

**LABOUR RELATIONS REFORM BILL 2002**

*Rescission of Second Reading Vote, Motion*

**HON NORMAN MOORE** (Mining and Pastoral - Leader of the Opposition) [12.01 pm]: I move -

That -

- (a) the vote taken on Tuesday, 7 May 2002 where the *Labour Relations Reform Bill 2002* was read a second time be rescinded;
- (b) the question for the second reading of the Bill be put again; and
- (c) any member who has not then spoken to that question as originally put be entitled to speak.

This is a motion to rescind the vote taken on the second reading of the Labour Relations Reform Bill. It seeks to put the question again so that once the rescission is agreed to - if that is what the House does - any member who has not spoken to that question as originally put will be entitled to speak to the question.

I gave notice of this rescission motion last week because, for obvious reasons, the Opposition is keen to have the vote that was taken rescinded so that another vote can be taken with all members present. As I indicated last week, we are keen to have our opposition to this legislation recorded in *Hansard*, as are many members anxious to have their support recorded in *Hansard*. I do not propose to go into the circumstances surrounding the vote last week; I could, but I do not propose to do that. It is our view that there was a breach of trust in this House, but I also acknowledge that our members should have been here. A vote was taken when our members were not here and they were not recorded as having voted against the legislation. I advised the Government last week that if the Government did not indicate in advance that it would support the rescission motion, we would then debate the rescission motion at some length. Our members have contemplated that in recent times and decided in an act of good faith on this particular matter that we will not debate the rescission motion, other than with the speech I am now making. My Liberal Party colleagues will resist making a speech on this motion. Of course, I cannot speak on behalf of other members.

Hon Murray Criddle: I can deal with that.

Hon NORMAN MOORE: I thank the member. We have taken that position regardless of the Government's view on this matter. I do not know what the Government's attitude is to this rescission motion but I guess we will hear about that in due course. We have made this decision as an act of good faith to indicate to the House that we are keen for this rescission motion to proceed so an end result can be obtained, rather than as any attempt to score points or to reopen the debate on the circumstances surrounding last week, which some people might like done.

If this rescission motion is passed unanimously by this House, it will be a positive step in the direction of restoring the trust that is important in the management of the House, which is missing at present. If the Government chooses to vote against the motion, or seeks to adjourn it as it has done with another motion I moved the other day, the restoration of any goodwill, I suspect, will be a long time coming.

Before I complete my comments I seek leave to delete part (c) of the motion as a demonstration of good faith. I indicated to the House last week that we had no intention of using this rescission motion to re-run the second reading debate. As members know, last week the House agreed to a motion we moved allowing members to make their speeches on the second reading on clause 1 of the Bill, and I appreciated that. Every member has now made a speech that could loosely be called a second reading speech, albeit not made in the second reading debate. Therefore, by deleting part (c), I put beyond any doubt the suggestion that we might be seeking to re-run a second reading debate. It has never been our intention for that to happen. I make it absolutely clear that that is our view. I seek leave in the middle of my speech, Mr President, to demonstrate the good faith of the Opposition by asking that part (c) of the motion be deleted.

[By leave, paragraph (c) of the motion was deleted.]

Hon NORMAN MOORE: I thank the House for granting me leave. Now we do not need to consider the possibility of a rescission leading to a re-run of the second reading debate.

We on this side of the House are fundamentally of the view that we want our personal opposition to this legislation to be recorded, by name, in *Hansard*. The only way that can be achieved is to have the vote on this matter re-taken, which is the purpose of the rescission motion. As an aside, we are also keen to conclude the debate in respect of referring this matter to a committee. Ironically, we have only one member left to speak in

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that debate and, regrettably, the debate has been adjourned on two occasions without our being able to complete it. We are keen for that matter to come to resolution. If the Government feels that it can facilitate that process, that will be appreciated on this side of House.

