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PUBLIC SERVANTS ABSENTING THEMSELVES FROM THEIR WORKPLACE, AND TAXPAYER-FUNDED ADVERTISING

Urgency Motion

THE PRESIDENT (Hon Nick Griffiths): I received the following letter this morning -

Dear Mr President

It is my intention that at today's sitting I will move pursuant to Standing Order 72 that:

The House consider as a matter of urgency the extraordinary actions of the Government in encouraging State public servants to absent themselves from their workplaces and the spending of taxpayers funds on advertising for party political purposes.

Yours sincerely

Ray Halligan, MLC

The member will require the support of four members in order to move the motion.

[At least four members rose in their places.]

HON RAY HALLIGAN (North Metropolitan) [3.36 pm]: I move the motion.

I express the concern of not only members on this side of the chamber but also, I suggest, a great number of people in the community. Unfortunately, we have a government that does not govern for all; it is now looking at the few. It has a very good reason for doing that, and members opposite will have an opportunity to respond later.

Hon Kim Chance: We will see how few on Thursday.

Hon RAY HALLIGAN: It is rent a crowd. It is all well and good for the minister to go down that path. I am sure that he will not take note of what members on this side of the chamber say, but I hope he will take note of other things that have been referred to in the newspaper, and I will refer to those a little later.

We have a government that is going down a very similar path to that taken by a previous Labor government, which believed it had an unfettered right. That created the WA Inc period. We have a government that is flush with money, not of its own doing, and that wants to spend it on things that may maintain its power and its control of the Treasury bench. In fact, it will cause those in need, who require often quite paltry amounts of money by comparison, to go hungry, as the saying goes.

An article in *The West Australian* of Thursday, 23 June states -

Taxpayers will foot the bill for thousands of State public servants to attend next week's political protest against the Howard Government's proposed industrial relations changes.

It is the first time the workers will be paid for taking time off to attend a rally, sparking claims that the State Government is allowing the public service to be used for political purposes.

Of course, the government will be in a position to refute all of this shortly. The article goes on to state -

WA public servants will continue to be paid while they travel to and attend the June 30 rally in Northbridge, as well as other marches and forums throughout the State organised by the Australian Council of Trade Unions.

Hon Shelley Archer: And so they should.

Hon RAY HALLIGAN: It is very interesting that the member should say that. She needs to put that on the record; I expect her to stand later and say it. The article also states -

Based on a conservative estimate of 5000 public service attendees, earning an average \$50,000 a year and taking four hours off work, taxpayers will have to pay about \$500,000 for the protesters' day out.

One may very well ask whether this has been a decision of the public servants themselves. The article goes on to state -

A memo from the Department of Consumer and Employment Protection obtained by *The West Australian* said the decision to continue paying the public servants while they attended the rally was approved by Geoff Gallop and endorsed by Cabinet on Monday.

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So the whole government is involved in this. I have no doubt that the government will say that it has a mandate to do this sort of thing, just because it was elected, but can it explain to the people of Western Australia how that comes about? The article goes on to say -

The Premier also endorsed the display of material opposing the changes at all public departments and agencies.

As my motion states, certain things are done for party political purposes. That cannot be denied, even by this government.

Hon Kim Chance: You have a short memory. Don't you remember the third wave advertising?

Hon RAY HALLIGAN: It has nothing to do with that. The minister can go back to the last century, if he likes, and he will find that nothing changes.

Hon Kim Chance: You just did!

Hon RAY HALLIGAN: No; the minister did. I am talking about this government, this cabinet, these members, and these three ministers. They are the ones who are perpetrating this, and they want to go back in history and say that Napoleon did something; therefore, it is all right for the government to do it. Is this open and accountable government? Is this a government of integrity? I think not! Its members are a bunch of hypocrites. However, it goes well beyond the government; it includes the mates of the government. Another article from *The West Australian*, dated 24 June, quotes UnionsWA secretary Dave Robinson as saying that most public servants would remain in the existing state industrial relations system even if the federal government succeeded in its bid to introduce a single national system. If he is to be believed, there is no need for all these public servants to go to this rally, and certainly no need for them to be paid by taxpayers to do so. The article states -

But Mr Robinson defended his members' right to be paid while they were at the rally, saying they were making a stand for other workers.

That is absolutely marvellous! The government should tell the taxpayers that! Did the minister have the intestinal fortitude to stand up before all of this and tell the people exactly what the government was doing? It is spending plenty on advertising.

Hon Kim Chance: Yes, we made it very clear what we would do.

