

**STATE-BASED LABOUR RELATIONS REGULATORY FRAMEWORK**

*Motion*

Resumed from 28 April on the following motion moved by **Hon Louise Pratt** -

That this house calls on the federal government to acknowledge the right of the state of Western Australia to maintain our state-based labour relations regulatory framework, including -

- (a) the right of Western Australia to enact and enforce its own statutes dealing with industrial relations for the betterment of Western Australian workers, employers and the general community;
- (b) the historical role and scope of the Western Australian Industrial Relations Commission; and
- (c) labour relations policies which offer an alternative from commonwealth regimes.

to which the following amendment was moved by **Hon Ray Halligan** -

To insert after the last line of the motion -

Even though the content of the federal legislation is excellent and contains measures that it would be advisable for the Western Australian Parliament to enact. However, in view of the disastrous approach by the Gallop government to workplace relations, the house is thankful for the existence of the commonwealth industrial relations system for without it the Western Australian economy, especially the resources area would be in a disastrous situation.

**HON KATE DOUST (South Metropolitan - Parliamentary Secretary)** [10.08 am]: When I last spoke to the motion and the amendment I mentioned how the removal of the unfair dismissal protections for workers in small businesses would lead to a decline in standards of the no-disadvantage test. Workers in small and typically non-unionised work places are more reluctant to raise occupational health and safety issues and other types of discrimination matters with their employers. If they know that they have absolutely no formal protection when they raise such issues, I doubt very much whether they will raise them. If they know that they can be sacked by their employers without cause for raising these issues, these problems will continue to exist in workplaces and they will not be rectified. From my own experience of working in the retail sector, it was common for workers in small businesses to telephone and talk about the problems they were facing with health and safety, sexual harassment and other forms of discrimination. However, they said that they were too scared to raise the issue for fear their employer would sack them. If they are afraid within a system that is designed to protect them, we can imagine how they will feel once that protection is formally removed by the federal government.

**Hon Ljiljana Ravlich:** I get scared just thinking about it.

**Hon KATE DOUST:** That is right. I refer to the Australian Industrial Relations Commission. I have always felt we have a very good industrial relations system in Western Australia. As I said earlier, it is accessible to all workers. If that system is abolished, workers will be forced to operate under a very complex system that is more difficult and more costly to access. In an article entitled "IRC fears losing its powers" in Monday's *The Australian*, even senior members of the Industrial Relations Commission express their concerns about the proposed legislation that the federal government is attempting to introduce. Those senior members of the AIRC are concerned about losing their powers to decide unfair dismissal claims. They are also worried about the federal government's attempts to strip the commission of its long-standing power to decide the minimum wage. The article states in part -

Also in doubt would be the right of unions to continue acting as agents for sacked workers in a court that is a lawyer's domain.

In Western Australia, under the coalition government's labour relations legislation, workers were forced to take their occupational health and safety matters to the Magistrates Court rather than the Industrial Relations Commission. Many workers were reluctant to do that not only because of the time it involved but also because of the cost to employ a lawyer or another type of advocate if they were unable to be represented by a union. It is important that our present state system be retained, because workers can either represent themselves or be represented by a union advocate. It is a no-cost jurisdiction and much fairer for workers, particularly those on low incomes or those employed by small businesses.

I have always felt that if the system is not broken, why fix it. That applies particularly to the state Industrial Relations Commission.

[Leave granted for the member's time to be extended.]

**Hon KATE DOUST:** These attempts by the federal government are nothing new. It has attempted previously to introduce rafts of this sort of legislation. Various state governments have also introduced legislation of this nature over the years but, on the whole, they have failed. Over the past few years, changes in state governments have caused that legislation to be pegged back or removed. As I have explained, both New South Wales and Victoria have brought back federal protection for workers under the award system. I note that, recently in South Australia, legislation was enacted to protect workers employed by labour hire firms. Our own state government passed its Labour Relations Reform Bill, and that contains all the provisions necessary to protect workers in this state. It has provided the choice that members opposite are always talking about, it reinforces protections that workers in this state need, and it continues to provide fair access to the Industrial Relations Commission.

On that basis I do not understand why the federal government wants to change a system that addresses the concerns of all the players in the industry and that provides a fair and equitable playing field for everyone in the workplace. Basically, the federal government is seeking to work against state trends and the views of its state Liberal colleagues as indicated by the Western Australian state leader of the Liberal Party.

