

LABOUR RELATIONS REFORM BILL 2002

Second Reading

Resumed from 12 March.

MS HODSON-THOMAS (Carine) [12.38 pm]: I place on record my opposition to the Bill before us. I wish to add, like others before me, that I am certainly no expert in the field of industrial relations and I have never been a member of any union. However, I feel very strongly about the principles and beliefs of the Liberal Party - beliefs like the innate worth of the individual and free enterprise, beliefs that encourage individuals through incentives rather than placing limits through disincentives, disincentives like those that will result from this Bill.

I was in this place in 1997 when debate on the third wave legislation occurred. If ever I had had any respect or empathy for unions, it was certainly lost at that time. I had been a member for only a short time and I found the intimidation and bullyboy tactics of the unions absolutely abhorrent, appalling and, frankly, unAustralian. The union tactic of spitting on and throwing beer over members of Parliament as we left this place was shameful. I have not forgotten the total disregard they had for us in their quest to prevent us from doing our job.

I am concerned about many aspects of this Bill and its consequences. The Bill will not do anything to stimulate investment or job creation. Workplace agreements have been a major factor in the economic stability of this State. The abolition of workplace agreements will have wide-ranging ramifications for small business and workers. It is not my intention to raise all my concerns about the Bill. They have been well covered and canvassed by members before me, particularly the member for Kingsley. I listened intently to her address and agree with all the sentiments she raised as lead speaker for the Opposition in this debate. I take this opportunity, which not many people in this place do, to commend her for the time she has dedicated to this legislation. She has spoken with employees and employers from across the State. There is no doubt that she has a comprehensive understanding of the legislation and feels for the concerns of people who will be affected by it.

Ms MacTiernan: We all reckon she should be the leader.

Mrs Edwardes: That has killed it.

Ms HODSON-THOMAS: It certainly has. It is the kiss of death.

Dr Edwards: Katie for deputy.

Ms HODSON-THOMAS: The sisterhood is united! I commend the member for Kingsley. Many members on this side have already said that this Bill is about giving control back to the unions. Its intention is clearly to increase union membership, which unfortunately will be to the detriment of the flexible working hours that the community has enjoyed and endorsed in the past. The intention of the legislation to give control back to the unions is certainly highlighted by the right of entry provisions in the Bill. It is an outrageous and shameful abuse of the legislation for unions to be given an almost unfettered right of entry to any work site during working hours, and in many instances without having to give notice, and with no time limit on how long they can stay. I understand that most awards do not require notice. This provision in the Bill is an incredible abuse and is absolutely appalling. It is shameful for the Government to endorse this practice. Talk about disruption and intimidation in the workplace! There certainly appears to be no regard or consideration for small business and its productivity and efficiency. It certainly highlights the premise that the legislation is all about unions acquiring membership employment records. Unions will be able to increase union membership, which will provide them with an opportunity to avail themselves of further funds. Political donations will no doubt go to the Australian Labor Party. Therein lies the motivation behind the legislation.

Mr O'Gorman: What about businesses who donate to the Liberal Party?

Ms HODSON-THOMAS: Businesses contribute also to the Labor Party.

Mr O'Gorman interjected.

Ms HODSON-THOMAS: I understand that this legislation does not require workers to have a say about where political donations will go. Is that not right?

Mr O'Gorman: What about shareholders?

Ms HODSON-THOMAS: Neither the shareholders nor the workers has any right. Explain that.

Mr O'Gorman interjected.

Ms HODSON-THOMAS: I also understand that authorised representatives who inspect records because they suspect a breach has occurred will not be required to specify the suspected breach to employers, so employers

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will have no opportunity to determine which documents or records relate to the breach. It will allow unions to have carte blanche access to employee records. There appears to be absolutely no concern for the privacy of employee records. I reiterate that for unions to have access to information on the hiring and firing of employees, terms and conditions of employment, details of employee membership of trades or associations, leave details, taxation details, private banking and superannuation affairs is, in my view, shameful. There is no doubt in my mind that this -

Mr Kobelke: I agree with you. That is why this Bill is not doing that.

Ms HODSON-THOMAS: We will take that up during the consideration in detail stage. As the minister has interjected on me, I will take the opportunity to say that I am surprised to see him in this place today. I was told that the minister would be addressing the Stirling Business Association today on this legislation. I understand that the minister sent somebody else. Who did the minister send?

Mr Kobelke: Somebody from my office.

Ms HODSON-THOMAS: I know that members of the association will be bitterly disappointed that the minister is not there. I know it is important for the minister to be in the House when the legislation is going through, but it is clearly also important for him to hear the concerns of small business.

Mr Kobelke: I would have liked to have been there, but I had hoped that the Stirling Business Association, of which I have been a member for about 10 years, would pick a week when Parliament was not sitting. This has been a designated sitting week since last year.

Ms HODSON-THOMAS: However, the minister accepted the invitation.

Mr Kobelke: No, I did not accept the invitation to attend during a sitting week in which we were bringing on the legislation. I accepted the invitation on the basis that I could not attend a meeting during a sitting week in which we were dealing with this legislation.

Ms HODSON-THOMAS: Fair enough. I take those comments on board.

There is no doubt in my mind that jobs will go if this Bill is passed. It will increase costs to employers and will ultimately cost consumers - the mums, dads and seniors of our community. To my mind, it will put in jeopardy future investment in this great State. As has been mentioned by other members, no economic assessment or analysis has been undertaken on the impact of the Bill. We should all be concerned about the long-term effects of this legislation, particularly on our youth and those in the community who have enjoyed the benefits of workplace agreements. Young people and low income earners will be hardest hit by this legislation. If members were to examine the type of work sought by young people, and students in particular, who are trying to balance studies with leisure, sporting activities and work, they would understand how badly this legislation will affect those people.