Hon RAY HALLIGAN: Here we go! The unfettered right! The article continues, quoting Mr Robinson -

"This is an attack on (Premier) Geoff Gallop by the Howard Government. This is an attack on WA and this is an attack on the community of working people."

Everyone is entitled to an opinion, but that does not mean that the government must spend \$500 000 of taxpayers' money to put its point of view across. That is exactly what the government is doing.

Hon Kim Chance: That is what you did when you were in government.

Hon RAY HALLIGAN: The Leader of the House has gone down the path of saying that members of other political persuasions have not been open and accountable, but then he tries to make out that his government is. He should not go down that path.

Hon Kim Chance: What is unaccountable about what we are doing?

Hon RAY HALLIGAN: The Leader of the House is saying that because somebody else did it, it is all right for his government to do it.

Hon Kim Chance: Where is your consistency?

Hon RAY HALLIGAN: The Leader of the House is the one who is not consistent. The article goes on to talk about the Minister for Consumer and Employment Protection, Hon John Kobelke, who does not know which leg he is standing on. He said that he considered the cost to taxpayers to be money well spent. After arguing the case that he does not think that it will cost taxpayers anything, he admitted that it was likely to cost \$500 000. So what is Mr Kobelke trying to do? Is he trying to pull the wool over people's eyes yet again? That is not unusual for that minister or other ministers of this government. They believe their own rhetoric of openness, accountability and integrity, but that is just words. In the editorial in *The West Australian* of Friday, 24 June -

Hon Kim Chance: That will make a great impact! That is high-fidelity stuff!

Hon RAY HALLIGAN: During the campaign for the first election that his party won, the minister did not mind that *The West Australian* was bagging the coalition government all the time. He should respond to the article. The editorial reads -

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The Gallop Government's union slip is showing. Through Geoff Gallop's first term in office and into his second the perception has persisted that his governments have pandered to, or been intimidated by, the union movement.

The Leader of the House should respond to that. The article continues -

That view is reinforced by the Premier's extraordinary approval of attendance by public servants at a union rally next Thursday without having their pay docked. The rally will be a political stunt designed as a protest against the Howard Government's proposed industrial relations changes, which the State Government and the union movement oppose.

In effect, the public servants who attend the rally will be taking industrial action in support of a political agenda.

Hon Kim Chance: It is a bipartisan political agenda.

Hon RAY HALLIGAN: It is the government's political agenda; it is its ideology. The editorial continues -

But the Government has decided that the State's public servants will continue to be paid for the time they take off work to attend the Northbridge rally, as well as other forums and marches organised around WA by the Australian Council of Trade Unions.

Dr Gallop is to speak at the rally. He is also reported to have endorsed the display of material opposing the proposed changes at State departments and agencies.

The effect of the Government's decision is to encourage public servants to abandon their work to take part in a partisan political exercise. It is doubtful that there has been a more brazen attempt to use the public service for party political purposes.

The opposition is not saying that; the editorial is saying it. I am only repeating what is there. The government would not believe the opposition, so I thought it might believe somebody else, but obviously not. The government is caught up with its own rhetoric. If it says something often enough, it will believe it. The editorial continues -

The Premier has every right - indeed, an obligation - to stand up to the Federal Government if he has an honest belief that its proposals will harm the State.

There is no problem with that. He goes to Canberra frequently, and he can express that concern. He can do so through the media, whether it be the newspapers or television. The editorial continues -

But he has no right to politicise the public service as a means of doing so.

That is exactly what he is doing. The editorial continues -

If public servants want to attend the rally or other protests in work time, they should be prepared to have their pay docked as the cost of standing up for their beliefs -

There is nothing wrong with that. No-one is saying that they should not go; that is entirely up to them -

- just as other workers are. They should not get special privileges which serve only to lower their public standing.

That is what this government has done to these public servants. The editorial continues -

Dr Gallop clearly has opted for short-term political expediency in this case in an effort to get as big a crowd as possible at the rally and generate images of mass hostility to the Federal Government's proposals. But his decision is bound to haunt his Government in the longer term.

It will be hard for anyone to take his Government seriously if it decries any future industrial action by workers, particularly public servants, when he has taken a decision that encourages workers to walk off the job. The message he is sending to public servants is that it is legitimate to use work time to pursue political or industrial agendas.

...

Dr Gallop cannot now escape the criticism that the public service has been politicised in this shameful exercise. And any pronouncement he might make on issues of morality in public administration will carry severely diminished authority.