Before we decide how to deal with this issue, we must ask a few questions. How do these proposed changes really help the working men and women of this state? What proposals does the federal government have to assist these families to find affordable and accessible childcare places during standard and out-of-hours time, when workers are asked to work shifts? How do these proposals aid and upskill current workers? How will they help with skilling and training new workers? I do not think any of these proposed bills address any of those types of issues that workers must deal with daily. We must ask whom these changes will impact on. The answer is that the changes will impact the most on the so-called Howard battlers, the people whose support he really wants to attract; in fact, the people who have moved away from the federal government. If members opposite examine the change in vote from the federal election held in October -

**The PRESIDENT:** Order! We would not want two people to wake up!

**Hon KATE DOUST:** The voting figures indicate that more than 140 000 people changed their vote between voting in October last year in the federal elections and voting in February this year for state Legislative Council representation. In that short period, 140 000 people said that they were not satisfied with the federal Liberal government; they did not like what it was proposing; they would support the Labor government because at state level the Labor government looked after their needs. Those are the people on whom the federal government's legislation will impact negatively. They are the very people the Liberal government seeks to attract and hold as supporters.

I referred earlier to some comments that the federal Minister for Employment and Workplace Relations, Hon Kevin Andrews, had made when he was trying to justify his actions by quoting from various papal encyclicals. He said that in his works, Pope John Paul II had supported those types of changes. I very clearly outlined that Pope John Paul II had simply reinforced the words of Leo XIII's "Rerum Novarum". We must also take into account that Pope John Paul II was a very strong supporter of trade unions and had in fact strongly supported Solidarity in Poland and saw the downfall of communism in that country. It is quite amusing that a Liberal minister has abused the words of such a great unionist as Pope John Paul II by claiming that he supported these sorts of proposed legislative changes.

An article was in yesterday's *The West Australian* headed "Pope finds a window of opportunity for workplace dignity". It is great to see that continuity and that, in his first May Day speech to the faithful, Pope Benedict XVI said, and I quote -

I hope that the young, especially, will not want for work, and that working conditions will be ever more respectful of the dignity of the human person.

I think we will see continuity of Pope John Paul's belief that people should be treated fairly and equally, and a reinforcement of the belief that all workers are entitled to rights in their workplace. The federal government is working very hard to deny all those rights.

I support the motion because the state government has provided choice, protection and access to the Industrial Relations Commission. It alleviates the stress that workers face when they must find employment alternatives. Members should reject Hon Ray Halligan's amendment, which has been moved by the opposition to indicate that the opposition is not happy with the federal government's legislation because it seeks to impinge on state's rights. Nonetheless, it is saying, "Good on the federal government for trying to impose its party's ideology of getting rid of trade unions from the workplace so that employers can do as they please." I encourage members to reject the nonsense that is this outrageous amendment and support Hon Louise Pratt's very sensible motion. Opposition members should send a very clear message to their federal colleagues to the effect that, with the federal government's proposed legislation, they are doing the wrong thing by the workers in this state; they are not being fair or looking at the big picture; and they are not taking into account the good work already done by

the state Labor government in providing protection and a fair workplace for both workers and employers. The question that members opposite need to ask themselves - this is the key to what the federal government is attempting to do - is: if the federal government is successful in implementing these changes, will Liberal Party ideology triumph over equity and fairness for the working people of Western Australia?

**HON LJILJANNA RAVLICH (East Metropolitan - Minister for Education and Training)** [10.20 am]: I feel sorry for Hon Derrick Tomlinson, because he will not have the opportunity to look at an oil painting. However, as I have said to him I might not be an oil painting, but at least I am colourful, or I try to be.

In all conscience, I cannot support the amendment moved by Hon Ray Halligan, firstly because it contains the words -

Even though the content of the federal legislation is excellent and contains measures that it would be advisable for the Western Australian Parliament to enact.

I am amazed that Hon Ray Halligan moved this amendment to the motion, because the one thing we can say about Hon Ray Halligan is that he is very much a big picture person. From what I have seen, he certainly never gets into the detail of anything. I do not want to be unkind to Hon Ray Halligan -

**Hon Simon O'Brien:** Someone has to do it!

**Hon LJILJANNA RAVLICH:** Yes! I doubt that Hon Ray Halligan has looked at the federal legislation in any detail and then determined that it is excellent and contains measures that we should support within this state. Pigs will fly before that will happen. Apart from anything else, this is a very insincere motion, because I do not believe the mover of the motion has made any attempt to look at the federal legislation -

**Hon Simon O'Brien:** Do you mean the mover of the prime motion?

**Hon LJILJANNA RAVLICH:** I mean the mover of the amendment.

**Hon Simon O'Brien:** I thought you meant Hon Louise Pratt.

**Hon LJILJANNA RAVLICH:** No, no, no. What we are doing here is comparing apples with pears.

**Hon Simon O'Brien:** I thought we had a point of agreement!

**Hon LJILJANNA RAVLICH:** No, no, no. How on earth could the member make such a mistake!

**Hon Simon O'Brien:** I thought you were having a lucid moment and there was something we could agree on!

**Hon LJILJANNA RAVLICH:** The member is being very mischievous. We are talking chalk and cheese when we talk about those two members. I am confident that the measures are not known to the mover of this amendment.

