just a month earlier for assaulting another son. That little fellow was aged 11. He was almost choked, slapped and punched in the head so hard that his ears bled. This couple has nine children. One wonders what went on in that household with the other children. We know what happened to only two of them.

The police prosecutor, Sergeant Dave Murphy, told the Narrogin Magistrates Court that Mr Ogier had shown no empathy and little remorse and appeared indifferent to the welfare of his children. He quite rightly said that these are despicable acts. The defence lawyer said that Mr Ogier had suffered similar violence from his father. A degenerative hip disease caused him a lot of pain, reducing his tolerance levels and harming his relationship with his family. That should not be seen as an excuse. Just because he was abused as a child does not mean it is okay for him to inflict abuse on his children. So what if he had a hip disease that caused him a lot of pain? There is no pain in the world that should make him lash out like that at a three-year-old. An article in *The West Australian* states -

Magistrate Elizabeth Hamilton described the offences as a "gross breach of trust between a small child and his parents".

I would have gone a lot further than that. A breach of trust? It is a despicable act. It is a horrific act of child abuse. The article continues -

Ms Hamilton said pre-sentence reports showed Mr Ogier had acted the same way as his father had towards him - providing them with everything materially but failing to give them a loving and safe home.

She jailed Mr Ogier for a total of 31 months backdated . . .

That is where the sentence of 16 months' imprisonment comes in. I asked the Attorney General whether he would give an explanation as to why this sentence was such a light one given the horrific circumstances, and whether the Director of Public Prosecutions would appeal the sentence. I was told -

This matter was not handled by the Director of Public Prosecutions and his view was not sought on the question of an appeal against sentence. Please refer your question to the Minister for Police.

Why was I handballed to the Minister for Police and Emergency Services when clearly the matter was heard in the Magistrates Court and magistrates come under the purview of the Attorney General? Tomorrow I guess I will ask the same question of the Minister for Police and Emergency Services. However, I still want to know whether the DPP will appeal the sentence. I do not quite understand why the Attorney General said the matter was not handled by the Director of Public Prosecutions.

If society allows a man to act in this way towards his three-year-old child and to receive a sentence of only 16 months' imprisonment backdated - 31 months all up - we will send a very clear message to the public that people can do what they like to a three-year-old and spend only a little time in jail. That is not good enough. I am hoping that something will be done about this matter and that the DPP will appeal that sentence, because there is no way that we should allow such a light sentence to be given for such a horrific crime. Can members imagine that little fellow being rubbed all over with chilli powder until his back blistered? I find what this man did to be absolutely appalling and it is not good enough for him to be sentenced to only 16 months.

*Helen Creed - WorkChoices - Adjournment Debate*

**HON HELEN MORTON (East Metropolitan)** [10.17 pm]: Today the Minister for Women's Interests made a statement to this house attempting to link the WorkChoices legislation with the reason women are missing out on

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employment opportunities. It is worthwhile mentioning that there is probably no link whatsoever, other than the discussion paper, in the statement made by the minister. I realised that it was not research that the minister was referring to but a discussion paper that was released from the Office of Women's Policy. Until today, that office was headed by Helen Creed. That is the same person who now has the \$200 000 a year job in the Department of the Premier and Cabinet precisely to attack the federal government's WorkChoices legislation. In this case, Helen Creed has not taken any time to move straight out of her Office of Women's Policy job into the new position and provide the minister with a statement, which was obviously quite political in the way it was presented. Appointing Helen Creed to the position is another blatant political appointment paid for by taxpayers' dollars. She was the director of the Office of Women's Interests for about only 10 months and she was a failed preselection nominee for Geoff Gallop's seat of Victoria Park. *The West Australian* points out the problem quite clearly. It makes it clear that the Australian Labor Party has appointed one of its mates to a \$200 000 a year job called the Fair Employment Advocate for WA. *The West Australian* reports that the high-profile unionist Helen Creed is being paid \$200 000 a year to run the state's propaganda unit, which was created to attack the federal government's WorkChoices legislation. As I mentioned, she has not wasted any time getting stuck into that. It is worthwhile mentioning also that since the WorkChoices legislation has been in place, WA's unemployment rate has actually fallen from 3.1 per cent to a record low of 2.7 per cent. Helen Creed was a former national secretary of the Australian Liquor, Hospitality and Miscellaneous Workers' Union and she is a left-wing member of the union. As I said, since last year she has been part of the Office of Women's Policy. This is another example of politicisation. Last year the state government expanded its \$1.2 million community cabinet liaison unit, which senior Labor figures admit was set up to pump out propaganda information. The unit is headed by Sharryn Jackson. Since the ALP won power in 2001, more than 40 appointments have been made to put union identities in a variety of positions in the Labor government.