We require an absolute majority of members to rescind a decision of the House. This has been put forward as a way of resolving some of the problems that were created last week. It does not remove all of those problems, but if the whole House were to agree to this rescission, it would go a long way to restoring some of the trust that is important in this place.

No other member on this side will speak on this rescission motion. We do not propose to retread the circumstances of last week and I trust that all members will see the wisdom of this move and vote unanimously to rescind the decision. We will then vote on the second reading and there will be no debate from our side on that matter. I hope that the second reading vote will be taken immediately, so that we can then record in *Hansard* our views on the legislation.

**HON KIM CHANCE** (Agricultural - Leader of the House) [12.09 pm]: Although the Government will not support the motion to rescind the second reading decision, we accept that the will of the House will prevail and that, from discussions that I have had, it is likely that the motion will be carried and the earlier decision of the House rescinded. I appreciate the comments made by the Leader of the Opposition and I appreciate his initiative and the consent of the House to delete part (c) of the motion, which is effectively redundant now that the House has already made a decision on the suspension of standing orders to allow the 45 minute speeches -

Hon Norman Moore: It actually has not, because all those speeches were made on the first clause, in Committee, so all those who spoke on the first clause could technically have another go on the second reading.

Hon KIM CHANCE: That is right. Having said that, and indicated the Government's position, I have little more to say, except that I understand that, in the event the motion is carried, the vote on the reintroduced second reading question will be taken essentially forthwith.

**HON ROBIN CHAPPLE** (Mining and Pastoral) [12.12 pm]: The Greens (WA) have conversed with the Leader of the House and the Leader of the Opposition on this matter, and have come to the view that they will support the rescission and the second reading on the basis that there will be no debate.

The PRESIDENT: In order to establish that there is an absolute majority on this question, the House will divide.

Question put and a division taken with the following result -

Ayes (21)

Hon Alan Cadby	Hon Peter Foss	Hon Norman Moore	Hon Derrick Tomlinson
Hon George Cash	Hon Ray Halligan	Hon Simon O'Brien	Hon Giz Watson
Hon Robin Chapple	Hon Frank Hough	Hon Barbara Scott	Hon Bruce Donaldson ( <i>Teller</i> )
Hon Murray Criddle	Hon Barry House	Hon J.A. Scott	
Hon Paddy Embry	Hon Robyn McSweeney	Hon Christine Sharp	
Hon John Fischer	Hon Dee Margetts	Hon Bill Stretch	

Noes (12)

Hon Kim Chance	Hon Adele Farina	Hon N.D. Griffiths	Hon Tom Stephens
Hon Kate Doust	Hon Jon Ford	Hon Louise Pratt	Hon Ken Travers
Hon Sue Ellery	Hon Graham Giffard	Hon Ljiljanna Ravlich	Hon E.R.J. Dermer ( <i>Teller</i> )

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Question thus passed with an absolute majority.

*Second Reading*

Question put and a division taken with the following result -

**Extract from *Hansard***  
[COUNCIL - Thursday, 16 May 2002]  
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Ayes (17)

Hon Kim Chance	Hon Jon Ford	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Robin Chapple	Hon Graham Giffard	Hon J.A. Scott	Hon E.R.J. Dermer ( <i>Teller</i> )
Hon Kate Doust	Hon N.D. Griffiths	Hon Christine Sharp	
Hon Sue Ellery	Hon Dee Margetts	Hon Tom Stephens	
Hon Adele Farina	Hon Louise Pratt	Hon Ken Travers	

Noes (16)

Hon Alan Cadby	Hon John Fischer	Hon Barry House	Hon Barbara Scott
Hon George Cash	Hon Peter Foss	Hon Robyn McSweeney	Hon Bill Stretch
Hon Murray Criddle	Hon Ray Halligan	Hon Norman Moore	Hon Derrick Tomlinson
Hon Paddy Embry	Hon Frank Hough	Hon Simon O'Brien	Hon Bruce Donaldson ( <i>Teller</i> )

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Question thus passed.

Bill read a second time.