I would like to point out also that I could not put my hand on my heart and say that this house is thankful for the existence of the commonwealth industrial relations system, because without it the Western Australian economy, especially the resources area, would be in a disastrous situation. Frankly, it will be a sad day in this state and in every other state and territory, and for every citizen of this country, when the federal industrial relations legislation is passed. Having said that, I have no doubt that it will be passed in view of the numbers that will prevail in the Senate on 1 July. I cannot support the amendment to the motion. Australians generally have been sold a pup by the federal government. It was a sad day when John Howard was re-elected. We are talking about not only industrial relations reforms, but also a move by the commonwealth government to enter areas that have traditionally been areas of state jurisdiction. This morning on the radio I heard that the federal government is proposing that people on disability pensions will lose their pensions and be made to go back into the workplace. I wonder how far these so-called reforms will go. There is no doubt that every one of us has heard comments by people within the community about those who are on a disability pension, and because they physically look okay they are accused of being bludgers and rorting the system. I think that can be said about only a very small number of people. Sometimes we need to recognise that people with a disability do not always present as having a disability. There are people within our community who suffer from mental illness, for example -

**Hon Derrick Tomlinson:** Mental illness is not necessarily a disability.

**Hon LJILJANNA RAVLICH:** It is not, but in extreme forms it can be. It can be debilitating to the point that it limits life opportunities for people. Some people with an extreme case of depression require ongoing medication, and that may limit their ability to participate fully in the workplace. Of course our workplaces are not structured to understand the complexities of each individual person's needs, so there is a mishmash there. I am very concerned that the commonwealth government will do its usual trick and use a very blunt instrument to introduce a raft of legislative changes that will inadvertently pick up everyone, without being able to differentiate on a case by case basis.

**Hon Derrick Tomlinson:** Is that not so for every legislative decision that is made? Any demarcation discriminates unfairly against people on the margin.

**Hon LJILJANNA RAVLICH:** There is probably some truth to what the member is saying. However, the fact that Canberra is so far away and that there are differences between the states means that sometimes the closer people are to a service, the better is their understanding of what needs to happen and the better is their ability to pick up or adjust policy to suit the local requirements.

I want to move on to some of the furphies that are trotted out about the inefficiencies of the state industrial relations system compared with what is proposed to be our saviour; namely, the commonwealth industrial relations system. The simple fact is that all the indicators show that our state industrial relations system works very well. If we take the incidence of industrial action or disputes as being an indicator of the effectiveness or otherwise of the state industrial relations system compared with the commonwealth system, the simple figures speak for themselves. In 2004 alone, almost 70 per cent of all the reported industrial disputes were related to the federal industrial relations system, whereas less than half of our state's workers are covered by the federal industrial relations system. The federal jurisdiction is well known for the incidence of long drawn-out industrial disputes. It is little wonder that unions and employers of small businesses are publicly expressing concern about that.

**Hon Simon O'Brien:** Have you seen what's happening in this town lately?

**Hon LJILJANNA RAVLICH:** What is happening in this town?

**Hon Simon O'Brien:** You have a look. They are striking at the drop of a hat in relation to your ridiculous railway project.

**Hon LJILJANNA RAVLICH:** Number one, it is not ridiculous.

**Hon Graham Giffard** interjected.

**The PRESIDENT:** Order, members! The minister has the call.

**Hon Simon O'Brien** interjected.

**Hon Graham Giffard** interjected.

**The PRESIDENT:** Order! Hon Simon O'Brien and Hon Graham Giffard may retire for conversation, if they so require.

**Hon Derrick Tomlinson** interjected.

**The PRESIDENT:** I thank Hon Derrick Tomlinson for his support for the Chair.

**Hon LJILJANNA RAVLICH:** The simple fact is that we will have great cause for concern if the state moves to a national framework. If the federal government has its way, federal awards are expected to be gutted and the rights of unions to access their members in the workplace slashed, along with WA workers having less redress to unfair dismissal action. According to the official government statistics, the previous Liberal government in its first term of office lost to industrial action on average 33 per cent more working days per thousand workers than that lost during the entire period of the Gallop government. The simple fact is that the state has constitutional rights in this area and we want to retain those rights. We have constitutional rights in not only industrial relations but also a range of areas, including education, training, health services, etc. One aspect that appears to be emerging that is causing considerable concern to many people is the commonwealth government's increasing desire to play a major role in the states. I saw this when I attended the ministerial council on education conference in Sydney only a few weeks ago. State ministers were expected to sign a commonwealth-state agreement without having seen the detail of the agreement.