I support the objection made by Hon Norman Moore. The statement made by the Minister for Women's Interests was only minimal in terms of statement but maximum in terms of political propaganda. The minister should realise that the WorkChoices legislation has been in place for only 12 months. We have had 15 years of economic growth. I will read out to members what Julia Gillard said about the fact that we have had 15 years of economic growth. She stated -

We are in the midst of a resources boom, the 21st Century equivalent of a gold rush.

In that time -

... 96 per cent of the increase was in full-time jobs, a sign that much of the new jobs growth would be long-lasting.

The minister needs to understand that if 96 per cent of the growth has been in full-time positions, this puts paid to her comments that WorkChoices is making women vulnerable.

Another point that is worth making is that this is the same sort of bullying culture that I have heard about in the Labor Party that comes from the ranks of the trade unions and the public sector. Julia Gillard made similar comments on the news on television tonight when she said that businesses would be injured if they continued to back WorkChoices. A state minister has carried those bullying comments into the state Parliament. Helen Creed is a union heavyweight who is moving into the job to try to attack the federal government's WorkChoices legislation. Julia Gillard is on the record as using those same sorts of tactics. This bullying and intimidation is a real problem, and it is carrying on and on.

Another comment I want to make is that the Minister for Women's Interests should take a look in her own back yard. Under the Labor government, women in this state have become increasingly economically disenfranchised. The public sector statistics for the progress of women in senior level positions is dismal. The equity index, which is utilised by the Director of Equal Opportunity in Public Employment, was developed to measure the extent to which women are employed at lower public service classification levels. Ideally, that index should be 100 for each agency; that is, an equal distribution of men and women across all levels. The statewide average equity index in 2006 for the 65 reporting state agencies is only 80. Of the 65 agencies, only 17 reported a score at or above the average of 80, and 16 public sector agencies demonstrate an equity index below 50. The equity index dropped for the first time in 2006, which is a strong indication that across the board the progress of women in management and upper level positions in the public sector is slipping backwards. The minister had the gall to stand in this place and say that WorkChoices is the reason women are finding it more difficult to progress. Women in senior management in the WA public sector have gone backward since 2001. This has absolutely nothing to do with WorkChoices. There has been a downward trend in the percentage of women in senior public sector positions, despite them being better qualified for the jobs than male candidates. The ministers opposite actually manipulated the process to keep women out of those jobs so that they could get their blokey mates into the jobs that women have been determined as being better qualified for.

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Two years ago I attended a seminar on work-life balance in Perth, one year before the WorkChoices legislation was introduced. I remember the discussion about women's financial security. We were told that women are 2.5 times more likely to live in poverty during retirement than men, and that by 2019 women are expected to have only 50 per cent of the superannuation of men. This is because of the nature of women's pattern of earnings, the choices that women make, their careers being interrupted by family commitments, having children, making choices to work part time, making choices for casual work to give them the flexibility that they want and taking jobs closer to home. They make these choices so they can take better care of their family, their children and their elderly parents. Seventy-three per cent of the carers of elderly people are women. These are the choices that women are making and these are the choices that are assisted by WorkChoices.

Finally, the minister made a statement about providing \$15 000 to a study by Curtin University's Women in Social and Economic Research. That research will impact on WorkChoices. That is happening at a time when research into the greater importance of women is falling over. The WA Centre for Research for Women, which is a combined centre across Curtin University, the University of Western Australia and Murdoch University, could not get any commitment from this government for continuous core funding. After 14 years it has now folded. It has folded while the government is prepared to put money into looking at the impact of WorkChoices on women whilst other more important research is not being undertaken.

*Sandakan Memorial Park - Adjournment Debate*

**HON NIGEL HALLETT (South West) [10.27 pm]:** Last week, along with 46 other Australians, I had the privilege to witness the first official Anzac Day observance held at Sandakan Memorial Park. Sandakan is a story that must be told. It was a wartime atrocity that was buried for many decades and has been told only because of the sheer persistence of Mr Ted McLoughlin of Boyup Brook. Ted was a veteran of the 2/15 Regiment and was suffering from malaria when the Australian soldiers were sent to Sandakan. Fortunately for him, he missed the atrocity that occurred. It haunted him for many years and he felt he needed to push for a memorial in remembrance of his mates. Mr McLoughlin fought state and federal governments, the national bodies that represent our armed forces and later the Shire of Boyup Brook to have this memorial built. It was in desperation that he said he would build a memorial on his own farm that finally the Boyup Brook Shire agreed to allow this memorial to be built. The memorial was completed in 1991, 16 years ago. When we contemplate the magnitude of the casualties that Australia suffered in this atrocity, I am told that it amounted to approximately one-quarter of all World War II casualties. I must mention that the Boyup Brook Lions Club gives a great deal of support to this memorial park.