It is not just the opposition saying these things. This is being said by people who work for *The West Australian* - not just the editor, but also journalists. I have no doubt that when this government has taken note of what journalists have said before, particularly when they were decrying the previous coalition government, it thought all was well, but it does not like in when it comes back on the government. I refer to another article in *The West*

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Australian about some of the workers and the time they would have off. The article, in quoting Mr Kobelke, reads as follows -

He also could not guarantee that workers would return after the two-hour rally, that they would actually attend or whether they would be forced to make up the time spent out of their workplace.

The minister is in control of these things, is he not? The article continues -

Although he maintained public services would remain operational, he continued to rally the workers, saying the State Government hoped a big number of them would attend.

We have a situation in which a Labor government is beholden to its union masters. I have no doubt that it is concerned about the next election. Also, it is concerned that Kim Beazley has become a non-event and it is trying to shore up its federal leader at a state level. It is abhorrent, the people of Western Australia do not like it and this government should retract from going down this path.

HON SIMON O'BRIEN (South Metropolitan) [3.51 pm]: I will comment briefly on this matter that Hon Ray Halligan has properly brought to the attention of this house. I shall be brief because I know other members, including Hon Barry House, have matters they want to present.

I paused before I got up because I thought, by some of the interjections coming from the government side, that there may have been just one government member who wanted to stand and say something about this issue.

Hon Jon Ford: We will get there.

Hon SIMON O'BRIEN: Is there any government member who will? There is limited time, and members opposite seem to want to interject. I paused for a minute, as a courtesy, to see if a government member wanted to get up, but nobody did.

It is true that the arrangement for the rally to be held in Northbridge on Thursday, 30 June, is a party political exercise that will be graced by the presence of a number of speakers, including the Premier. One wonders what he will announce there. What good news could he possibly have? Nonetheless, the Premier will be there and we wait with bated breath to see what good news he has to roll out. There is no point in having Dr Gallop speak at the rally unless there is a crowd to cheer him on. In this case it is a rent-a-crowd that will be paid for by the taxpayers of Western Australia.

Hon Anthony Fels: That is a shame.

Hon SIMON O'BRIEN: The member is right; it is a shame.

I tend to disagree a little with the emphasis Hon Ray Halligan put on certain parts of the union movement pulling the government strings. I believe that the union movement, in so far as it is a political movement, and the Australian Labor Party are one and the same, so I am not particularly surprised when I see that happening. I see the ALP as the political wing of the union movement.

Hon Shelley Archer interjected.

Hon Ljiljanna Ravlich: Do not upset him.

Hon SIMON O'BRIEN: Government members should interject one at a time. Hon Shelley Archer has found her voice again. Perhaps she should learn to get up and speak up, rather than sit in her place and squeak.

Hon Shelley Archer: I am saying something.

Hon SIMON O'BRIEN: The member does not have the call. If the member has something to say, she should get up and say it. She should get up and display her ignorance so that everyone can hear, because when the member interjects quite often her remarks are lost in the hurly-burly of the chamber. We want to hear the member's ignorance on display. I suggest she get up in a second.

Hon Kim Chance: She has got under your skin.

Hon Ljiljanna Ravlich: You are wound up.

Hon SIMON O'BRIEN: I am not wound up, Mr President, I am addressing you in very moderate terms and in a moderate volume. I am sorry if Hon Ljiljanna Ravlich is disappointed about that. It is possible to examine these issues without getting over-excited, but it appears that the government members cannot.

What is wrong with this issue is that the Labor government will use its position as a government to provide a rent-a-crowd for the Premier on Thursday. It will do so by the device of saying any public servants in Western Australia who wish to go along and support the rally may do so by absenting themselves from the workplace, without loss of pay and without any other let or hindrance. If that is not using the political position of the Premier for party political purposes, I do not know what it is. It will cost the taxpayers of Western Australia and

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it will affect services. The government has even gone so far as to say that any public servants who want to attend the rally and who feel so strongly about the issues raised that they need to have the rest of the day off, can do that. That is the sort of attitude we have here - let us give everyone the encouragement to absent themselves from the workplace because what we need is a crowd and not people at work serving the people of Western Australia.

It is part of an ongoing campaign that has just started and it will be characterised by claim and counterclaim. Already we can see that on the Labor movement side the claims are completely over the top, have no regard for the truth and seem intended to mould public opinion by scaring people. It is very regrettable that those sorts of tactics, almost bullyboy tactics, are being used against people who may be susceptible to scare campaigns. It is a pity that the merits of this issue cannot be debated honestly. It is a fact that they will not be debated honestly by those who now set out to misinform the public.