**Hon Derrick Tomlinson** interjected.

**Hon Graham Giffard:** You are drunk with power.

**Hon LJILJANNA RAVLICH:** He is absolutely drunk with power.

We were expected to sign a commonwealth-state agreement when we had not seen any legislation. Basically we were given a take it or leave it deal.

**Hon Derrick Tomlinson:** You would be very comfortable with that.

**Hon LJILJANNA RAVLICH:** We were not only given a take it or leave it deal on top-up funding, which was in the order of \$17.5 million, but also a take it or leave it deal on the quantum amount together with the top-up funding. I am talking about a fairly substantial sum of money. The commonwealth's attitude was that it could

do whatever it wanted to us because at the end of the day it controls the purse strings. However, the commonwealth government's contribution to education and training amounts to about 25 per cent.

**Hon Derrick Tomlinson:** Twenty-five per cent of what?

**Hon LJILJANNA RAVLICH:** It is 25 per cent of our total budget in the area of training.

**Hon Derrick Tomlinson:** Including tertiary education?

**Hon LJILJANNA RAVLICH:** No, just training. In the training area the commonwealth government contributes 25 per cent. For that 25 per cent, the commonwealth government's take it or leave it attitude basically means that it wants majority control. I put it on record that majority control is 50 per cent plus one. That is how corporate Australia works; that is majority control anywhere.

**Hon Derrick Tomlinson:** I think it's better to discuss it in terms of constitutional power.

**Hon LJILJANNA RAVLICH:** Absolutely.

**Hon Derrick Tomlinson:** You're on safer ground than with majority rule.

**Hon LJILJANNA RAVLICH:** Yes, certainly. I could argue the constitutional power argument, but when that argument is made - I made it on the last speech I gave on this motion - it is important to understand that a 25 per cent funding contribution does not equate to majority power, so why should the commonwealth government expect that it would?

**Hon Derrick Tomlinson:** But you don't have to take it, do you?

**Hon LJILJANNA RAVLICH:** We do not have to take it but ultimately, as a responsible minister, I also want as my high priority to ensure that the state training system continues to operate.

**Hon Derrick Tomlinson:** Unfortunately the states have been using that argument since 1963 and every time they have been sucked in.

**Hon LJILJANNA RAVLICH:** There are ongoing negotiations and they will continue. Another meeting is proposed for late May or early June. The point I want to put on record is that the state does not have access to the detail of so much of the legislation that is proposed by the commonwealth government. We do not get to see the legislation and we are expected to sign agreements because the commonwealth says we should, and it threatens to withdraw funding unless we go down that path.

**Hon Derrick Tomlinson:** If you go into those sorts of negotiations so ill-informed, I think you should sack your head of department.

**Hon LJILJANNA RAVLICH:** If the commonwealth government calls a MINCO meeting to debate legislation and the legislation is not prepared and has not been shown to the states, the commonwealth government should not be there.

**Hon Derrick Tomlinson:** I agree.

**Hon LJILJANNA RAVLICH:** Quite frankly, there is an obligation on the commonwealth government to be much more transparent about what it is doing, so that the states can be better informed about its real agenda and we can see the devil in the detail in black and white and make the appropriate judgments that need to be made in the best interests of Western Australians, whether it be in the area of training, industrial relations or health services. Irrespective of which area we are talking about, this nonsense has gone on for too long.

The commonwealth government has increasingly demonstrated a trend towards a centralist approach. This has become much more apparent in recent years across a range of policy areas; industrial relations, taxation, health services, education, law reform and water policy are just a few. Sadly, I am sure that list will continue to grow. The commonwealth government's ambition for control over such policy areas is at the expense of states' traditional areas of responsibility. It is almost unprecedented in the history of the commonwealth. I support the states standing up for and protecting their constitutional rights, including the right to exercise responsibility in those areas for which they have responsibility. I am not the only one who holds that view. I was amazed the other day during a debate in this place when it became clear to me that members of the opposition also strongly hold the view that the rights of the states must be protected. Although they have a positive and, I am sure, strong working relationship with the commonwealth government, there are areas about the future direction of the state in which they differ from the commonwealth government. From what I heard from Hon George Cash and other members who contributed to that debate, it was clear to me that one line that must be drawn in the sand between the opposition's side of politics and its federal counterpart is in the jurisdiction of state versus commonwealth rights and the need to protect the constitutional rights of sovereign states.

**Hon Derrick Tomlinson:** Do you realise that when the states collectively stood up to the commonwealth against conditional or tied funding, the commonwealth caved in?