*Referral to Standing Committee on Legislation*

Resumed from 15 May 2002 on the following motion moved by Hon Norman Moore (Leader of the Opposition) -

That the order of the day for further consideration in committee of the Labour Relations Reform Bill 2002 be discharged and the Bill be referred to the Legislation Committee for consideration, and that it report the Bill to the House not later than Tuesday, 5 November 2002 and that the Committee have power under clause 1.4 of schedule 1 of the standing orders to consider the policy of the Bill.

**HON DERRICK TOMLINSON** (East Metropolitan) [12.17 pm]: I support the motion of the Leader of the Opposition for the discharge of the Bill and referral to the Standing Committee on Legislation for consideration. I am pleased to observe that some goodwill has been restored to this debate. I do not believe that the major parties will ever agree upon the issue of industrial relations. It is one of the issues that defines the differences between us. For some individuals, those differences are greater than they are for others but, as parties, industrial relations is one of the defining differences between us. While I am pleased that goodwill has been restored to the debate, I am sure it will continue to be a vigorous debate in which the differences will be highlighted.

I want also to restore to the debate some degree of accuracy. I believe that there is a mistaken perception that it has never been the inclination of this House to refer industrial relations matters to committees. I refer in particular to the presentation by Hon Nick Griffiths, who addressed the House in Committee on Tuesday, 14 May. Regrettably, I do not have the corrected version of *Hansard* because it is yet to be published. I have the uncorrected proof, but as it is uncorrected I cannot quote directly from it. However, I can refer to it as an aide-mémoire.

Hon N.D. Griffiths: Will you use the words “political stunt”?

Hon DERRICK TOMLINSON: I am pleased Hon Nick Griffiths raised that. I am sure he will understand that the aid-memoire and my recollection can be nothing more than paraphrasing. He can correct me as he wishes. However, I believe the words “political stunt” were used.

Hon N.D. Griffiths: It was an attempt to describe your moves.

Hon DERRICK TOMLINSON: I believe the Government was referring to the Opposition’s motion to send the industrial relations legislation to the Legislation Committee and for it to report back. Hon Nick Griffiths then asked rhetorically rather than interrogatively - the interlocutor was answering his own question -

Did the first wave of the Court Government’s industrial relations legislation go to the Legislation Committee so that it could be dealt with, and so that people could put forward their view to the committee?

The assumed answer to that rhetorical question is no. My recollection is that the minister replied to his own rhetorical question with the comment, “No way!” He then asked -

Did that happen with the second and third waves?

Again he said, “No way!” I know the minister well; he is not disposed towards infelicity on matters of fact. He is a stickler for facts. He has always impressed me with his prodigious memory for facts and his prodigious

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accuracy in recall. However, I challenge his recollection in this instance. Likewise in debate on Wednesday, 15 May, the Leader of the House referred to the history of industrial relations matters being referred to committees. I have only the uncorrected *Hansard* as an aid-memoire, which indicates - whether accurately or not I am yet to see - that Hon Kim Chance said by interjection that this House has determined on a number of occasions that an industrial relations Bill need not go to a committee and that we are simply following convention. Again, I want to bring back to this debate some degree of accuracy. I refer, therefore, to my own notes for the book I have written.

Hon N.D. Griffiths: You are not doing a Crichton-Browne are you?

Hon DERRICK TOMLINSON: As I have explained, this book will be published posthumously. I am simply protecting myself.

Hon Ken Travers: Bring on the book!

Several members interjected.

The PRESIDENT: Order! Members should not be uncharitable to the member on his feet.

Hon DERRICK TOMLINSON: I accept reality. Although my book is to be published posthumously, it has already been written. The reason I have written it and intend it to be published posthumously is that although death is certain for all of us, the timing of it is uncertain. To ensure there is an accurate historical record I have the book well and truly in hand.

Hon N.D. Griffiths: Do you want to write it before you die?

Hon DERRICK TOMLINSON: Yes. It will not be a voice from the other side.