I was extremely concerned to see some of the advertisements that are already appearing on television in the name of the Australian Council of Trade Unions. One that particularly concerned me showed a young woman in a home situation with a couple of young children. The scenario it seemed to depict was that of a woman being rung and asked to work extra shifts, with no notice, and she was saying she could not accommodate the request because she had young children to look after and had no alternative arrangements for them to be looked after. It was made clear that she would be sacked if she did not comply. As I understand it, that is not what is proposed by the commonwealth government and neither should it be. If it were being proposed, I would oppose it. In fact, the Workplace Relations Act does, and will continue to provide, protection for people in that and other situations in which they are threatened with termination of employment on the grounds of religion, gender, union membership, pregnancy or family responsibility. It is a lie to promote the ACTU's line in the terms that it is currently doing.

The problem Hon Ray Halligan quite properly raised in this house is that it means the government, by supporting this campaign by telling public servants that they can have half the day or most of the day off if they want to, and by running the state's own advertising campaign at an initial cost of \$220 000, again taxpayers' money, thereby becomes complicit in the lie, scare campaign and misinformation that has already started to appear. I predict we have seen only the light end of it at this stage - we will see a lot more - but the Gallop government will be complicit in that and will be using taxpayers' funds to do so.

Mr President, it is a disgrace. The honourable member is right to raise it in this forum; I am sure it will be referred to again. I shall now resume my seat so that members opposite can have their say, which I will listen to with great interest.

HON JON FORD (Mining and Pastoral - Minister for Fisheries) [4.00 pm]: The government has an obligation to defend the Western Australian people and the Parliament of Western Australia within the federal system. We have been open about this; we have not been secretive about it. Everybody knows our position. We have fought two election battles with a consistent view about the industrial relations system. We have made no secret about our support for the principles driving the rally. The commonwealth government is attempting to reduce wages and conditions by removing the award standing - the safety net for both individual and collective agreements. In our view, that is the base cause behind this industrial relations system.

Hon Ray Halligan: It is not a fact; it is only your view.

Hon JON FORD: The commonwealth government is attempting to remove the unfair dismissal protection. This is what is on the public record. This is what was discussed in the same paper from which the honourable member quoted. It is an attempt to remove unfair dismissal protection for the majority of workers. Very importantly, this is about the future of WA and its ability in this state Parliament to pass laws on industrial relations, and on any other matter, and to protect the laws that have been passed by this Parliament. That is the key argument. As I have said before, the government's position with regard to the proposed changes is no secret. We unashamedly agree with collective bargaining, enterprise bargaining agreements and the rights of unions to negotiate. Of the reported industrial disputes in WA last year, 70 per cent were in the federal jurisdiction, while only about 40 per cent of the work force is employed in that jurisdiction. It is our view that this would be a disaster. If the federal system were to be implemented in WA, it would be an absolute disaster. We have had a number of debates in recent times -

Hon Norman Moore: We had one long debate for eight weeks, which fortunately came to a glorious end.

Hon JON FORD: That is right, we did have a very long debate. The government's position about releasing those employees who wish to attend the rally signals the seriousness with which it views the impacts of the commonwealth's proposals on employment relationships that are well accommodated within this state's jurisdiction. Regarding accountability, I am putting this on the record in this house; it has been put on the record in the other place.

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Hon Ray Halligan: That was not our argument.

Hon JON FORD: Reasonable paid time off work has been approved from midday to 2.00 pm on 30 June 2005 for employees to attend a public rally in Perth and the equivalent for those rallies and meetings taking place in regional Western Australia. The approval includes reasonable travelling time. In relation to the Perth rally, it is anticipated that, for the majority of public sector employees, the paid leave of absence will be in the order of one or two hours - not half a day or all day - taking into account people will attend part of the rally in their lunch hour. This government is of the view that its employees have the right to -

An opposition member interjected.

Hon Norman Moore: I think he ignored you.

Hon JON FORD: I will get to that. This government is of the view that its employees have the right to inform themselves of issues that may affect not only their working lives but also their livelihoods, the ability to collectively express their views, and be able to join with their employer in voicing opposition to the federal government's proposed changes, if they so choose. We are not telling people to do it.

Hon Ray Halligan: You are just encouraging them.

Hon JON FORD: They can do it if they want.

Hon Ray Halligan: You are dangling the carrot.