**Hon LJILJANNA RAVLICH:** Yes, that is exactly right, and I agree that this is what we should be doing.

**Hon Derrick Tomlinson:** Then why don't you?

**Hon LJILJANNA RAVLICH:** The problem is that the states have different relationships with the commonwealth. Sometimes it can be difficult to get a unified position across all the states.

**Hon Derrick Tomlinson:** You mean your Labor colleagues elsewhere do not share your views?

**Hon LJILJANNA RAVLICH:** My Labor colleagues elsewhere exercise their own discretion about the best interests of their states.

**Hon Derrick Tomlinson:** It's obvious.

**Hon LJILJANNA RAVLICH:** I say this to the honourable member: it is not unknown for the commonwealth to pick off one state and trade it off against another. That makes it even more difficult to work towards a position of unanimity or agreement, so that all the states and territories can put forward to the federal government a take-it-or-leave-it deal in response to the federal government's take-it-or-leave-it deal. I am with the honourable member: when a bully is coming for someone, the best way to deal with him is to stand up to him. One need only stand up to a bully once and the rest looks after itself.

**Hon Derrick Tomlinson:** Unfortunately, this bully keeps on standing up.

**Hon LJILJANNA RAVLICH:** Well, that has been my experience. Colin Barnett obviously shared my view on this matter. I know that he is not the flavour of the month in the Liberal Party. I do not really want to go into that too much; I will leave that to Hon Peter Foss.

**Hon Graham Giffard:** He might yet make a comeback.

**Hon LJILJANNA RAVLICH:** Colin Barnett was out in the courtyard the other day and I said to him that things happen for a reason, and that we never know where life will take us. I have some sympathy for the position in which he finds himself. I take people pretty much as I see them. He has always been polite and courteous to me. I made the point to him that his federal leader only got there on the third attempt. We never know where life will take us and where and when good fortune might come our way.

**Hon Derrick Tomlinson:** You might even get a chance to go to the Assembly.

**Hon LJILJANNA RAVLICH:** The honourable member never knows; I might get a chance to go to the Assembly. If the opposition hurries this legislation through, there will be a better chance of that than any of us would have anticipated.

**Hon Derrick Tomlinson:** Will you go at the next election? Do you promise?

**Hon LJILJANNA RAVLICH:** I am quite happy and very comfortable here. I do not really want to go anywhere.

During the last election campaign the former Leader of the Opposition, Colin Barnett, argued against the diminution of the state's legislative powers with regard to industrial relations. Indeed, it has been argued that a Barnett government would have set back the Howard government's centralist push, and that there would have been a showdown between a state and federal Liberal government. That would have been particularly difficult politically for Canberra. I guess I am a bit disappointed that that never happened, because Colin Barnett may well have been capable of staring down the federal government. Quite frankly, I do not think for one minute that that pretty boy would stare anybody down.

**Hon Derrick Tomlinson:** I think you're beautiful.

**Hon LJILJANNA RAVLICH:** Does the honourable member think Matt Birney is beautiful? He thinks he's beautiful! The girls think he is beautiful too.

**Hon Simon O'Brien:** What do the boys think?

**Hon LJILJANNA RAVLICH:** I don't know; they probably think he is beautiful too.

**Hon Simon O'Brien:** It's settled then; he's beautiful.

**Hon LJILJANNA RAVLICH:** He seems to be one of the beautiful people who float around. They can have him, because I like a man to look like a man.

**Hon Derrick Tomlinson:** My God; what a ripper that is!

**Hon LJILJANNA RAVLICH:** I like a man to be and act like a man.

**Hon Simon O'Brien:** That explains why you are so happy in this house!

**The PRESIDENT:** Order! Hon Simon O'Brien and Hon Derrick Tomlinson will exercise some control.

**Hon LJILJANNA RAVLICH:** I do not like a man who is some sort of chick-magnet. If he wants to be a chick-magnet, he should become a model for a calendar or something.

**Hon Simon O'Brien:** What is a chick-magnet?

**Hon LJILJANNA RAVLICH:** Someone who attracts women. If Hon Simon O'Brien does not know that, he has obviously missed out.

**Hon Derrick Tomlinson:** With mutton chops like that, how could you be anything else?

**Hon Simon O'Brien:** I will have you know that Queen Victoria was very fond of this style of whisker.

**Hon LJILJANNA RAVLICH:** Yes, she had -

**Hon Derrick Tomlinson:** She had them too, did she?

**Hon LJILJANNA RAVLICH:** I do not want to take up too much more of the house's time. I have some grave reservations about some of the detail of the legislation. Part of it includes changing the way in which the minimum wage will be set in Australia, including a proposal to remove the wage-fixing function of the Australian Industrial Relations Commission and to give it to a body of economic experts, comprising representatives of the Reserve Bank of Australia, federal Treasury and the Productivity Commission. I think that is code for deregulation. Everything will be deregulated.