Hon Ken Travers: Did you write it on the beach after reading *Mein Kampf*?

Several members interjected.

The PRESIDENT: Order, members! We appear to be straying.

Hon DERRICK TOMLINSON: I refer to the history of the Industrial Relations Legislation Amendment and Repeal Bill 1995. My information is that in about September 1994 Cabinet approved the drafting of that consolidated Bill, which was introduced into the lower House. Its introduction provoked considerable opposition from the unions, particularly those affiliated with the then Trades and Labor Council. Members opposite will recall that at the time of the introduction of the Bill into the lower House, industrial action was being threatened. The threat of industrial action led to a one-day strike. The State was to be stopped for one day. I think approximately 10 or 15 per cent of the workforce stopped for one day. Following that event on 17 October 1995, meetings were held over five days between government members and members of the Trades and Labor Council. One of the members was Tony Cooke. At the end of those meetings an agreement was reached between the Trades and Labor Council and the Government. I am informed that Cabinet reconsidered the Bill in late October 1995 and, as a result, some aspects of the original draft were not proceeded with. The revised Bill introduced into the Assembly on October 1995 was passed on 28 November 1995. When the Bill was presented to the Legislative Council, the Opposition made it clear that it would obstruct its passage. That was highly predictable. As I said at the outset, this issue of industrial relations defines the difference between the Liberal and Labor Parties. When the coalition was in government and the major and minor Labor Party members - Hon Jim Scott was here at the time - were in opposition, the Government introduced the Bill and the Opposition announced it would obstruct it. It was exactly the same situation, only the sides were reversed. The Government introduced the Bill and the Opposition announced that it would obstruct its passage. I understand that the National Party and the One Nation party likewise have some strong reservations about this Bill. Nothing has changed there.

Let us consider the history in the Legislative Council of the Industrial Relations Legislation Amendment and Repeal Bill 1995. The then Opposition made it clear that it would obstruct the passage of the Bill, and because of the goodwill on the part of the Government of the day, meetings were held at which it was decided that the Bill would be split. The less troublesome clauses would be opposed but passed. At no stage did the then Opposition indicate it was comfortable with the Bill; likewise the Trades and Labor Council. After negotiations between the Government of the day and the TLC certain clauses were withdrawn and a new Bill was drafted. The TLC said that it would oppose that Bill but would not go to the wall on it. The TLC withdrew its threat of industrial action. Likewise in this House, by agreement between the two parties the Bill was split. The ALP still continued with its opposition to the Bill but indicated that it would be passed. The realities of numbers in the House made that inevitable. It was a question of how long the then Opposition could delay the inevitable.

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When the Bill was in the House on Tuesday, 12 December 1995 there were presentations by the opposition member who had responsibility for the passage of the Bill, Hon Alannah MacTiernan; the then Leader of the Opposition, Hon John Halden; and Hon Peter Foss and Hon Norman Moore. We then had contributions from Hon Tom Helm, Hon Doug Wenn and Hon John Halden again; and eventually the Bill was presented to the Committee. I refer to page 13045 of *Hansard*, Tuesday, 12 December 1995. The House resolved, on a motion by Hon Peter Foss, Minister for the Environment -

That it be an instruction to the Committee of the Whole House on the Industrial Relations Legislation Amendment and Repeal Bill 1995 that it have power to, and do, divide the Bill into two separate Bills in accordance with the division made in the two Bills previously tabled.

The resolution was carried without dissent. In the debate on the short title of the Bill, the House resolved, on a motion by Hon Peter Foss -

That pursuant to the instruction given in relation to this Bill, it now be divided in accordance with the division made in the two Bills previously tabled.

It was carried, and the Chairman then reported. The Bill was then recommitted. The House then resolved, on a motion by Hon Peter Foss, Minister for the Environment -

That the recommitment of this Bill for further consideration of parts 1 to 9 be made an order of the day for a later stage of this day's sitting.