I will take the opportunity to ask one further question of the minister. He may wish to provide an answer during the consideration in detail stage. Why have two termination dates for workplace agreements been determined? I understand that workplace agreements registered after 21 March 2001 will operate for six months after the legislation is proclaimed and those registered before 21 March 2001 and still in place will operate for 12 months. I think I have got that right. Perhaps the minister will provide some detail about why he did not just draw a line in the sand.

Mr Kobelke: I am happy to answer that. There is also a third series of dates. However, the answer to your question is too lengthy to provide by way of interjection.

Ms HODSON-THOMAS: I ask the minister to deal with that matter in his summation or during the consideration in detail stage. It is unfortunate that this Bill will take decisions away from employees who want flexibility in their workplace and who have obviously worked harmoniously with employers to determine an outcome that suits their goals and aspirations and rewards them for their efforts. I am greatly concerned that small business will ultimately feel the burden of the extra costs that will result from the Bill that may well force many small business operators to sell up or, in the worst-case scenario, shut up shop.

Recently, I met with a number of small business operators to discuss their concerns about the legislation. I will focus on the concerns of a small business involved in the cleaning industry. This small business cleans shopping centres, and it raised with me two concerns it has about the Bill. It is concerned about the increased business costs and the comparative wage claims. I will briefly touch on the increased costs to the business. The shopping centre that I will use as an example currently costs \$600 000 per annum to clean. The employer says that he anticipates a 20 per cent increase in costs. He believes that it will cost \$120 000 per annum on top of the \$600 000 to clean the premises. Who will ultimately bear those costs? In the first instance it is the small business operator that cleans the shopping centre. Eventually the cost will be passed on to the two or three major

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retail outlets in the shopping centre and the small business operators, including the dress shop, the newsagent, the cafe, the jewellery store and Donut King etc. The costs will ultimately be borne by and hurt small businesses. In the long term, small businesses will employ fewer staff and many workers will work longer hours and carry the burden to offset the increased costs. These increased costs will eventually impact on the consumer.

I also mentioned the comparative wage claims. Small business believes that these comparative wage claims will detrimentally affect their businesses. This employer's shopping centre cleaning business operates on a six-day working week. He used as an example one of his managers, who works a six-day working week and earns about \$55 000 per annum. He told me about another cleaning business in the hotel industry that operates on a seven-day working week. The manager of that business earns approximately \$65 000 per annum. Both businesses have similar job descriptions and do similar types of work. Obviously, they are in a similar industry. However, they have different hourly and weekly structures. After reading this Bill, I understand that it will allow industry-wide decisions to be made that are unrelated to the needs of each business and are designed to increase wages. Members opposite might believe that that is fair and equitable; however, there is no doubt there will be long-term ramifications for small business and its employees.

Mr Kobelke: We were conscious of that potential and is that why we changed the objects of the Act. The objects of the Act states that the commissioner, in making a determination, must take into account the needs of specific enterprises.

Ms HODSON-THOMAS: I thank the minister. I was very interested to hear what the member for Kingsley said about independent grocers and seven-day trading. Six independent grocers operate in my electorate and I know that many of them will be forced to reconsider their staffing arrangements. Currently, many of the grocers employ students on weekends. It is unfortunate that they will find themselves picking up those extra hours to the detriment of their families and to the detriment of their employees, many of whom, as I have said, are students.

Workplace agreements provide an environment for investment and growth in this State. This Bill is a retrograde step. It will set business back and will fail to reward workers. It will impede job creation and future investment. I wonder how long it will be before we see record levels of unemployment again in this State. Is it any wonder that we will see a mass exodus of workers to the federal system? I will not support the Bill.

DR WOOLLARD (Alfred Cove) [12.54 pm]: This Bill is not supported by the general community or the small business community in my electorate. People depend on after-hours work. Although the Labor Party argues that this Bill will introduce a level playing field, the business proprietors state that having to pay workers double or triple weekend overtime rates will lead to job losses. That loss of employment will affect young people, students, part-time workers - a lot of whom are women - and some senior citizens who work to supplement their pensions. It may also affect the weekend tourism industry in Fremantle and Perth.

The community likes the services that are currently provided seven days a week; it does not want to see the clock turned back. Labor says that if the penalty rates are impractical, associations can go to the commission to have the award changed. However, it is not good if businesses close due to these changes, which will put people out of work. The wider community has embraced the changes to business operating hours. People do not want to go back to having fewer trading hours and they do not want unemployment to rise. I appreciate that Labor wants to defend the rights of individual workers, and I agree with that. Labor wants to stop intimidation, exploitation and bullying tactics, yet it is interesting to listen to the big employers, who say that under this Bill, the stronger unions will use these same tactics.

The business community is concerned that Labor is considering the models of award rates and union control of the past. As a nurse and a past president of the Australian Nurses Federation, I know that the nursing profession widely supports some aspects of this Bill. Over the past several years, nurses have found it very difficult to achieve better salaries and conditions under workplace agreements. I am disappointed that this Bill will not address the needs of nurses who work in aged care. Unfortunately, several years ago these nurses moved to federal awards. However, I believe that part 4 of the Bill leaves the door open for the ANF or other unions seeking to cover nurses in aged care to cover nurses at the state level and then argue for parity in wages if they are unable to negotiate a fair enterprise bargaining agreement with the employers.