**Hon Graham Giffard:** They will deregulate the bits they want and then regulate the other bits.

**Hon LJILJANNA RAVLICH:** Absolutely. Basically, the federal government will single-handedly manage to take us back to the conditions and wages of working men and women in this country 100 years ago. That will be very sad. Where total deregulation has been demonstrated across industries, it has not produced adequate or proper responses. I do not think this legislation will produce proper responses. The intention to further simplify awards, which is aimed at reducing both the number of awards and their allowable matters, will result in the removal of such things as training and safety from awards. We will probably end up with awards with two or three things in them that will not mean much to anybody. Consequently, the working conditions and rights of the working men and women of this nation will be eroded. Also, significant changes will be made to the role and operation of the Australian Industrial Relations Commission, with greater emphasis to be placed on mediation and greater restrictions placed on the commission's arbitrary powers. Mediation is great if a person happens to be a Queen's Counsel, because a QC can look after himself with no problem at all. However, if a person is Mary Smith and is working in an ice-cream factory, as I did, that person does not get much protection.

**Hon Derrick Tomlinson:** I did not know your name was Mary Smith; I thought it was Ljiljanna Ravlich.

**Hon LJILJANNA RAVLICH:** I bet the honourable member did not know that I went to work in an ice-cream factory about nine months ago for two days. I undertook a back-to-the-floor exercise. I took myself off to an ice-cream factory. Have I told members this story?

**Hon Derrick Tomlinson:** No, tell us.

**Hon LJILJANNA RAVLICH:** Okay! I went to the Peters and Brownes ice-cream factory for two days.

**Hon Graham Giffard:** How did you go? Did you get whipped?

**Hon LJILJANNA RAVLICH:** No. I had to start the job at six o'clock in the morning. I actually left home at 4.30 am because I thought I might get a bit lost and I did not want to be late for my first day of work, so I got there at 5.30 am or whatever it was and cloaked up. Apart from management, no-one knew who I was, so that was pretty good. I cloaked up in my whites, a hairnet and steel-capped white boots - I looked an absolute treat, but that is the way things are. I then went to the production line where Trumpet ice-creams were being packed. One realises that every job has a skill. One thing that really bugs me is that everyone thinks that the work they do is really important and highly skilled and that what everybody else does is not important and is not highly skilled. In this context, the job of producing ice-cream is not important to a person who does not eat ice-cream, but it is very important to a person who does eat icecream. The men and women who work on the production line at this factory are very skilled. Trumpet ice-creams are cone-shaped. The men and women stand each side of the assembly line with a box to their left and basically pick up the ice-creams with the three middle fingers of both hands. They are very good, so they pick up the ice-creams very quickly and place them into the boxes. That was okay. They were good at it, but I was not so good. I was picking them up one by one. The supervisor came to me about an hour and a half later and said, "Excuse me Lil, but you're not very good at this so we're going to have to put you onto seconds." I was demoted within an hour and a half. I did not have the skill for that job. With seconds it does not matter how slowly one works or whether the ice-creams are smashed.

It was very interesting. One learns many things on a work site. We take many things for granted here. Members can walk off and have a cup of coffee. We can take an extra 10 or 15 minutes for lunch. I wish no disrespect to Peters and Brownes, because it is a very good company, but I was working in an environment that, first, had a lot of noise - there was a constant thumping sound - second, was quite cool, and third, the 10 minutes I was given for morning tea was just 10 minutes; it did not mean 12 minutes or 13 minutes. Further, half an hour for lunch meant half an hour - it did not mean 35 or 40 minutes.

**Hon Simon O'Brien:** Was this the first proper job you had ever had?

**Hon LJILJANNA RAVLICH:** No. I would put my work record next to Hon Simon O'Brien's work record any day.

It was an amazing experience. When I went back the next morning, I was put on production. I spent the first part of the morning lifting boxes of plastic containers, and then I moved onto lids. I worked on Trumpet ice-creams for one day, and then I worked on export ice-creams. I thought it was fantastic that I was promoted to production after having worked only 12 hours. It was a great experience. I fully intended to go back to cheeses or yoghurts, but that did not eventuate.

**Hon Graham Giffard:** Have you been blowing your trumpet to your colleagues?

**Hon LJILJANNA RAVLICH:** Yes!

It was a great experience going back. It is amazing the things one learns when having lunch with fellow workers. It is a very multicultural -

An opposition member: How long was lunch?