The Bill was now two Bills: the Industrial Relations Legislation Amendment and Repeal Bill, which had parts 1 to 9 of the original Bill, and which was made an order of the day for later in that day's sitting; and the Industrial Relations Legislation Amendment Bill (No 2), which was referred to the Legislation Committee on a motion by Hon Peter Foss as minister in charge of the Bill. The House resolved, without dissent, to refer the Bill to the Legislation Committee. I recite those historical facts and I invite honourable members to refer to *Hansard*; and if they want to challenge the veracity of the *Hansard*, they can by all means do so.

Hon N.D. Griffiths: I am going to read your book; I am looking forward to it very much.

Hon DERRICK TOMLINSON: I am merely reciting those facts to whet the minister's appetite; the other stuff is the juicy bit and he will salivate - unless, of course, the minister predeceases me.

I make the point that the historical and irrefutable fact is that the Bill was referred to the Legislation Committee. This is in spite of claims by both the minister in charge of the Bill and the Leader of the Opposition that referral of the current Bill to the Legislation Committee will establish a precedent, and in spite of the insistence by the minister in his answers to his own rhetorical questions that the first and second waves of the coalition's legislation were not referred to a committee. The minister said, "No way."

I now want to refer to an even sorrier episode. Mr President, am I stirring memories? In May 1996, the thirty-eighth report of the Standing Committee on Legislation reported on the Industrial Relations Legislation Amendment Bill (No 2) 1995. This was the Bill that was referred to the committee after the original Bill was split. I should make the observation that while parts 1 to 9 of the original Bill, which became Bill No 1, contained clauses that were opposed by the then Opposition, the agreement was that the Bill would proceed through the House; it would not, however, be supported by the Opposition. Members will recall that issues such as the sleep-over clauses were dealt with in that Bill. The second Bill, the Industrial Relations Legislation Amendment Bill (No 2) 1995, contained the much more contentious industrial relations issues that the Labor Opposition of the day, the Trades and Labor Council and the trade unions of the day had indicated they would never tolerate. The contentious Bill was referred to the Legislation Committee; just as this Bill has contentious elements in it and the motion is to refer it to the Legislation Committee, where it can be deliberated upon away from the hothouse of partisan debate that characterises this place from time to time. The early Bill was referred for that reason.

I do not want to rehash the sorry history of the passage of the Bill, or the way in which the Legislation Committee dealt with the Bill. However, on 22 March 1996, *The West Australian* published an article by Grace Meertens, the partner of Paul Murray, under the heading "ALP calls foul on IR laws review". It does not quote the Labor MLC Hon John Cowdell; it refers to him and states -

Labor MLC John Cowdell said that in the absence of Opposition committee members, the Government had rescinded invitations to Labor Relations Minister Graham Kierath, the Trades and Labor Council and Opposition industrial relations spokesman Alannah MacTiernan.

The report states at another stage -

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In the Legislative Council, Mr Cowdell said he was concerned that the system of referring contentious legislation to the committee was collapsing.

“It would be very unfortunate if our committee system was so fragile that the absence of one member led to the reversal of previous determinations,” . . .

He said the committee system had been tarnished.

I recite these things with some pain, because there are moments in all our parliamentary careers of which, in retrospect, we are not proud. In recollecting this, I am not altogether proud of what happened in the Standing Committee on Legislation. However, that is a historical fact. That was the opinion expressed by Hon John Cowdell at that time.

In fact, as chairman of the committee, I was the subject of a censure motion moved by Hon John Cowdell. The allegation was that the committee had made decisions in the absence of the opposition members of the committee. Again, for historical accuracy, I indicate that after the referral of the Bill to the Legislation Committee, the committee had called for submissions and had specifically invited certain people, including Tony Cooke, the then Secretary of the Trades and Labor Council, to appear before the committee. The referral was on 12 December, shortly before Christmas. Submissions were advertised and called for, with a closing date in late January, as I recollect. There was a request from the Trades and Labor Council for an extension of the period in which to make a submission, and that extension was granted.