Teachers and nurses have also expressed to me their concerns that an enterprise bargaining agreement will reduce an individual's capacity to negotiate for better salaries and conditions. They consider this Bill to be pro-union, rather than pro-worker. Labor states that it supports the workers; however, this Bill should not discriminate against individuals on behalf of the unions. The Government intends to introduce an enterprise bargaining agreement into the public hospital system. What other professional groups will have an EBA for the leaders of their profession? This is inappropriate. Directors of nursing in the major hospitals should be able to negotiate their conditions under an employer-employee agreement. It is inappropriate for them to come under an enterprise bargaining agreement.

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I return to an examination of the implications of this Bill for the community. It is generally believed that the Bill may affect the current standard of trading hours. Young and part-time workers, elderly people and university students will be affected by this. Another concern is the increase in the power of some unions. No-one in the community would argue against better conditions for teachers, nurses and police officers, but the building sites that display signs saying "no ticket, no start" are a retrograde step. I have been informed that displaying such a sign is not an offence. It is only an offence if someone who has applied for a job can prove that he was discriminated against. What message is this giving the community about the power of some unions? This Bill was meant to set a base level to ensure workers received no less than minimum award rates. While doing this, it will lower the earning capacity of some individuals, who will ask why they should work harder when they will be paid the same as another worker who works to rule and follows exactly what is written in the job description. Setting a base rate is fine, but why not encourage individualism within the workplace?

Although the Bill has some important and useful aspects, its general thrust is to turn back the clock at a time when the community should be looking forward to new models of cooperation between employees, their unions and employers.

MR O'GORMAN (Joondalup) [1.02 pm]: I feel I have a right to speak on this Bill, as I was in the public gallery during the debate when Kierath tried to commit genocide on the unions. The last few speakers have bandied around the term "union thugs", in reference to a group of people who were in the gallery during that debate. I ask members opposite if they believe I am a thug and if I intimidate anybody in this place, because I was in the gallery and I did not do that.

Mr Bradshaw: Were you one of the people outside spitting and throwing things?

Mr O'GORMAN: In large groups there are always people who do not abide by the rules, and this is certainly true of employers. That is why this legislation is necessary. I am showing a poster that I display in my office. It says that, on this job, we aim to be 100 per cent union. It does not say that everyone must be 100 per cent union, only that the workers aim for that goal. As a unionist, I aim to get everybody in my workplace into the union, so that the union is able to negotiate on behalf of all the employees in that workplace. I have been a member of the union since I was 18 years old. I started my apprenticeship at the age of 15, and joined the union as soon as I was able to as a fourth-year apprentice. I have never felt intimidated by the union. I have often put my hand up and voted against what the union organisers were telling us. That was my right. They have listened to me, and have always respected me. Since I was a young person, right to the present, I have always been in the union, and I always will be.

Then workplace agreements were introduced. My 16-year-old daughter was working in a shop, and she was handed a workplace agreement. She came home and asked what to do with it. I told her to read it, and then decide whether it was good or bad, and whether to sign it. Technically, she should not have been getting third-party advice, although as a parent I felt I had a right to give advice, and she had a right to receive it. I advised her not to sign the agreement. However, she felt intimidated, not by her employer, but by the mere fact of being asked to sign by a person in authority, and therefore she felt that she had to sign it. That particular employer was actually quite good and both my daughters are still employed by that establishment, although the owners have changed. The new owners are also particularly good employers, but still insist on workplace agreements. I do not understand why, because under an award system, or an enterprise bargaining agreement that can be negotiated between employers and employees, they can have all the conditions and benefits of the award, while helping that business out. This is not pie in the sky - I have seen it happen, and I have done it.

While doorknocking during the election campaign in the suburb of Beldon, I knocked on the door of a 55-year-old grandmother. She had been a school cleaner, and she was most upset that during the contracting-out process she lost her job because she refused to sign a workplace agreement. That is disgraceful - a 55-year-old grandmother lost her job because of a workplace agreement. Unfortunately, she found that, because she did not have much education, the best job she could hope for was as a cleaner. She had to sign a workplace agreement, which required her to start work at 5.30 am on a wage of about \$10 an hour. There were no penalty rates and very few benefits in the way of leave, even though the minimum conditions provide for that. Is that the way to treat the senior people in our community? It is disgraceful. Also during the election campaign my car towed a large display trailer, stating who I was and what the Labor Government would do when it was elected. One day I pulled into a BP service station in the middle of my electorate. When I walked in and the people realised who I was, because they had read that great big sign on my trailer, they pleaded with me to repeal the workplace agreements legislation. They had had enough of them - they had been screwed to the ground with them. They received no overtime rate and worked on flat rates on Saturdays, Sundays and through the night, because it was a 24-hour service station. How bad is that, when a flat rate is paid to people working really unsociable hours?

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Since being elected, I have become involved with a community group which, as a result of workplace agreements, may become financially unviable. This organisation, under a former committee which included a former member of this Parliament, who was a member when the Workplace Agreements Act was passed, had agreements with seven employees. These workplace agreements terminated in November 2000. The workplace agreements had not been written appropriately, and did not include clauses stating what would happen when they ran out. The community group did not pick up that the agreements had terminated. When the new committee, of which I am a member, took over, it went back over the employment records and discovered that no contract of employment existed for the group's employees. Even under Keirath's agreement it was not possible to escape the award system, because when a workplace agreement terminated the wages and conditions reverted to those contained in the award. Under the award, those seven employees were entitled to \$2 to \$2.50 an hour extra in their pay. When that was worked back over the period to November 2000, the community organisation was left with a back payment bill between \$8 000 and \$10 000. Most community organisations do not run with a cash balance in the bank of that amount for back payments. It has affected the community insofar as that organisation could disappear from the scene, if its workers demanded their back payment immediately. I am not sure whether it was the desire of the previous Government, but I am certain it is not the desire of this Government that organisations providing community services, such as food parcels, advice for women and child care facilities, should disappear. I am sure that was not the intention of the previous Government, and it is not the intention of this Government.