**Hon LJILJANNA RAVLICH:** Lunch was thirty minutes.

The casual workers have a range of issues that they share with other workers. The first thing they ask a new employee is whether he or she is a permanent or casual worker. If people respond that they are casual workers, they get told that it is no good being a casual worker because the permanent workers get the best shifts. What I learnt informally made those the best two days -

**Hon Derrick Tomlinson:** Didn't you know that before?

**Hon LJILJANNA RAVLICH:** I did, but is it not nice to have it reinforced? After all the years I had been out of a work force that produces something that is sold on the market, it was interesting to go back. Often when people leave their traditional place of work to become members of Parliament they stay in Parliament for 20 years. During that time the world moves on. The caravan moves on, and a whole range of things change. Production methods and production systems change. It was a very good exercise for me, and I encourage other members to do it because it was absolutely invaluable. It taught me that employees can work three different shifts. They either do the 6.00 am to 2.00 pm shift, the 2.00 pm to 10.00 pm shift or the 10.00 pm to 6.00 am shift. As part of their normal routine, the workers do one of those three shifts until eventually they have worked all three. They are not highly paid workers, but they work damn hard.

**Hon Murray Criddle:** How much do they get paid?

**Hon LJILJANNA RAVLICH:** Probably about \$30 000 or \$32 000.

**Hon Kate Doust:** Less than that.

**Hon LJILJANNA RAVLICH:** Maybe less. I do not know; however, they are not highly paid.

**Hon Derrick Tomlinson:** What did you get paid?

**Hon LJILJANNA RAVLICH:** I did not receive anything. I was allowed to go to the seconds shop and help myself to whatever I liked. However, my sister told me, "Whatever you do, you're not allowed to bring ice-cream home because the girls will get fat. Look at me, I'm fat. And you can't afford to get fat." I did not go. That is a different story.

The situation hits home for me because I am talking about the people who will be at highest risk when the proposed changes are implemented. They are more likely to work in blue collar rather than white collar jobs. They produce goods and services. Generally they come from ethnic backgrounds. They have very little bargaining power. If there is an issue between workers and the boss, the boss will win every point, every time. Make no mistake about it, they have very little bargaining power. They are the so-called Howard battlers that John Howard promised to look after, yet they are the very people he will betray. There is no doubt in my mind that all those people will be betrayed. The states are being betrayed. This is an appalling amendment to the substantive motion. It would be irresponsible for any person to say that this federal legislation is excellent and that it contains worthy measures without having first seen it and without knowing what measures it will contain.



Quite frankly, I for one am not thankful for the federal industrial relations system, and I for one will never support it. I ask the house to oppose this amendment.

**The PRESIDENT:** I give the call to Hon Graham Giffard.

**HON GRAHAM GIFFARD (North Metropolitan)** [10.57 am]: Thank you, Mr President.

**The PRESIDENT:** I indicate to members that debate on this motion will cease at 11.08 am.

**Hon GRAHAM GIFFARD:** And then the debate itself -

**The PRESIDENT:** We will then move from motions to orders of the day.

**Hon GRAHAM GIFFARD:** I see; however, the motion itself may continue beyond that?

**The PRESIDENT:** Indeed.

**Hon GRAHAM GIFFARD:** That is good, although I might not need to come back next week to debate this issue because I have listened carefully to the contributions of Hon Ljiljana Ravlich and Hon Kate Doust. I compliment both members on their comprehensive coverage of the issues contained in the motion. In particular, the speech made by Hon Kate Doust provided a good summary of what the Howard Liberal government has in store for workers and trade unions in this country. After listening carefully to those contributions, it is interesting to reflect on what one might call the package of reforms that the federal government intends to put through Parliament once it has an absolute majority in the Senate in July.

It is interesting to cut through the rhetoric and to look at the performance of the Howard government when it comes to industrial relations. We must remember that the worst aspects of its legislation have not come to the fore in the eight or nine years it has been in power because it has been constrained by the numbers in the Senate. That very critical handbrake on its pursuits will be lifted, and we will see quite nakedly what the federal government has in store for workers and trade unions in this country.