Hon JON FORD: Existing award and agreement entitlements provide for employee representatives to attend information sessions, discussions and negotiations regarding any change to the terms and conditions of employment. Approval for paid time off work is not a direction to chief executives. On the contrary, the requirement is that reasonable paid time off work should be measured against agency operational needs and the maintenance of services as a prerequisite for approval. If we were doing what those opposite say we are doing, the whole place would be shut down. We are trying to avoid that; we are trying to manage it.

Hon Norman Moore: Do it on Saturday morning.

Hon JON FORD: We did not organise the rally.

Hon Ljiljanna Ravlich: We will probably find Matt Birney marching, I reckon, because he supports it.

Hon JON FORD: That is right; he does support states' rights.

Hon Ljiljanna Ravlich: Hon Norman Moore supports states' rights. Will he be marching?

The PRESIDENT: Order! The Minister for Fisheries has the call.

Hon Ray Halligan: You did not mind handing over the censorship laws.

The PRESIDENT: Order! I think the Minister for Fisheries wants to interject on the interjector.

Hon JON FORD: I have only ever interjected two or three times in this Parliament. The first time I did it, Hon George Cash was in the chair and he told me I was not allowed to interject from somebody else's seat, so I have not been game since.

The advice to agencies ensures absences are planned, given that a proportion of employees will be intending to attend the rally, be it an approved absence or otherwise. With regard to paid time off, I have a letter. I am sure all opposition members have a copy of the letter.

The last paragraph of the letter states -

Reasonable paid time off work is subject to agency operational needs and maintenance of services to the public.

We are there to make sure that services to the public are maintained.

Hon Murray Criddle: Who signed that letter?

Hon JON FORD: It would have been Hon John Kobelke.

Hon Ray Halligan: Would have been?

Hon JON FORD: This is just a pro forma.

Hon Ray Halligan: Can the minister identify the document from which he is reading?

Hon JON FORD: The document is a letter from the Department of Consumer and Employment Protection entitled "Proposed federal labour relations changes". It is an instruction.

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Hon Barry House: Will you table that?

Hon JON FORD: Yes, I am quite happy to table it.

[See paper 469.]

Hon JON FORD: We do not expect opposition members to be happy with what is going on. We believe we have a right to protect workers' rights. We have a right to protect every Western Australian. This is not just about unions; this is about Western Australia. This is about our state's rights. Those opposite agree with that. There is a certain aspect of this that those opposite do not like and that happens to be industrial relations. They do not like that, but in the end everybody in this house supports states' rights. This is what the debate is about. This debate is about why the government will fight these changes - states' rights.

Hon Norman Moore: You're a centralist party and the minister knows it.

Hon JON FORD: The Gallop government is not a centralist government.

HON BARRY HOUSE (South West) [4.08 pm]: The irresponsibility of the Labor government is demonstrated in stark detail in the area of education. Last Wednesday a memorandum was sent to the education executive and others. This memo from the Executive Director, Human Resources, Department of Education and Training was sent to the education executive, training executive, district directors, area directors, central office managers, managers of district operations and principals. It was headed "Australian Council of Trade Unions' Campaign: Your rights at work - Rallies opposing proposed federal labour relations changes". That is the first point. The Department of Education and Training is now issuing memos and directives to its operators in the field, such as schools, district offices and everybody else, at the behest of the ACTU. Apparently, the Department of Education and Training is not accountable to the government but to the ACTU. The memo states in part -

The Australian Council of Trade Unions (ACTU) has launched a campaign entitled: *Your Rights At Work* in opposition to the proposed federal changes. Part of this campaign is a rally to be held on 30 June 2005 from midday to 2.00 pm at the Perth Cultural Centre, with several other rallies in regional centres.

Cabinet has endorsed reasonable paid time off for all employees to attend these rallies and express their opposition.

Now comes the condition -

This endorsement is subject to operational needs and maintenance of services to the public. The Department of Education and Training has confirmed with both the Liquor, Hospitality and Miscellaneous Union (LHMU) and the Civil Service Association (CSA) that they are encouraging all delegates and members to attend these rallies. Please note that normal relief procedures apply should you require a position to be backfilled during this period.