Upon Ted's passing, Ted's son Joe took up the fight, and, along with Mr Ryan Roland, travelled to Sandakan and started annual dedications at the Sandakan War Memorial. This year the Premier of Western Australia, Hon Alan Carpenter; the member for Avon, Mr Max Trenorden; and I joined in the official dedication. I must acknowledge that it was through Mr Trenorden's efforts that the Premier decided to travel to Sandakan, where he discovered firsthand what actually happened in this chapter of history. As the Premier found out, he had a great uncle, Mr Evans, who lost his life on the notorious death march from Sandakan to Ranau.

In July 1942, 1 500 Australian POWs were sent to Sandakan to build an airfield for the Japanese. In 1943, they were joined by another 500 British POWs. In late 1944, conditions began to deteriorate rapidly, and in December the prisoners' rations were cut from five to seven ounces of rice a day. In January 1945, the official rice ration ceased altogether and the POWs received three ounces a day from camp stocks. The Japanese had a policy of no work, no food. At this stage, the tide of the war was starting to change. The Japanese high command had issued orders that no prisoners be allowed to fall into the hands of allied forces. This was the start of the Sandakan death march. On 13 July, 53 POWs were still alive. That day, the fittest 23 were taken away and executed. The remainder were left to die. On the morning of 15 August 1945, the last prisoner alive at the camp was beheaded and five hours later the Emperor of Japan, Hirohito, announced that Japan had surrendered. At that stage, six POWs had survived because they had escaped.

The Anzac Day ceremony at Sandakan was addressed by Mr Datuk Jihar Mahiruddin, Sabah State Assembly Speaker. He said that the Sabah government would continue to commemorate the courage and determination of the allied forces. We must also remember what the wartime occupation meant for the local people of Sabah. Many local men were taken to work on labour projects and died as a result of harsh treatment and conditions. Mr Mahiruddin also praised the bravery of local people, as part of an underground network, in trying to help the prisoners. The punishment if they were caught was death. I had the experience and privilege of walking the last 14 to 15 kilometres of the Sandakan death march into Ranau. I cannot even imagine the conditions of the walk, let alone how the POWs made it, given their bodyweight was down to five or six stone. The camp at Ranau is officially named the Gunner Cleary Memorial, after gunner Albert Cleary, who survived 11 days after being tied to a stake, beaten, starved and left to die because he tried to escape.

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I must congratulate the efforts of the Borneo exhibition and education groups. They consisted of 18 cadets, of whom three were from Western Australia. Seven students were from Western Australian schools, three were Army defence instructors, and 18 were adults, including 86-year-old Dorothy Patterson who, after losing her fiancée, dedicated the major part of her life to helping returned servicemen. It is a part of history that cannot be changed. Many Australians remain in Sabah, particularly in Labuan, in a war cemetery that was created so that they could all be together once again. It is beautifully kept.

As part of the education program, we visited St Anne's school, formerly the site of the Australian Army canteen. The schools run two shifts a day and rely on local support to improve their resources. There were two computers in the school, which were 12 to 15 years old. I sincerely hope the Western Australian government can help to support the school by supplying computers from our vast supplies.

**Hon Peter Collier** interjected.

**Hon NIGEL HALLETT:** Yes. The Borneo Scholarship program needs all the support it can muster. It highlights many issues across many spheres, and the pressure that can be applied was highlighted recently by the example of Wilma Moxham. She finally received her recognition as a war widow in April 2007. The Department of Veterans' Affairs has many question marks over its disgraceful handling of many of the World War II veterans' entitlements. I would describe some of the department's decisions as shameful. I ask members of this Parliament to familiarise themselves with this event and to look at attending and supporting the Borneo group. Borneo was Australia's holocaust. I leave members with a message that was given to us up there -

When you go home  
Tell them of us and say  
For your tomorrow  
We gave our today.

Question put and passed.

*House adjourned at 10.34 pm*

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