In considering the motion and the contribution of Hon Kate Doust, I reflected on my experiences and perceptions of how a federal Liberal government, albeit a constrained one, has behaved in the construction industry, which is the industry with which I am most familiar. In summary, I think that in July the federal government intends, when formulating the legislative package it is putting together, to reflect on what trade unions and trade union officials do on a daily basis; that is, what they do to recruit, represent and advance the interests of their membership and all the things that read as a job description for a union official. Come July, I think the federal government will be attempting to say that its package of reforms represents its endeavours to criminalise what trade union officials do on a daily basis to represent and advance the interests of their members. The federal government wants to outlaw, for example, the right of workers to make a decision to withdraw their labour. It wants to outlaw the right of unions, representing their members, to enter into agreements that contain the same conditions that a union may have already agreed with another employer. The shorthand description of that, of course, as members probably know, is pattern bargaining. Pattern bargaining has emerged as an industrial tool that is used by unions - quite successfully by active unions - to essentially improve the wages and conditions of the people they represent. They do it by identifying a core set of conditions, and they seek to get the agreement of individual employers to those conditions. When a union strikes a number of agreements, at least the core of which contains the same conditions, it is referred to as pattern bargaining. It emerged during the enterprise bargaining phase or generation of industrial relations. It was not a feature of the industrial relations system 20 years ago, as it is now. It seems to me that it is quite consistent with a notion of unions negotiating with employers to strike agreements with them. However, the federal government seems to be taking exception to unions trying to strike agreements with employers that recognise that the value of work from one workplace to another, if it is essentially the same, should be rewarded in the same way. The federal government wants to prevent that occurring, even though it goes against all of its principles of allowing the parties to get on with negotiations and to strike agreements, and all the rhetoric that goes with that. When unions show an ability to survive, to cope and to adapt to a new environment, the federal government wants to rewrite the rules and move the goalposts around a bit so that it can, as I said a few minutes ago, essentially criminalise the activities of union officials.

The federal government wants complex and unworkable processes for secret ballots. I do not have a problem with secret ballots. Frankly, I do not think the trade union movement would have any great difficulty with secret ballots. However, people object to being asked to comply with a lot of processes, rules and delaying devices that are essentially designed to prevent people from taking a secret ballot about whether they will take industrial action. I believe that will be a feature of the legislation come July.

It is clear that the package will also contain swift and, I believe, severe remedies for any form of industrial action that is outside a very narrowly defined range that will be enshrined. In practical terms, it is clear that the legislation will attempt to ban union officials from entering workplaces. It will make it an offence for union

officials to enter workplaces on a regular basis. It is very clear that the effect of that legislation will be to outlaw what union officials do, which is to enter workplaces, investigate suspected breaches, recruit members, advance the interests of the workplace and try to ensure that workers have a satisfying and reasonably safe working environment. Under the proposed new laws, if union officials seek to visit a workplace on a regular basis, they will be acting outside the law. They will be told no, they have done their once-in-six-month visit, they must go, and they cannot come back for another six months. This is clearly a law designed to prevent unions from representing the workers whom they do represent.

The federal government also wants to stop the involvement of unions in safety and health disputes. It wants to prevent unions being able to access occupational health and safety laws, and it wants to do that by federal legislation to prevent union officials relying on the provisions of state legislation in trying to maintain healthy and safe working environments. That is what union officials do. It is part of their job. That is why, when people join unions, they expect that their union will look after those interests for them. They pay money to their union so that those things can be taken care of for them by their representatives.

The federal government also wants to remove remedies for unfair dismissal for effectively about 99 per cent, I think, of the construction industry. Most of the people in the construction industry are employed by small businesses, because nowadays it is very much a subcontracted industry. The industry does not have the work forces that it had 20 or 25 years ago. In years gone by, the majors such as Multiplex, Leighton and John Holland had labour forces of hundreds of tradespeople and labourers. On their jobs, which were the big jobs in town on which there were hundreds of workers, most of the workers would be employed by those companies. The situation was similar with the Building Management Authority. It had a construction work force of a couple of thousand. We do not have the BMA any more; we have private builders.

**Hon Kate Doust** interjected.

**Hon GRAHAM GIFFARD:** Yes, it was closed. I won't go into that. That is perhaps a story for another day.

**Hon Kate Doust** interjected.

**Hon GRAHAM GIFFARD:** Yes. It is a well-practised one, but perhaps that is for another day.

**Hon Ken Travers:** Your obsession is almost as bad as Hon Peter Foss's.

**Hon GRAHAM GIFFARD:** I know. Repetition is an obsession. Hon Ken Travers is dead right.

A feature of the construction industry of days gone by is that large work forces were employed, as I said, by the principal. Probably in the past 25 years, subcontracting has become the main unit within the construction industry, because most of the people who work in the industry now are subcontractors themselves or they engage people. Nowadays, Multiplex, Leighton or John Holland will have site managers and people such as that on a big job, but in their blue-collar work force they might have a site labourer, and the rest of the people will be subcontractors. A law that says, by definition, that a person cannot be unfairly dismissed because of the size of the organisation - that is, if the employer does not have 15 or 20 workers - is a law that indirectly discriminates against all those workers, because, by design, it denies them any remedies that might arise from unfair or prejudicial treatment by their employer.

Debate interrupted, pursuant to standing orders.