There are two points that need some elaboration. Firstly, the Department of Education and Training has consulted with two other unions before issuing instructions to schools. The department has to get a tick off from the unions before it issues its instructions to the education system. Secondly, it is encouraging all delegates and members to attend these rallies. The memo continues -

In consultation with the Australian Education Union (AEU), it has been decided -

Yet another union comes into it -

that reasonable paid time off work will be granted only for teaching staff who are elected union delegates. This is to ensure that schools remain open during this time and adequate supervision for students is provided. Relief for AEU delegates attending the rallies will be centrally funded. Schools are to pay for teacher relief out of line item 1346, then seek reimbursement by sending the attached form to the Labour Relations directorate. Please note that short leave cannot be approved for other teaching staff to attend the rallies.

How would the schools know that? What if a lot of teachers at a school who belong to a union decide at very late notice to attend this rally? What happens to a school under those circumstances? I have been speaking to principals who have been contacting me, and I know that they are desperately concerned about the situation. They do not know exactly how many of their staff will attend the rally on Thursday. Some members of their staff who are members of the teachers' union will not tell the principals whether they will attend the rally. The principals will have real trouble meeting their duty-of-care provisions. That is the major issue. Schools have a duty of care to their students and their parents. Their duty of care will be seriously compromised in this situation. The memo further states -

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As with any possible disruption to school operations, it is important to plan effectively to safeguard the interests of students and to be as fair as possible to all staff. Accordingly, all staff should be asked to indicate who will be attending the rallies.

The next sentence is interesting.

Enquiries should be made in a discrete manner in order to assess staffing levels without unnecessarily highlighting staff who intend to participate.

The principals are faced with a situation whereby they must determine exactly how many teachers from their schools will be attending the rally on Thursday, but they must go about it by treading on eggshells so that they do not upset any of the unionists. If they do that, woe betide them.

The major issue is the maintenance of the duty of care in the schools. That is the primary issue for the principals, teachers and all other school staff. They have a responsibility to the students and the students' parents to maintain that duty of care for the whole time during the school day, including the lunch hour. The principal's first job is to determine whether the school can open on Thursday. The minister will probably deny it, but there is a very real chance - I know some principals are very concerned about it - that some principals will not be able to open their schools on Thursday because of the uncertainty surrounding what will happen. Let us remember that the Thursday of the rally is the second last day of the first semester of this school year. It is a time when teachers are up to their necks in reporting procedures and other duties and administration involved with the end of the term. It is a very busy and important time for all schools. If the union movement were dinkum about this matter and did not want to disrupt the education system, it could have held this rally on the following Saturday morning or any time over the next two weeks during the school holidays. That would have tested the resolve of the union delegates who want to attend.

A general point that has been adequately dealt with concerns the general cost this rally will incur on the taxpayers. The impact in this will come back directly to parents with children who are faced with the uncertainty of sending their children to school on Thursday. Parents are unsure whether their children will be adequately cared for and whether the schools will maintain a duty of care. The principals will not be able to determine with absolute certainty how many teachers will take time off and nor will they be able to determine with absolute certainty the length of time the teachers will be away. Although the rally is scheduled to be held from noon until 2.00 pm at the Perth Cultural Centre, the travel time must be taken into consideration. The union delegates who travel from Rockingham, Mandurah or Yanchep to attend the rally will spend two hours on either side of the rally travelling to and from the rally. There is certainly a great deal of uncertainty involved.

To say that the government will spare the schools and that they will not have to pay for the associated expenses out of their budgets and that it will be centrally funded is fine for the schools concerned. Why should they pay? However, that figure will have to come out of the line item mentioned in the memo. That will deny the money that is being expended on the rally from being made available for other educational needs in the system.

The rally will be of great concern to many people involved in the education system and to many parents whose children are at school. The major duty of principals and teachers is to maintain that duty of care to the students at the school. At this time on Thursday, principals will be tearing out their hair because they will not know whether they will be able to maintain that duty of care with any certainty.

HON SHELLEY ARCHER (Mining and Pastoral) [4.18 pm]: Let us be blunt. This issue is about states' rights versus federal rights, it is about states' rights versus federal bullying, it is about states' rights versus intimidation and it is about workers' rights not being consumed or destroyed by employers. We want to protect the rights of workers in Western Australia from the Howard government and his crew of cowards, who are prepared to introduce legislation that will completely destroy the rights of workers in Western Australia. They will completely destroy any rights this Western Australian government has to control its workers. All those rights will go to the federal government. This is about Howard and his government and the Liberal Party, both state and federal, being controlled by business. This is about the agenda of business. This is about the agenda of the Chamber of Commerce and Industry of Western Australia. This is about - again - destroying the rights of workers. It began under Howard's Australian workplace agreements. In some cases first-year apprentices are receiving only \$6.90 an hour, with no holiday pay, no sick pay and no bonuses.