Mrs Edwardes: How does it impact?

Mr O'GORMAN: A workplace agreement was in place until November 2000. Because it was not set up properly and community groups are not well informed about workplace agreements, the agreement lapsed. When the new committee looked through the records, it discovered the anomaly and corrected it. The anomaly put that community organisation in a bad position. Thankfully, because the employees are committed to the group, we were able to get that group to trade out of the difficulty.

Mrs Edwardes: Were they being paid above the award rate?

Mr O'GORMAN: They were being paid below the award rate by approximately \$2.50.

Many government employees have been coerced into signing workplace agreements. Various speakers today and yesterday claimed that a company that is not doing the right thing should be closed. If a company is not doing the right thing and the position of its workers is bad, it should not have the right to operate. I can give an example of the bike hire company at Rottnest Island. After a nine-and-a-half months strike the company pulled out. What happened? The Australian Manufacturing Workers Union newsletter states -

A long running dispute between the AMWU and the operators of the Rottnest Island Bike Hire is over with the AMWU securing a comprehensive win for six bike hire workers, who were on strike for nine and a half months.

I am sure we all know about that strike. The newsletter continues -

Prior to the strike, the workers were paid a flat \$11.00 an hour . . .

This is an example of what I was talking about -

. . . for all hours worked on any day of the year. They were not paid for working overtime, paid annual leave or sick leave and did not receive penalties for working on public holidays.

A company like that does not deserve to be in business in Western Australia, and we should not be encouraging it.

A number of speakers have said that we cannot put in place flexible agreements that will provide employers with the flexibility they want for their workforce. That is a load of codswallop. I have done it. I think I have been involved in three, if not four, enterprise bargaining agreements at Curtin University. There was flexibility. All the agreements could be amended by going to the Industrial Relations Commission. They were workable and adaptable to particular circumstances. I can highlight some of the circumstances. We adapted the agreements to have the maintenance workers working particular hours to meet the needs of the university. The same applied to security workers. The EBA was supported by the awards, the unions, the employers and the employees. Everyone who was a party to the agreement supported it. Even the Industrial Relations Commission supported it.

The issue of unfair dismissal has been raised. We are told that we are putting unreasonable obligations on employers. I do not think it is unreasonable to reinstate an employee once it has been established that he was unfairly dismissed. I was dismissed from Curtin University at the suggestion of a junior management person,

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because I upset him. I used to challenge him, because I did not think he was doing the right thing. He had me dismissed. Within 20 minutes I was reinstated, because senior management realised the error of the gentleman's ways. Proper procedures were not followed, and I had my union to fall back on. Under the provisions of workplace agreements I would not have had that. I am grateful to the AMWU for having me reinstated.

I rejoined the workforce at Curtin University and found myself in a management position, which seemed a bit odd to me because on one day management was sacking me and on another day it was promoting me. I was really happy to be back there. I did pretty well. However, I found myself having to dismiss an employee for not doing the proper thing by the university and not sticking to the rules. The dismissal was done by a proper process. As a result, there was no challenge in the Industrial Relations Commission and no challenge from the unions. It was accepted that it had been done properly. All we need do is to teach management how to do act properly.

The question has been raised of whether a union representative is qualified to assess whether something is a health and safety issue. From my experience over a number of years I can give three examples. One involves a tile cutter who was cutting tiles with a diamond-tipped angle grinder - I suspect that not too many members on the other side of the Chamber will know what that is. He was wearing thongs and holding the tile between his feet while he was cutting it with the tile cutter. Another involved a contractor who came into the plant room in which I was working. He put a pump onto a mezzanine floor. Instead of doing the right thing and hiring the proper crane and equipment, the pump was hoisted up by a block and tackle attached to the roof joists, put on top of a portable scaffold and then moved to the mezzanine floor. It was then donkey lifted onto the mezzanine floor. It was a totally unsafe work practice. I stopped it as soon as I saw what was happening. The management thanked me for doing that, because it would have been put in an impossible position had the pump fallen on anybody in the plant room.

Mrs Edwardes: At least you had the courtesy of bringing the problem to management's attention. That is not what is happening on the building and construction sites. You identified the breach.

Mr O'GORMAN: I stopped it first. I will always do that.

Mr Johnson: You didn't call the workers out on strike.

Mr O'GORMAN: I would have taken them out on strike if management had not acted, because the breach was so severe. I would do so tomorrow, regardless of workplace agreement legislation.

Another instance involved a desire to have safe egress from plant rooms and roof spaces. Roof spaces are dark all the time. If people are working at dusk or at night, or even during the day, and the lights go out, how do they get out of those areas safely? We successfully campaigned to have emergency lights put in place. A union shop steward and I took the initiative. We worked it through with our employer. There was no strike, and it all worked out. What we were doing was protecting the employer, not the union. As a result of the training we received from the union, we knew what to do, and we did it. We protected the employers from litigation. If the guy had cut his toe off with the angle grinder, if the pump had fallen, or if somebody had fallen through a ceiling from a roof space, the employer would have been liable to pay compensation.