In the time between the submissions being received and the committee meeting again, Parliament was prorogued. As was the custom of the day, chairpersons of standing committees were elected annually, not for the duration of the Parliament, as is the practice now. There were certainly agreements about who would become the chairperson of a committee. Just as there are agreements now about which person will be the chairperson of a committee, there certainly were agreements in place then - a convention of the House that continues to be respected. However, the procedure of the committees was that chairpersons were elected annually. This required, after prorogation, the clerk of the committee to call a first meeting of the committee, and the requirement of the first meeting of the committee was to elect the chairperson.

Following that prorogation, the clerk of the committee called a meeting of the Standing Committee on Legislation on Wednesday, 21 March 1996. The minutes of that meeting record that those present were Hon Derrick Tomlinson, Hon Ross Lightfoot and Hon Bill Stretch. Stuart Kay was the advisory research officer, and Jason Agar the committee clerk. Apologies were received from Hon John Cowdell and Hon Val Ferguson. Clearly, the three government members were present. The two Labor members, for legitimate reasons I am sure, were absent. Not merely a majority but a quorum was present. The committee then proceeded with a quorum present. I am humbled to say that the committee then elected me once again as chairman. The committee proceeded to consider the report on the submissions that had been received prior to prorogation. The minutes note -

Mr Tomlinson suggested that, as a result of the strong ideological position of the submissions, at this meeting the Committee should note submissions and then could return the Bill to the House which is the appropriate forum for dealing with such issues. However he noted that this could be controversial as Mr Cowdell and Mrs Ferguson were not present.

Therefore, although there was an opportunity too good to resist and even though there may have been the tyranny of numbers, the convention was observed in this instance that if the opposition members were absent, a binding decision would not be made. There was some discussion about that. The minutes continue -

Mr Lightfoot considered that the committee should endorse the Bill.

The PRESIDENT: Order, members! I trust the member is quoting tabled minutes of the committee, not minutes that were not tabled.

Hon DERRICK TOMLINSON: As I recall, at the time of the censure motion I referred to the minutes. I asked for the direction of the then Presiding Officer, Hon Clive Griffiths, on whether I was in error in referring to the minutes of the committee, and he indicated to me that that was an appropriate procedure. Therefore, I cannot answer the President's question.

The PRESIDENT: If those minutes have been read into *Hansard* at a previous time, they are on the public record.

Hon DERRICK TOMLINSON: Yes, they certainly are on the public record, because the point I am making now I made in a different way at the time to indicate that although I was subject to a censure motion for action that was taken by the committee, the minutes indicate that the convention was observed. I will not refer to the minutes directly. I take what the President has said as a word of caution. However, the minutes, which were

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approved by the standing committee, indicate that there was a suggestion by Hon Ross Lightfoot that the committee should endorse the Bill, but Mr Tomlinson said that, to do that, all the committee members should be present.

The clerk of the committee was instructed to prepare a draft report on the submissions indicating the ideological position. The draft report was to include submissions that drew attention to clauses of the Bill that may be dangerous in the light of international treaty obligations. The committee resolved that the research officer should prepare such a draft and that it be presented to the committee for consideration at its next meeting. There was a full attendance at the next meeting - as there is today! At that meeting the committee resolved to report. The report is the one to which I referred. It is the twenty-eighth report of the Legislation Committee. It contains a majority report and a minority report. The majority report was signed by the government members, Hon Bill Stretch, Hon Ross Lightfoot and me, as chairman of the committee. The minority report was signed by the two opposition members, Hon John Cowdell and Hon Val Ferguson. I regret that there was a further sorry history in which, contrary to the instructions of the House, I did not table the report at the next day's sitting. I had received instructions from another source not to submit the report as there were other matters that had to be resolved. It went back to the committee the following week and awaited the signatures of the two minority report members. It could not be reported until they had signed the minority report. Even then, there was a delay in tabling the report. The request was made for a ruling from the President, which he duly gave. Once the committee resolved to report, it was beholden on the chairman to report at the earliest opportunity; that is, the next sitting of the House. I failed to do so and was admonished. I eventually submitted the report. I confess that there are sorry elements. There are some moments of which I am not proud. However, two things are illustrated in that history. Apart from responding to some asides about my book, two things are historical facts. They are contained and verified in *Hansard*. They are contained in the minutes of the committee and verified by the committee. The two historical facts refute the position of the minister and the Leader of the House that there has not been a referral of industrial relations legislation to a committee. Indeed, the referral to the Standing Committee on Legislation was to allow input from other sources on the most contentious issues so that it was not merely a debate between two irreconcilable positions on the Bill. Submissions were heard from others, not merely those who had a vested interest in the Bill. Some submissions were from academics from the University of Melbourne and La Trobe University on the international legal aspects of treaty agreements to which Australia was a signatory, which may or may not have impacted on the Bill. My understanding is that one of the clauses was subsequently challenged and found invalid due to international treaty obligations. It gave the opportunity for a dispassionate response to the legislation from persons who did not have a vested interest or who did not have an intractable political or ideological position.