Hon Norman Moore: Where is that?

Hon SHELLEY ARCHER: At Friends Restaurant. The Leader of the Opposition should ask them. That is under an AWA that was released to the Liquor, Hospitality and Miscellaneous Union.

Hon Murray Criddle: Why are you not looking after your own workers?

Hon SHELLEY ARCHER: I am. I am not a member of the miscellaneous union.

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Hon Murray Criddle: You are in government now.

Hon SHELLEY ARCHER: Absolutely. However, those people are working under an AWA. AWAs are controlled by a federal government department, as I understand it. The state government has absolutely no control over AWAs.

Several members interjected.

The PRESIDENT: Order, members! One interjection at a time. Hon Murray Criddle may speak later if he wishes.

Hon SHELLEY ARCHER: Unions are a part of the Labor Party. No-one in the Labor Party resiles from that. Unlike the Liberal Party, which cannot admit that it is controlled by big business and the organisations of employers, we are proud of the fact that unions are a part of the Labor Party. If the Liberal Party wanted to be honest, it would accept that the big business organisations are actually unions of employers. Therefore, they are exactly the same as unions of workers. Do we support the rally on Thursday? Yes, we do. Do we support the fact that workers will be paid to take a couple of hours off work to attend the rally on Thursday? Yes, we do. I understand from the memo that has gone out that workers will be given two hours off work, and a reasonable time to get there and back, to attend the rally. What the people in the departments do after that is entirely up to them. I support all of the workers in Western Australia being given several hours off work on Thursday to attend this rally to protect their rights. The workers in Western Australia do not want to lose their rights to the federal government. They want to maintain their rights in Western Australia. Every single person in Western Australia should be concerned about the draconian industrial relations system that Howard wants to implement at the federal level. Howard wants to wrest control of the Western Australian industrial relations system and put it in the federal government's hands. Unions have been around for the past 100 years. I am sure they will be around for a bit longer. Currently, the unions have over two million members working in Australia. The core business of unions is to protect the pay, conditions and safety of workers. All of this will be removed if the federal government is able to gain control of the state industrial relations system. Hon Simon O'Brien has asked me to put on record whether I support workers going on strike for two hours on Thursday. Yes, I do. It is unfortunate he is not here to hear me say that.

Hon Norman Moore: He is outside on urgent parliamentary business.

The PRESIDENT: Order! The member should not refer to other members being absent from the chamber because they are on urgent parliamentary business elsewhere.

Hon SHELLEY ARCHER: Thank you, Mr President.

It needs to be remembered that award rates of pay and conditions are a central part of both Western Australian and Australian public life. All workers in Western Australia have the right to go on strike in protest against what the federal government is proposing to do to their rights under the legislation that it intends to introduce into the federal Parliament. Those award conditions establish and maintain a decent and civilised society. Under the federal government's industrial relations laws, we will no longer have that. We will have slipshod and shabby employer-driven legislation that will protect only the rights of employers. Does the Labor Party support the rally on Thursday? Yes, we do. Does the Labor Party support workers being paid to attend the rally? Yes, we do. The rally will not be attended just by public servants. A host of other workers, such as construction workers, transport workers, metal workers, hospital workers and cleaners, will also be attending the rally.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [4.25 pm]: It appears the class war has not finished! I thought the class war was over and done with a long time ago! Clearly it is not over and done with, having heard that speech!

Hon Barry House: *Dr Who* has come back on the ABC, so perhaps we are in a time warp!

Hon NORMAN MOORE: That is right. This issue is not about states' rights. What we are talking about is two competing industrial relations systems. The federal Liberal Party believes in an industrial relations system that is very similar to the one that was introduced in this state when the Court Liberal government was in power. The Labor Party believes in the industrial relations system that was in place under Hawke and Keating, and which the Gallop Labor government has now brought into effect in Western Australia. The argument is about two competing industrial relations systems. The Parliamentary Liberal Party in Western Australia supports the content of the Howard government's proposed industrial relations legislation, with one exception; namely, that we do not believe we should abolish the state industrial relations system. We believe employers and employees should have the right to choose between the federal system and the state system on the basis of whichever system best suits their requirements. Those two systems are currently very different. What happened, of course, is that

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those workers and corporations that did not support the Gallop government's industrial relations legislation moved onto Australian workplace agreements. Most of the workers in the Pilbara did that.

Hon Shelley Archer: Under duress.