We have heard that there will be problems with international competitiveness if this legislation becomes law. People have told us that Western Australia will be less attractive to overseas investors. I do not think the past year has shown us that. The Western Australian economy has been growing in the past year, which it was not in the year before. My native country of Ireland's current success means it has been dubbed the Celtic tiger. Its success is based on knowledge and cooperation and not conflict. Members opposite and the Chamber of Commerce and Industry would not like Western Australia to operate on that basis. Industrial matters do not rate as a major political issue in Ireland, even though there is a very strong union movement and a belief in a fair go there. Western Australia could attract more international business if we adopted a knowledge and conciliation approach rather than an "ignorance is bliss" approach.

Mr Johnson: Do they have similar legislation to this in Ireland?

Mr O'GORMAN: They have legislation that does not prevent unions operating properly.

Mr Johnson: Do they have similar legislation to this under which a union official can go into any business?

Mr O'GORMAN: I do not have a lot of time. I have only four minutes left. I do not normally quote people, but I would like to quote Ben Chifley. On a recent train trip, I read a book titled *Australian Prime Ministers*, because I felt I was a bit lacking in Australian political history. I learnt that the Liberals and the general conservative side of politics in Australia are no different today than at the time of Federation. They are still pushing the same barrow.

Mrs Edwardes: There was no Liberal Party at the time of Federation.

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Mr O'GORMAN: I said "Liberals" and I corrected myself by saying "conservative". I realise that the Liberals did not exist until the time of Menzies. The Australian Labor Party is the oldest party in the country.

The Labor Party and the labour movement are very enlightened. We can see how the labour movement has progressed while maintaining its core philosophies. I think this quote embodies the labour movement; that is, the union movement, the Labor Party and all the workers -

I try to think of the labour movement, not as putting an extra sixpence into somebody's pocket, or making somebody prime minister or premier, but as a movement bringing something better to the people, better standards of living, greater happiness to the mass of the people. We have a great objective - the light on the hill - which we aim to reach by working for the betterment of mankind not only here but anywhere we may give a helping hand.

Mr Johnson: You did not do it when you were last in government.

Mr O'GORMAN: Yes we did.

MR LOGAN (Cockburn - Parliamentary Secretary) [1.20 pm]: It is a pity that members opposite have not been in attendance for this debate. I was hoping that when I was on my feet there would be a large number of opposition members in attendance who would interject and shout and carry on like chooks.

Mr Birney interjected.

Mr LOGAN: The member for Kalgoorlie will have an opportunity to interject in a minute. I have a lot more to say that will interest the member.

I find it interesting that when stages 1, 2 and 3 of the industrial relations legislation introduced by the Liberal-National coalition Government were debated in this Parliament a significant number of people were present in the gallery. This Government is now reversing the damage that has been done by members opposite, and I would have thought that people would have been present in the gallery to indicate their opposition to this measure. I thought that at least one employer would be listening to the proceedings today.

Mrs Edwardes: There are two in the Speaker's gallery now.

Mr LOGAN: It is wonderful that they have taken the time to come here. Only two employers are in the gallery listening to proceedings that we are told are crucial to them. Where are the employers' organisations - their equivalent of trade unions? They are not in the gallery. Where is the Chamber of Commerce and Industry of Western Australia? Hello, is anyone here from the chamber? Lyndon, come out! Where are they all? They are nowhere to be seen. That is the level of employers' interest in this legislation. All the employers to whom I speak know that there will not be a great deal of change for them.

I will now respond to some of the comments of members' opposite that were made in the second reading debate yesterday. I understand the reason for the Opposition's ignorance about industrial relations issues, particularly the members who have spoken so far, with the exception of the member for Kingsley. Industrial relations is a specialist area and members of the Opposition do not specialise in industrial relations. I can understand members opposite not having a grasp of industrial relations issues, or even wanting to grasp the issues, because that involves hard work. Members opposite would have to put in the hard yards.

I cannot tolerate the complete lack of research and effort put into their contributions to this debate by members of the Opposition. They did not bother to address the Government on the issues in the Bill or their perceived problems with the Bill, they resorted to emotional claptrap. Their laziness and inaction about the changes proposed in the Bill has done a huge disservice to the employers of this State. It is outrageous. What was the member for Kalgoorlie's contribution to this debate? He brought in photocopies of five articles published in *The West Australian* on union activities on building sites. That was the level of the member's research into huge changes to the Industrial Relations Act. Employers in this State should be outraged by the useless debate presented to the Government in this Parliament by the Opposition. It is inexcusable.

The Opposition raised only three points of any substance. The first point concerns the right of entry. Every opposition member who spoke in the debate talked about the right of entry. Did they talk about that principle in detail? Did they go through the clause point by point and explain why it will not work? Did they look at the history of right of entry? No, they did not. They talked emotional claptrap about the right of entry. I am holding up the Metal Trades (General) Award. Most opposition members have never read an award. In fact, this might be the first time they have ever seen an award. The member for Kingsley knows this is a benchmark award in Western Australia.

Mrs Edwardes: How many clauses and pages does it contain?

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Mr LOGAN: The member for Kingsley should not worry about the number of clauses. Let us deal with the issues raised by members opposite. They raised the issue of right of entry and linked that to union thuggery. Clause 26 of the metal trades award, "Representative interviewing employees", has been in place for a very long time. Opposition members should not worry about the right of entry provisions in the Bill, because the right of entry is set in law. Union officials can use this clause now because it is in the award. They have always been able to use it. Clause 27, "Posting of union or award notices" was not removed by the coalition Government's crazy legislation of 1993. It is still in the award. The award contains a clause that provides access to time and wages records. It is law now. Union officials all over the State can use it now.