Hon Bill Stretch: The list of witnesses and submissions was very enlightening.

Hon DERRICK TOMLINSON: In response to Hon Bill Stretch I will read from the list of witnesses and submissions. Apart from those that might be regarded as having a vested interest - such as the Air Conditioning and Mechanical Contractors Association of WA Inc, the Association of Wall and Ceiling Contractors of WA Inc, the Australian Council of Trade Unions, the Australian Liquor, Hospitality and Miscellaneous Workers Union, the Western Australian Chamber of Commerce and Industry and the Community and Public Sector Union - Professor Breen Creighton and the Human Rights and Equal Opportunity Commission also made submissions. It is a very enlightening list. I recommend that members refer to it.

That is the value of the committee system. It takes controversial legislation out of the hothouse and the theatre of this place. It takes legislation away from the ideological confrontation of this place and allows a dispassionate consideration of aspects of the Bill by persons other than parliamentarians.

Hon Kim Chance: Why did your side not do that with the third wave industrial relations legislation?

Hon DERRICK TOMLINSON: For the answer to that, the Leader of the House should read my book. Those are the sizzling chapters.

The history I have recited illustrates a respect for convention. In the situation when government members were confronted with the almost irresistible temptation to make a decision in the absence of opposition members, the committee resisted. The committee comprised three government members; it had the majority even if the other two members had been there. The government members resisted the temptation and observed convention. It was not to the delight of the members of the Opposition. The committee was not satisfied to the point where it said that the differences were ideological and the best place to resolve them was in the House. The contentious legal issues were referred to the House and the report was considered at the next meeting. In the presence of all five members of the committee, the committee divided on the report. A majority and a minority report were presented. That was not to the satisfaction of the opposition members. Regardless of that, no binding decisions were taken by the committee in the absence of the opposition members. There are lessons to be learned from

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history. The House has referred such legislation to the Legislation Committee. That Bill was referred on the motion of the government minister responsible for the Bill. Furthermore, it illustrates the importance of conventions in this House. People who have and people who do not have vested interests in the legislation should be allowed to make a contribution to this debate. I urge strongly that members support the motion of the Leader of the Opposition to refer this Bill to the Standing Committee on Legislation and allow it to be subject to a dispassionate and informed consideration. The committee should then report to the House and the House will make its decision on the fate of the Bill. I commend the motion to the House.

**HON MURRAY CRIDDLE** (Agricultural) [1.01 pm]: I will make a few short comments on the motion.

The PRESIDENT: The question has been raised about whether the Government wants to adjourn now to take account of matters that will be dealt with at 2.00 pm. As such, the member requires leave to continue his comments at a later stage of today's sitting.

[Leave granted.]

Debate adjourned until a later stage of the day's sitting, on motion by Hon Kim Chance (Leader of the House).

[Continued on page 10511.]

*Sitting suspended from 1.03 to 2.00 pm*