Hon NORMAN MOORE: That is absolute drivel! The member should go to her electorate and find out what the workers actually did. The workers made the decision - in most cases because it would significantly improve their circumstances - to go onto AWAs, and they have stayed there, just as they went onto state workplace agreements in 1994 and 1995 when they were introduced into Western Australia. That choice is what we are arguing for. The state Parliamentary Liberal Party believes there should be both a state system and a federal system, and workers should have the right to choose one or the other. I say that because we believe that, as sure as night follows day, the Labor Party will eventually govern Australia at the national level, and I guarantee that the first piece of legislation it will introduce and seek to have passed will be to change the Howard industrial relations system into one that reflects the system that Dr Gallop has introduced in Western Australia. That is why we believe people should have the right to move from one industrial relations system to the other if they do not like what is being imposed upon them.

We support absolutely the content of the Howard government's legislation. This is not a states' rights issue. The irony is that if the legislation that is proposed to be brought in by the Howard government had been proposed to be brought in by a Beazley Labor government, the Labor Party in Western Australia would have been holding its hand up high in support of that proposition. The Labor Party in Western Australia gets onto the states' rights bandwagon only when what is happening does not suit it. The Labor Party is not for states' rights at all. The Labor Party is a centralist party. I have not heard anything from the federal Labor Party about what John Howard is seeking to do. The federal Labor Party is not complaining that the federal government is seeking to take over the states' industrial relations systems. It is sitting back waiting for it to happen, so that when the time comes and it is in government in Canberra, it can take full advantage of it. The notion that somehow the state Labor Party supports states' rights does not stack up on the basis of the facts, history and the Labor Party's platform. It is a centralist party; it is arguing on the basis of states' rights at this time when it knows full well that is a fallacious argument. The state Liberal Party has no problem supporting John Howard's legislation but it does not support the abolition of the state systems.

Any suggestion that somehow we should march with people on Thursday is absolute tripe. We do not support the drivel coming out of union leaders' mouths and the advertising campaign being run by the Australian Council of Trade Unions against this legislation. It is mostly hype that is factually incorrect, emotive and plain wrong.

Hon Ed Dermer: You say it is mostly wrong. Which parts are correct?

Hon NORMAN MOORE: I am having trouble thinking which parts. It is right in a sense that it shows someone walking into a room or sitting there!

The point I am making is that the campaign being run by the ACTU, aided and abetted by the state Labor government, is seeking to frighten people unnecessarily by implying that things will happen that will not happen. Vast numbers of untruths are being told and people are being unnecessarily frightened by the Labor Party's arguments.

The motion moved by Hon Ray Halligan is about the march and the rally on Thursday and the decision by the Labor Party to pay the salaries of government workers who attend the rally. That approach sets a very bad example. It implies that while the Gallop government is in power, anyone working for the government who wants to attend a political rally will not lose any pay. What issue will be raised next? When will the next political rally be held to which a rent-a-crowd of government employees will be invited to attend without losing any pay? That policy sets a very bad precedent. I do not have a problem with workers striking or attending rallies, but I expect them to lose their pay if they do. That is the way the system has always worked. The government is setting a very bad precedent by saying to people who are encouraged to attend a political rally that they will not lose any money. That is very serious business. What goes around comes around. Would the government not be appalled if a future Liberal government said that it would pay government employees' salaries if they wanted to attend a rally against a law and order issue or something of that nature? Labor Party members would be appalled. This Labor government has set that bad example and, in due course, it will regret it. This is bad decision making and bad policy by the government; it should change its mind and ensure that people who attend the rally lose their pay.

HON GIZ WATSON (North Metropolitan) [4.33 pm]: The Greens (WA) do not support the motion. We clearly support the right of public sector employees to attend the rally on Thursday. I also support the rights of others who choose to attend rallies in work time. We understand that assurances have been given that services

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will continue to be provided, albeit with fewer employees. Assurances have been given, particularly by the Department of Education and Training, that duty of care has been addressed. This rally is fair and reasonable given that once the federal Liberal government gains control of the Senate, it intends to make hugely significant changes that will impact greatly on the Australian political landscape. It is clear that industrial relations has been flagged as the key area for change. Employees of all shades have a right to attend gatherings or meetings to discuss these issues. It is essential that they legitimately be allowed to use what is only a small amount of time within working hours. It is not a major imposition. I am sure that people will handle that time in a way that not only allows them to voice opposition to these impending changes but also ensures that services are not unduly disrupted. I have every confidence that will occur.

Motion lapsed, pursuant to standing orders.