I am holding up the *Western Australian Industrial Gazette* of 1966. The Australian Manufacturing Workers Union's Metal Trades (General) Award was first proclaimed in this publication in 1966. Clause 27, "Representative interviewing employees", is set out in a notice in that gazette. Even after all those years the clause number is the same. Clause 28 is "Posting of union award notices". Clause 18 is "Time and wages records". One clause is missing, unfortunately - I would like to see it reinstated - because the father of ex Premier Richard Court got rid of it in 1979. Under clause 6, "Preference to unionists", a person could get a job only if he or she was a member of a union. In 1979 the then Liberal Government took that out of all awards by general order. Provisions allowing for right of entry and the ability to access time and wages records have been law in this State and included in awards for a long time. It was the law in this State throughout the three phases of the former coalition Government's legislation. Members opposite have come into this Chamber saying, "Shock! Horror! The Government is introducing right of entry provisions in the Bill." It has been there for years. Why do members opposite not look at the awards and the Act?

Ms Sue Walker interjected.

Mr LOGAN: The member for Nedlands has just walked in and wants to contribute. She should have come in here earlier and listened to the debate. Let us go back a little further.

Several members interjected.

Mr LOGAN: Horror of horrors! The *Western Australian Industrial Gazette* of 31 May 1926, refers to another metals award and - horror of horrors - the right of entry to works, shop stewards, preference of employment and access to times and wages records. It has been there since 1926. Members opposite express horror about the Act's reflecting provisions that have been in awards for the past 80 years. That is what they are complaining about.

I get upset because members opposite fail to do any research on Bills, particularly those Bills that affect the people they claim to represent. If a Bill is introduced and I am asked to speak on it, I do the appropriate research. That is the proper thing to do. Members opposite have all been asked to speak on this Bill, but they have done nothing other than read the briefing sheets provided by the Chamber of Commerce and Industry. They are outrageous and pathetic.

The second point they raised related to individual contracts. The Minister for Consumer and Employment Protection referred yesterday to the Australian Centre for Industrial Relations Research and Teaching, which is a very well-known research organisation operating out of the University of Sydney. Members opposite stupidly asked questions about it. It is a well-respected research organisation used by employers, unions and Governments. The ACIRRT has published statistics covering the eight years during which the Workplace Agreements Act has been in operation. Those statistics show that fewer than 10 per cent of Western Australian employees are covered by a Western Australian workplace agreement and fewer than 10 per cent of Western Australian employers have used workplace agreements in the eight years during which they have been available.

Members opposite had the message sent to them to reverse that legislation by the 40 000 people who marched on this Parliament. The largest demonstration ever mounted in Western Australia was designed to stop the passage of crazy legislation through this Parliament. That legislation has been a dismal failure. The people whom members opposite claim to represent - the employers in this State - have not bothered using the legislation because it is too difficult and complex to use.

I have been a union official for 15 years and I have met more employers than members opposite have met. First and foremost, those employers want a level playing field in their industry. They have told me that they wish they had a proper award system because it would ensure that level playing field. If the award system were reinstated, they would know what their competitors were paying, what conditions they were offering and that they were not undercutting. That is what the employers, whom members opposite claim to represent, say to me. They might not say it to members opposite for political reasons or because those members do not want to listen, but that is the truth.

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Union thuggery was the third useless point raised by members opposite. They could not deal with the content of the Bill, so they resorted to emotion. They used statements reported in the Press to reinforce their bias against trade unions. If members opposite want to talk about union thuggery, I will take them back a couple of years. I refer them to the Robe River dispute, which involved a company trying to introduce an early form of individual contract and de-unionising the work force. The employees defended themselves by forming picket lines. How did the company deal with this outrage of unions wanting to defend workers' conditions? It had an armoured car flying the Australian flag drive through the picket line. That was very Australian! The flag was supposed to give the action some legitimacy. Members opposite forget that. They come into this place waving stupid pieces of paper and talking about what goes on in the construction industry, but they forget that employers drove armoured cars through picket lines.

Ms Sue Walker: So?

Mr LOGAN: So what if employers drive armoured cars through picket lines? The member is pathetic.

Members opposite have their own thugs, one of whom they sooted onto the Maritime Union of Australia. One thug sat down at the wharf doing his job protecting scabs and mercenaries who were employed to take the jobs of MUA workers. That is what happened and members should remember it. John Howard, Peter Costello and Peter Reith remember it well. New Zealand thugs with dogs were brought in to protect scabs who took the jobs of legitimate employees. Negotiations on the enterprise bargaining agreement broke down and Patrick The Australian Stevedore sacked the workers and brought in scabs, some of whom were mercenaries. Members opposite talk about union thuggery!

On the night that the dispute reached its peak at Fremantle, nearly 600 police -

Ms Sue Walker interjected.

The DEPUTY SPEAKER: I call the member for Nedlands to order for the first time.

Mr LOGAN: - turned up with batons, shields and protective body armour, two helicopters and a plane with search lights circled overhead and fire engines with water cannons were on standby. We were only an inch away from fascism. Members opposite think that is a joke. Had the police not advised Richard Court and Graham Kierath not to breach the picket line, people would have been killed. The workers were not moving, the police were coming in and the yobbo rural idiots were about to drive through the picket lines. The coalition Government turned out armed police to attack unionists who were defending their livelihood. Those workers were confronted with water cannons, dogs, armoured cars and scabs. That was the result of the introduction of the workplace agreements legislation. I am not being over emotional. It is fact; that is what happened.

Several members interjected.

Mr LOGAN: Yes, I will.

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

Mr LOGAN: Now that I have another 10 minutes, I will refer again to Fremantle. The dispute at Fremantle was resolved because of the conspiracy between the company, the Government and everybody else to de-unionise that work force. That was the essence of the coalition Government's legislation. Its legislation was not designed to give employers flexibility; it had nothing to do with that. The legislation was about de-unionising the work force.

Mr Johnson: It was to make the work force economical.

Mr LOGAN: Is that right?

Mr Johnson: Of course it was.

Mr LOGAN: I will quote from the Leader of the Opposition.

Mr Johnson: When did he say it?

Mr LOGAN: I am quoting something he said last September in this Chamber.

When I spoke in response to the appropriation Bill about the benefits of the Jervoise Bay project, the Leader of the Opposition, the member for Cottesloe, constantly interjected, as is his wont when I speak in this place.

Mr Johnson: You have that effect.

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Mr LOGAN: I believe I do. I got fairly hostile about the interjection and referred to the link between the Leader of the Opposition and the Western Australian Chamber of Commerce and Industry. Page 3914 of last year's *Hansard* reads in part -

Everybody in this Chamber knows that when the Leader of the Opposition talks about individual work contracts, it is code for "let us have no unions".

Mr Barnett: That is right.

The Leader of the Opposition said that. The exchange continues -

Mr LOGAN: He agrees. The Leader of the Opposition has not at all learnt the lessons of 10 February when that type of industrial relations was completely rejected.

That is in *Hansard*. When the Leader of the Opposition was queried about the real intent of the first three phases of the proposed workplace relations Act he admitted that it was a code for de-unionising the work force. When I put that to him he said unequivocally, "That is right." Members of the Australian Labor Party know that. That simply confirmed for me the attitude of the Liberal coalition when it was in Government for eight years. It was not something new; we knew it. The Liberal coalition Government did not, and members opposite still do not, have the guts in opposition to go outside this Chamber and tell the people of Western Australia that the objective of the coalition Government's legislation was to de-unionise the work force. Members of that Government in opposition come into this place and make stupid statements about right of entry, time and wages records and supposed thuggery in the construction industry, all of which they know nothing about. They make stupid statements in this Chamber, knowing full well that their legislation was drafted with the sole objective of smashing the union movement. I thought that at some stage Graham Kierath would be drawn into admitting the truth because he was a fairly confrontationist character. However, he did not admit that the legislation was designed specifically to de-unionise the work force.

As I have said in this place before, members need only read the Occupational Safety and Health Act for an indication of his attitude. What did the Government of the day do in the 1990s to change that? Apart from the amendments designed to alter the way in which it is applied in the workplace, the then Government removed every reference to the word "union" in the Act. It had all the hallmarks of Stalinist Russia. The word "union" was unacceptable and had to be removed from all legislation. That is what it was all about.

Contributions from members opposite to this debate have been a complete farce. Their arguments are proof of a lazy approach to research, which is not conducive to intelligent debate in this place. The Opposition has done the employers of Western Australia a great disservice. Employers should be informed and I will do my best to inform them.

MR McRAE (Riverton) [1.46 pm]: I support the Gallop Labor Government's Labour Relations Reform Bill. As members who have taken the time to read the Bill will know, it contains three parts. It will amend the Industrial Relations Act, the Minimum Conditions of Employment Act and the Workplace Agreements Act. It is important to appreciate that that is the framework with which we are dealing and then consider the debate we have heard over the past 24 hours, which has come almost entirely from the opposition benches. It has been characterised by almost all the speakers confessing, first, that they are implacably opposed to the Bill; secondly, that they do not profess to be experts on industrial relations; thirdly, that they have never been members of a union; and, fourthly, that they have had very limited experience in the management of industrial relations, either as a policy and framework or day-to-day management in the workplace, although we have heard about some members' experiences as small business operators. However, the mob opposite is absent in engineering productive, creative employment enterprises that adapt to market changes, international forces, technology changes, skills development, workplace relations and the complex elements that make up successful enterprises in our community. Members opposite have form for being absent and have put themselves on the record as being absent. I will come back to their failure to thoroughly investigate the purpose of this Bill and to properly acknowledge their part in establishing a regime the first objective of which was to destroy the union movement; the second of which was to tip the balance of workplace relations power so far towards the employer that the very fabric of our society was being shredded. It was shredded by the mob opposite when in government for eight years and they still cannot deal with the truth, reality and proof of its performance.

It has been very interesting as a new Labor member of Parliament to participate in this debate. It is a great pleasure and an honour for me, as the member for Riverton, to participate in this process of reform. It has been very interesting to be subjected to the barely two-dimensional blast from members opposite. No thermo-nuclear explosion has occurred. It has been an absolute fizzer. It has been like watching a cracker with its wick lit, sparkling and crackling until it gets down to the six-penny bunger moment, but after waiting for that moment it turns out to be just a fizzog.

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It had no substance, no knowledge, no substantive analysis, no heart, no head and no intelligence. Members opposite - the doomsayers and a flock of chicken littles - have been chanting for the past 24 hours that the sky will fall in. They are peddlers of myths and half-truths. When they next recognise a truth about their performance and their record, it will be for the first time. The standard chant that we have heard from them is one word - "thuggery". I will tell members about real thuggery.

Mr Board: If you can stand there after the performance of your Government in eight years with the same set of economic figures that we had, you will be a proud member.

Mr McRAE: I will take the interjection from the member for Murdoch.

Mr Board: You will be a proud member if after eight years in government - I predict you will have only four - you can say that the Western Australian economy is in as good shape as it was when we left it. If you can do that, I will take my hat off to you.

Several members interjected.

Mr McRAE: I took the interjection from the member for Murdoch and members should let me respond. If this Government cannot finish in a better position than the position in which the previous Government left us, with two quarters of negative growth, I will stand on my head. That Government was a disaster. Members opposite cannot confront the reality of their economic performance, let alone the industrial relations disaster they left.

I will tell the House what two lifelong Liberal voters said to me in the pre-election atmosphere at a morning tea forum. I mentioned this matter to the Parliament in my first speech. If members have not got the message yet, they will need to listen to this story again and again until they understand it. These two lifelong Liberal voters in their late fifties have two daughters, one in her late twenties and one in her early thirties, both of whom have post-graduate degrees in environmental and biological sciences. The eldest daughter was engaged to be married to a young man of similar age who was doing a post-graduate degree in environmental science. I have said to members before that these people are our brightest and best Western Australians and the people whom we expect to lead, to innovate and to be the creators of our future. What was their experience? Why did these two lifelong Liberal voters come to a forum of a Labor candidate who was up against the king hitter, Kierath, in Riverton? I hear not a peep from members opposite.

Mr Bradshaw: We are waiting for you to tell us.

Mr McRAE: Members opposite still do not get the message. It is a year after the election and they still do not get it. Members on my side of the House may be interested to know because I know they talked about it after the Government came to power. These lifelong Liberal voters said that their two daughters and future son-in-law had spent six years in employment since completing their post-graduate degrees. At no stage in those six years did any one of those three young people have an employment contract longer than six months. Members should recall the qualifications I am talking about; that they are the brightest and the best; that they are people with real negotiating power; that they are not people lacking industrial knowledge or power; that they are people who have real economic bargaining power and who are the future leaders of our community. They were told every time to take the six-month contract they had been offered or they would lose the job. Members talk about choice - what a farce, a fabrication and an untruth they are peddling.

Mr Birney interjected.

Mr McRAE: The member for Kalgoorlie, in particular, has peddled those untruths in the past 24 hours. It is about time he had a reality check and accepted what his Government has done. He has not understood the truth of his Government's performance and acknowledged to the people of Western Australia what it did to the fabric of our community and to the State's economics. I shall come to economics now.

Several members interjected.

Mr McRAE: Madam Deputy Speaker, I apologise for causing the interaction from the rabble of members on my right. They cannot help themselves when they are confronted with the truth. They must resort to demeaning, personal attacks. They cannot deal with the experiences of people in our community or with economic performance.

Ms Hodson-Thomas: What a load of hypocrisy. You should be ashamed of yourself.

Mr McRAE: If the member for Carine had been in the Chamber earlier, she would have heard the member for Murdoch asking me to reflect on whether this Government would finish as well as or better than the previous Government.

Ms Hodson-Thomas: I was here when he said that.

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Mr McRAE: The member for Carine must have been hiding.

Ms Hodson-Thomas: I will wait to hear about it with bated breath.

Mr McRAE: Hold on! This mob still have not come to understand -

Ms Hodson-Thomas: You talk about personal attacks; you are good at it yourself.

Mr McRAE: I thank the member for Carine. I hope I am very good at it when it is deserved.

Let us confront what divides us in this place. I shall make a couple of observations about the Parliament and what people expect of it. People increasingly understand that Parliament is the venue in which to resolve conflicts of views, contentious issues and tensions within our community. That is as it should be. That is why debate should be robust and why we should be able to engage in direct confrontation with the ideas of those opposite.

Mr Birney: Give us yours.

Mr McRAE: I will give them to the member for Kalgoorlie, who is a clever person. It is also true that the industrial relations legislation that comes before this Parliament from time to time causes the most profound differences between us. It is by its nature a highly politicised law. In the end it is determined by how we see the community, how we see individuals in relation to the economy, how society functions and what we regard as the hallmarks of a civil society. We bring all of those elements to the industrial relations debate that we are now having which will determine the side of the fence on which we sit. I am proud, and sometimes I surprise myself by being relieved, to find that I am on the Government's side of the debate with a preference always to support individuals in the community to make their way in and have optimism about the future of our society.

Mr Birney: It is nearly two o'clock and you will have to sit down.

Mr McRAE: The really good thing is that I will probably get an extension and continue my remarks later. I shall refer to a couple of matters that were raised in the past couple of minutes and I shall come back after question time to finish my comments.

I ask members, when thinking about the division between the two parties and when trying to understand what it is that divides us or that defines our contribution in this place, what characterises the Liberal Party analysis of industrial relations? It is best characterised by the President of the Victorian Liberal Party who was caught, about four years ago in a public discussion broadcast on television, saying that the defining element of industrial relations and the workplace was a good dose of fear. That defined the Liberal Party's attitude to industrial relations. Fundamentally, it does not accept that employees, acting collectively and represented by a union, have the same legitimate role in our community as do employers and employer organisations. Liberal Party members continue to rail against workers and the organisations that represent them. They are a disgrace because they continue to hate. In the end, this is about despising working people for wanting to work collectively.

Several members interjected.

Mr McRAE: That is exactly what it is. They despise working people and they have a rotting gut that despises people who act collectively for their common good and the common good of our society. They have failed to admit that what they want to do is tear down people's capacity to act collectively. They refuse to acknowledge the truth. They are on the record as saying they want a good dose of fear. That is what the President of the Liberal Party in Victoria said some years ago. They are operating on the same paradigm.

Mr Omodei interjected.

Mr McRAE: The leader of the Liberal Party in Victoria said that the basic element of good workplace relations was a good dose of fear! Recant that! Let the member tell me that he does not believe that. Is that what he thinks?

Debate interrupted, pursuant to standing orders.

[Continued on page 8211.]